

STATE OF OKLAHOMA

2nd Session of the 47th Legislature (2000)

CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 2533

By: Boyd and Graves of the
House

and

Fisher and Cain of the
Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to the Oklahoma Commission on Children and Youth; amending 10 O.S. 1991, Sections 600, 601.1, as last amended by Section 1, Chapter 416, O.S.L. 1998, 601.3, 601.5, 601.6, as amended by Section 1, Chapter 364, O.S.L. 1998, 601.9, as last amended by Section 1, Chapter 1, O.S.L. 1999, 601.11, as amended by Section 188, Chapter 352, O.S.L. 1995 and 601.12 (10 O.S. Supp. 1999, Sections 601.1, 601.6, 601.9 and 601.11), which relate to Commission membership, duties and responsibilities; modifying and deleting definitions; modifying membership of Commission; eliminating regional planning and coordination boards; modifying duties of director; prohibiting the release of certain identifying information without a court order; adding duties of the Office of Planning and Coordination; deleting reference to the Oklahoma Planning and Coordinating Council for Services to Children and Youth; deleting reference to regional boards; renaming district boards as community partnership boards; modifying membership of community partnership boards; deleting reference to regional planning boards; modifying duties and renaming district boards; repealing 10 O.S. 1991, Sections 601.7, as last amended by Section 186, Chapter 352, O.S.L. 1995, and 601.8, as last amended by Section 2, Chapter 364, O.S.L. 1998 (10 O.S. Supp. 1999, Sections 601.7 and 601.8), which relate to the Oklahoma Planning and Coordinating Council for Services to Children; repealing 10 O.S. 1991, Sections 601.43, as last amended by Section 190, Chapter 352, O.S.L. 1995, 601.44, as amended by Section 2, Chapter 377, O.S.L. 1994, 601.45, as last amended by Section 2 of Enrolled House Bill No. 2169 of the 2nd Session of the 47th Oklahoma Legislature, 601.46, as last amended by Section 4, Chapter 364, O.S.L. 1998 and 601.50, as amended by Section 5, Chapter 364, O.S.L. 1998 (10 O.S. Supp. 1999, Sections 601.7, 601.8, 601.43, 601.44, 601.46 and 601.50), which relate to coordination of special

services to children and youth; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 10 O.S. 1991, Section 600, is amended to read as follows:

Section 600. As used in Sections ~~2~~ 601.1 through ~~14~~ 601.12 of this ~~act~~ title:

1. "Children and youth service system" means health, mental health, social, rehabilitative assistance and educational services provided to children and youth by and through the courts and public and private agencies;

2. "Client" means a child or a family member of a child who is receiving services through the children and youth service system;

3. "Commission" means the Oklahoma Commission on Children and Youth;

4. ~~"Council" means the Oklahoma Planning and Coordinating Council for Services to Children and Youth;~~

5. ~~"District boards~~ Community partnership board" means the local district planning and coordinating body for services to children and youth established pursuant to Section ~~13~~ 601.11 of this ~~act~~ title;

~~6.~~ 5. ~~"District~~ Community partnership district" means the local planning and coordinating areas within ~~each region~~ the state established pursuant to Section ~~13~~ 601.11 of this ~~act~~ title;

7. ~~"Regional board" means the regional planning and coordinating board for services to children and youth appointed by the Commission pursuant to Section 13 of this act;~~

8. ~~"Region" means the regional planning and coordinating bodies established pursuant to Section 13 of this act;~~

~~9.~~ 6. "State and state-supported services to children and youth" means services to children and youth, offered or provided by a public or private agency or organization, that are supported in

whole or in part through state funds or federal funds administered by the state; and

~~10.~~ 7. "State Plan for Services to Children and Youth" means the planning document required by Section ~~12~~ 601.9 of this ~~act~~ title.

SECTION 2. AMENDATORY 10 O.S. 1991, Section 601.1, as last amended by Section 1, Chapter 416, O.S.L. 1998 (10 O.S. Supp. 1999, Section 601.1), is amended to read as follows:

Section 601.1 A. There is hereby created the Oklahoma Commission on Children and Youth which shall be composed of ~~eighteen~~ ~~(18)~~ nineteen (19) members. The membership shall include:

1. The Director of the Department of Human Services, the State Commissioner of Health, the Commissioner of the Department of Mental Health and Substance Abuse Services, the State Superintendent of Public Instruction, the Administrator of the Oklahoma Health Care Authority, the Director of the State Department of Rehabilitation Services, and the Chair of the SJR 13 Oversight Committee;

