

**MINUTES
OFFICE OF JUVENILE AFFAIRS
BOARD OF DIRECTORS**

December 8, 2006

BOARD MEMBERS

Present: George Lindley
Edward Smith
Linda Ware Toure
Charlie Jackson
Lonelia Simmons

Absent: Jay Keel
Gary Taylor

PRESENT FROM THE OFFICE OF JUVENILE AFFAIRS

Gary Bolin, Don Bray, Dorothy Brown, Rhonda Burgess, Kevin Clagg, Gene Christian, Jeff Gifford, Donna Glandon, Dennis Gober, Kim Gray, JLynn Hartman, Gayle Haynes, Wayne Johnson, Tammy Kelly, Linda McLennan, Robert Morey, Kim Sardis, Elizabeth Stewart, Shantha Varahan

OTHERS PRESENT

Ellen Harwell, Brian Newton, Josh Rahe, Thomas Reid, Angel Riggs, Holly Webb

CALL TO ORDER

Chairman Lonelia Simmons called the December 8, 2006 Meeting of the Board of Directors of the Office of Juvenile Affairs to order at 10:00 a.m. at the Office of Juvenile Affairs State Office, 3812 N. Santa Fe, Suite 400, Oklahoma City, OK 73118

STATEMENT OF COMPLIANCE WITH THE OPEN MEETING ACT

Linda McLennan, Board Secretary, confirmed the Board of Juvenile Affairs is in compliance with the Open Meeting Act.

Chairperson Lonelia Simmons read the Office of Juvenile Affairs Mission Statement.

INTRODUCTION OF GUESTS

Mr. Gene Christian, Executive Director introduced guests Ms. Angela Riggs from the *Tulsa World* and Ms. Ellen Harwell of the Oklahoma Commission on Children and Youth.

EXECUTIVE DIRECTOR'S REPORT

Mr. Christian presented a report to advise the Board Members of his activities since the October Board Meeting. A written report was given to the Board Members for review.

The Director, Dennis Gober and Tom Ray have just returned from the winter meeting of the Oklahoma Association of Youth Services at Western Hills State Lodge where time was spent working on the State Plan. Today, the majority of the agenda is concerning proposed rule changes. Issues have been consolidated to help make the process more abbreviated. The rules are presented today for discussion. OJA will be publishing these changes and conducting a public hearing and then presenting the final results for action at the January meeting.

ACTION ITEMS

DISCUSSION WITH POSSIBLE ACTION TO APPROVE THE OCTOBER 20, 2006 BOARD MEETING MINUTES.

MOTION BY CHARLIE JACKSON WITH SECOND BY GEORGE LINDLEY TO APPROVE THE BOARD MEETING MINUTES OF OCTOBER 20, 2006 AS PRESENTED.

MOTION PASSED

Voting Aye: George Lindley
Edward Smith
Linda Toure
Charlie Jackson
Lonelia Simmons

DISCUSSION WITH POSSIBLE ACTION TO APPROVE THE PROPOSED NEW SEAL FOR THE OFFICE OF JUVENILE AFFAIRS.

The Director stated that the major change on the new seal was the removal of the Department of Juvenile Justice Department as required by HB 2999 enacted by the Oklahoma Legislature in 2006.

MOTION BY GEORGE LINDLEY WITH SECOND BY EDWARD SMITH TO APPROVE THE NEW OFFICE OF JUVENILE AFFAIRS SEAL AS PRESENTED.

MOTION PASSED

Voting Aye: George Lindley
Edward Smith
Linda Toure
Charlie Jackson
Lonelia Simmons

DISCUSSION WITH POSSIBLE ACTION TO APPROVE THE PROPOSED SCHEDULE FOR BOARD OF DIRECTORS MEETINGS FOR CALENDAR YEAR 2007.

MOTION BY EDWARD SMITH WITH SECOND BY LINDA WARE TOURE TO APPROVE THE SCHEDULE FOR THE BOARD OF DIRECTORS MEETINGS FOR CALENDAR YEAR 2007 AS PRESENTED WITH THE EXCEPTION OF RE-SCHEDULING THE JANUARY 12TH MEETING TO THURSDAY, JANUARY 11TH.

MOTION PASSED

Voting Aye: George Lindley
Edward Smith
Linda Toure
Charlie Jackson
Lonelia Simmons

REPORTS

FINANCE COMMITTEE REPORT

Charlie Jackson presented. The Finance Committee met prior to the Board Meeting this morning and discussed finances even though not fully completed. Mr. Jackson referred to Ms. Varahan for her report.

FINANCE REPORT

Shantha Varahan, Financial Services Division Administrator, presented the Finance Report for the Month ended November 30, 2006. OJA has not yet closed the books for the period ending November 30, 2006. Hence, some of the figures presented are based on the prior month/historical trend.

FY-07 Budget Projections as of November 30, 2006

Description	Totals
FY-2007 Budget Work Program	\$119,886,115
Year-to-Date Expenditures	(39,503,101)
Encumbrances	(47,937,072)
Balance as of November 30, 2006	\$32,445,942
Less: Remaining Payroll Costs (Est.)	(29,536,144)
Less: Remaining Travel Budget	(464,850)
Less: OJJDP/JAIBG/Other Adjustments	(462,676)
Budget Available for Unfunded Mandates	\$1,982,272

FY-06 carryover to FY-07 was \$1,335,382. Operations amount was \$1,010,654 and capital amount was \$324,728.

FY-07 Budget to Actual for Payroll as of November 30, 2006

Note: 2nd and 3rd payrolls had not been processed as of the date this report was prepared. Based on the prior month we estimate the amount to be \$331,516.