2. The Executive Director of the Office of Juvenile Affairs;

3. ~~Six~~ Five members who shall be appointed by the Governor from a list submitted by the governing board of each of the following organizations:

a. the Oklahoma Association of Children's Institutions and Agencies,

b. ~~two~~ one statewide ~~associations~~ association of youth services,

c. the Oklahoma Bar Association,

d. the Oklahoma District Attorney's Association, and

e. a statewide court-appointed Special Advocate Association;

4. One member appointed by the Governor who shall represent one of the metropolitan juvenile bureaus;

5. One member ~~from the public at large~~ representing business or industry, appointed by the Governor;

6. One member, ~~from the public at large~~ who is a parent of a child with special needs, appointed by the Speaker of the House of Representatives;

7. One member, ~~from the public at large~~ with a demonstrated interest in improving children's services who is not employed by a state agency or a private organization that receives state funds, appointed by the President Pro Tempore of the Senate; ~~and~~

8. One member ~~elected by the Oklahoma Planning and Coordinating Council for Services to Children and Youth as provided by Section 601.8 of this title. The elected member shall serve a two-year term and may be reelected~~ who represents a community partnership board to be elected pursuant to the guidelines established by the Oklahoma Commission on Children and Youth; and

9. One member who shall be appointed by the Governor from a list of three names submitted by the Post Adjudication Review Board. The appointed members shall have had active experience in services to children and youth, ~~shall~~ and may serve ~~for a term~~ two terms of two (2) years, ~~and may be reappointed~~ each.

B. The Oklahoma Commission on Children and Youth shall provide a monthly report on commission member attendance to the appointing authorities.

SECTION 3. AMENDATORY 10 O.S. 1991, Section 601.3, is amended to read as follows:

Section 601.3 The Oklahoma Commission on Children and Youth is hereby authorized and directed to:

1. Establish and maintain the Office of Planning and Coordination for Services to Children and Youth;

2. Establish and maintain the Office of Juvenile System Oversight; and

3. Designate ~~district and regional planning and coordination areas and district and regional boards~~ community partnership districts for services to children and youth and, within the limitations of available funds, whether appropriated or otherwise available, provide staff, technical assistance and other assistance as necessary and appropriate to the district ~~and regional~~ boards.

SECTION 4. AMENDATORY 10 O.S. 1991, Section 601.5, is amended to read as follows:

Section 601.5 A. The Oklahoma Commission on Children and Youth shall appoint a Director who shall be a person having experience in the operation and administration of services to children and youth. Such Director shall be appointed for a term of two (2) years, and may be reappointed. Such Director may be dismissed only for cause. The Director shall:

1. Employ such staff as may be necessary to perform the duties of the Commission, with the advice and approval of the Commission;
2. Prepare the State Plan for Services to Children and Youth, the Annual Report required by Section 601.9 of this title, other reports as necessary and appropriate and an annual budget for the approval of the Commission;
3. Formulate and recommend rules and regulations for approval or rejection by the Commission;
4. Serve as chief executive officer of the Oklahoma Commission on Children and Youth; and
5. Act as agent as authorized for the Commission in the performance of its duties.

B. The Director may periodically convene issue-specific task groups for the purpose of improving services for children and youth. A copy of any report or recommendations which result from meetings of a task group shall be provided to the Commission, Governor, Speaker of the House of Representatives, President Pro Tempore of

the Senate and the director of each state agency affected by the report or recommendations.

SECTION 5. AMENDATORY 10 O.S. 1991, Section 601.6, as amended by Section 1, Chapter 364, O.S.L. 1998 (10 O.S. Supp. 1999, Section 601.6), is amended to read as follows:

Section 601.6 A. The Office of Juvenile System Oversight shall have the responsibility of investigating and reporting misfeasance and malfeasance within the children and youth service system, inquiring into areas of concern, investigating complaints filed with the Office of Juvenile System Oversight, and monitoring the children and youth service system to ascertain compliance with established responsibilities.

It shall be the duty of the Office of Juvenile System Oversight to conduct regular, periodic, but not less than semiannual, unannounced inspections of state-operated children's institutions and facilities and to review the reports of the inspections of the State Fire Marshal and the Department of Health and any agencies which accredit such institutions and facilities.

B. The Office of Juvenile System Oversight shall:

1. Have the authority to examine all records and budgets pertaining to the children and youth service system and shall have access to all facilities within the children and youth service system for the purpose of conducting site visits and speaking with the residents of such facilities;

2. Have the authority to subpoena witnesses and hold public hearings;

3. Issue reports to the Governor, Speaker of the House of Representatives, President Pro Tempore of the Senate, Chief Justice of the Supreme Court of the State of Oklahoma, any appropriate prosecutorial agency, the director of the agency under consideration; and such other persons as necessary and appropriate; and

4. Provide recommendations to the Oklahoma Commission on Children and Youth on or before May 1 of each year.

C. The Office of Juvenile System Oversight shall not release information that would identify a person who makes a complaint to such Office, unless a court of competent jurisdiction orders release of the information for good cause shown.

SECTION 6. AMENDATORY 10 O.S. 1991, Section 601.9, as last amended by Section 1, Chapter 1, O.S.L. 1999 (10 O.S. Supp. 1999, Section 601.9), is amended to read as follows:

Section 601.9 A. The Office of Planning and Coordination shall:

1. Make recommendations to the Oklahoma Commission on Children and Youth regarding the development and improvement of services provided to children and youth based upon community partnership input no later than May 1 of each year; and

2. Forward a report of its recommendations to each agency affected by the recommendations.

B. The Oklahoma Commission on Children and Youth shall, ~~with the assistance of the Oklahoma Planning and Coordinating Council for Services to Children and Youth,~~ evaluate and review the development and quality of services to children and youth and shall:

1. Publish and distribute an annual report of its findings on or before July 1 of each year to the Governor, the Speaker of the House of Representatives, the President Pro Tempore of the Senate, the Chief Justice of the Supreme Court of the State of Oklahoma, and to the chief administrative officer of each agency affected by the report. Such report shall include activities of the Commission, recommendations for the further development and improvement of services to children and youth, and budget and program needs; and

2. Include in its annual report the State Plan for Services to Children and Youth for the next succeeding fiscal year. The State Plan for Services to Children and Youth shall:

- a. identify and establish outcomes, goals and priorities for services for children and youth, and the estimated costs of implementing such goals and priorities,
- b. show previous and current expenditures for state and state-supported services to children and youth which relate to the outcomes identified in the State Plan,
- c. include information concerning the availability and accessibility of ~~community-based~~ various human services, health, mental health and education programs that ~~work to reduce the potential for abuse and neglect in at-risk families~~ serve children and their families at the community level, and, when applicable, establish a plan for developing ~~preventive and intervention-related~~ programs in areas of the state where the need for such services exists,
- d. include such other information or recommendations as may be necessary and appropriate for the improvement and coordinated development of the children ~~and~~, youth, and family service system, and
- e. be distributed as provided by paragraph 1 of this section and shall be made available to the general public.

SECTION 7. AMENDATORY 10 O.S. 1991, Section 601.11, as amended by Section 188, Chapter 352, O.S.L. 1995 (10 O.S. Supp. 1999, Section 601.11), is amended to read as follows:

Section 601.11 A. There are hereby created ~~regional and district planning and coordination boards~~ community partnership districts for services to children and youth~~±~~.

~~1.~~ Each district shall be represented by a board ~~shall be~~ composed of representatives of public and private ~~agencies and organizations, representatives of local health departments~~ and private individuals in accordance with the guidelines established by

the Oklahoma Commission on Children and Youth. Each ~~district~~ community partnership board shall include, but not be limited to, representatives of the Department of Human Services, the Office of Juvenile Affairs, the State Department of Health, the Department of Mental Health and Substance Abuse Services, local school districts, representatives of private child and family services and programs within the district and ~~representatives of other private agencies and organizations;~~ local business leaders, and parents of children with special needs.

~~2. The membership of each regional board shall be composed of the elected representatives of each of the district boards within the respective regions.~~

B. The Commission ~~on Children and Youth~~ shall designate ~~regional planning and coordination areas for services to children and youth within the state and shall designate local district planning and coordination areas~~ community partnership districts within each ~~region~~ the state.

C. Selection of a coordinator and membership of ~~regional and district~~ community partnership boards shall be determined as follows:

1. Each ~~regional and district~~ community partnership board shall elect a coordinator from among its membership. The elected coordinators shall serve two-year terms and may be reelected; and

2. Membership shall be in accordance with the bylaws of the ~~district~~ community partnership board and guidelines of the Commission. ~~The members of the district boards~~ Board members shall serve a two-year term and may be reappointed;

~~3. Each district board shall elect two individuals from among its membership, one to serve as its representative on the regional board for that area and one to serve as an alternate representative. Said representative may be, but shall not be required to be, the coordinator for that district; and~~

~~4. Each regional board shall elect an individual from among its membership to serve as its representative on the Oklahoma Planning and Coordinating Council for Services to Children and Youth. Said representative may be, but shall not be required to be, the coordinator for that region.~~

D. The Oklahoma Commission on Children and Youth shall:

1. Establish guidelines for the election of coordinators of the ~~regional and district~~ community partnership boards;

2. Establish guidelines for the membership of the ~~district planning and coordination~~ community partnership boards for services to children and youth which will assure an opportunity for broad community participation and the representation of both urban and rural concerns in the planning process;

3. Establish guidelines for the coordination, preparation and implementation of the ~~regional and~~ district plans for children and youth services; and

4. Provide administrative support and technical assistance to the ~~regional and district~~ community partnership boards as otherwise provided by this act.

E. Nothing in this act shall prohibit local municipalities or counties from establishing planning and coordinating bodies for services to children and youth and providing information and recommendations to the ~~regional and district~~ community partnership boards established by this section.

SECTION 8. AMENDATORY 10 O.S. 1991, Section 601.12, is amended to read as follows:

Section 601.12 A. Each ~~regional and district~~ community partnership board shall, with the assistance of the Office of Planning and Coordination for Services to Children and Youth, prepare and implement a district plan for children and youth services and for the development and coordination of such services within its ~~region or~~ district. The ~~regional and~~ district plans

shall be transmitted to the Office of Planning and Coordination for Services to Children and Youth and ~~shall be reviewed by said Office and the Council~~ Oklahoma Commission on Children and Youth, for such entities' review and use in the preparation of the State Plan for Services to Children and Youth ~~and other reports and recommendations of said Office and the Council.~~

B. Each community partnership board shall assist in the development of interagency agreements that ensure that services provided to students pursuant to the Individuals with Disabilities Education Act (IDEA) are delivered cooperatively by local education agencies, the State Department of Education, the State Department of Vocational and Technical Education, the Department of Human Services, the Office of Juvenile Affairs, the State Department of Health, the Department of Mental Health and Substance Abuse Services, the State Department of Rehabilitation Services, the Oklahoma Health Care Authority, and other appropriate public agencies and private agencies supported in whole or in part with public funds.

C. ~~Each regional and district~~ community partnership board shall develop a written statement clearly identifying its operating procedures, purpose, overall responsibilities and method of meeting those responsibilities.

~~E. D.~~ The district plan shall ~~include, but not be limited to:~~

~~1. A description of programs currently serving children and youth, including information on impact of programs, cost effectiveness and sources of funding;~~

~~2. A continuum of programs and services which would be necessary for a comprehensive approach for the development and coordination of services to children and youth as well as a brief description of such programs and services;~~

~~3. A plan for steps to be taken in meeting identified needs, including the coordination and integration of services to avoid~~

~~unnecessary duplication and cost, and alternative funding strategies for meeting needs through the reallocation of existing resources, utilization of volunteers, contracting with local universities and local government or private agency funding;~~

~~4. A description of barriers to the accomplishment of a comprehensive approach to the development and coordination of services to children and youth; and~~

~~5. Recommendations for any necessary changes that can be accomplished administratively or which may require legislative action.~~

~~D. The regional plan shall include and incorporate the components listed in subsection C of this section and the plans prepared by each district within the region. The regional plan shall be reviewed by the district boards within the region prior to the transmission of the regional plan to the Office of Planning and Coordination for Services to Children and Youth~~ address the needs of children, youth and families as they relate to education, health, mental health, economic security, safety and human services issues, and shall contain:

1. Identified goals, intended outcomes, and priorities for serving children and families;

2. A description of specific needs to be addressed by the plan, as well as services and other support available through public, private, and community-based organizations;

3. A description of the amount of all federal, state and local government, and private funds needed to implement the local plan;

4. A plan for sharing data among agencies and across levels of government in accordance with state and federal law;

5. Recommendations for proposed policy or program changes and alternative funding strategies for meeting identified needs;

6. An implementation strategy and time line; and

7. A description of the resources, types of assistance or training needed in order to implement the plan.

SECTION 9. REPEALER 10 O.S. 1991, Sections 601.7, as last amended by Section 186, Chapter 352, O.S.L. 1995, 601.8, as last amended by Section 2, Chapter 364, O.S.L. 1998, 601.43, as last amended by Section 190, Chapter 352, O.S.L. 1995, 601.44, as amended by Section 2, Chapter 377, O.S.L. 1994, 601.45, as last amended by Section 2 of Enrolled House Bill No. 2169 of the 2nd Session of the 47th Oklahoma Legislature, 601.46, as last amended by Section 4, Chapter 364, O.S.L. 1998 and 601.50, as amended by Section 5, Chapter 364, O.S.L. 1998 (10 O.S. Supp. 1999, Sections 601.7, 601.8, 601.43, 601.44, 601.46 and 601.50), are hereby repealed.

SECTION 10. This act shall become effective November 1, 2000.

47-2-9338 MG 6/11/15