	State Office	Residential Services	JSU	Totals
YTD BWP	2,880,848	10,681,745	6,608,594	20,171,187
YTD Exp	2,537,620	10,274,874	6,413,294	19,225,788
YTD Vary	343,228	406,871	195,300	945,399

State Office includes OJJDP, JAIBG, and MIS

Travel Costs Comparison to Budget as of November 30, 2006

- Agency Year-to-Date Budget \$ 232,428
- Year-to-Date Expenditures \$ 234,228
- Year-to-Date Variance \$ (1,800)

Analysis: Travel costs remain closely in line with budget target. We will continue to closely monitor all travel plans before being approved.

Revolving Fund Revenue Status as of November 30, 2006

- School Lunch \$ 195,814
- SSI & SSA Support \$ 45,121
- Rent \$ 3,861
- Miscellaneous \$ 45,968
- Amount in Transit \$ 77,260

- YTD Actual Revenue \$ 365,024
- YTD Budgeted Revenue \$ 397,761
- Budget Variance \$ (29,737)

Revolving Fund Status as of November 30, 2006

• Beginning Fund Balance	\$ 428,723
• Estimated Income to Fund	<u>\$ 954,626</u>
• Funds included in BWP	\$ 1,383,349
• Year-to-Date Expenditure	<u>\$ 547,925</u>
• Remaining Funds in Budget	\$ 835,424

Title XIX and Title IV-E Revenue as of November 30, 2006

Type	Projections for FY-07		Actual FY-07		
	Annual Revenue	YTD Revenue	Receipts	In Transit	Variance
TCM	3,000,000	1,320,000	1,305,432	124,760	110,192
RBMS	5,177,817	2,278,239	1,864,008	457,803	43,572
Admin	175,000	77,000	---	---	(77,000)
Total	8,352,817	3,675,239	3,169,440	582,563	76,764
Title IV-E	400,000	169,231	235,677	74,600	141,047

Analysis: Title XIX and Title IV-E revenue collections are on target to meet budget. Title XIX Admin claim is in process of being prepared and will include three quarters – January 06 thru September 06.

Emergency Purchases

Date	Location	Description	Repair Cost
No Emergency Purchases Since Last Board Meeting.			

Sole Source

Control #	Vendor	Date	Cost	Requestor	Division/Purpose
No New Sole Source Contracts Since Last Board Meeting.					

PROPOSED RULES REVISIONS FOR 2007

Robert Morey, Policy and HIPAA Director, presented. Mr. Morey gave a summary of substantive changes.

Proposed Timeline		
Dates	Event	Notes
November 9, 2006	Notice of Rulemaking Intent (NRI)	Filed with Secretary of State
December 1, 2006	Publication in Oklahoma Register	
December 15 (On or before)	Rule Impact Statement & Text	
January 1, 2007	Public Comment Period Ends	
January 3, 2007	Public Hearing	9:00 a.m. @ OJA 4 th floor
After January 3, 2007	OJA Board Action on Rules	

2007 Proposed Administrative Rule Revisions			
Page	Chapter No.	Rule Title	Change due to:
1	377:3-11-5	Substance Screening	Due to Employee Drug testing rule – OJA may test at any time instead of

			"as part of disciplinary process"
2	377:3-15-1	Purpose	MIS to IT Department
2	377:3-15-2	Legal Basis	MIS to IT Department
2	377:3-15-3	Jolts requirement	MIS to IT Department
2	377:3-16-1	Purpose	Organizational Change
2	377:3-16-2	Legal Basis	Organizational Change
2	377:3-16-3	Planning and reporting requirements	Organizational Change
3	377:3-16-4	Other services	Organizational Change
3	377:10-1-11	Documents and Records	Fee change to 25% per copy and change in Open Records Dept.
4	377:25-7-2	Grievance Procedure	ACA Requirements – All juveniles may file a grievance
5	377:25-13	Military Mentor Screening and Training Standards	HB 2366-Revoked
5	377:25-13-1	Mentor Screening Criteria	HB 2366-Revoked
5	377:25-13-2	Mentor Training Standards	HB 2366-Revoked
6	377:35-9-1	Juvenile rights	Advocate General requested that Institutional Advocates have 30 days to meet with juveniles
6	377:35-11-5	Juvenile correspondence	HB 2366 – Superintendent or designee may read juveniles' mail
	Chapter 15	Community-based Youth Services (New)	HB 2999
7	377:15-1-1	Purpose	Amended
7	377:15-1-2	Authority, legal basis, and scope	Amended
7	377:15-1-3	Application for "Youth Services Agency" designation	Revoked
7	377:15-1-4	Criteria for designation as a "Youth Services Agency"	Revoked
7	377:15-1-5	Retaining designation as a "Youth Services Agency"	Revoked
7	377:15-1-6	Appeal process and administrative hearing process	Revoked
9	377:15-1-7	Constituency development	Amended
9	377:15-3-1	State Plan	NEW
9	377:15-5-1	Definitions	NEW
9	377:15-5-3	Application for "Youth Services Agency" designation	NEW
10	377:15-5-5	Application Process	NEW
10	377:15-5-7	Requirements of the Application	NEW
11	377:15-5-11	Reporting Process	NEW
12	377:15-5-15	Report Recommending Termination of Designation as a Youth Services Agency	NEW
13	377:15-7-1	Definitions	NEW
13	377:15-7-3	Filing of Papers	NEW
13	377:15-7-5	Initiation of Individual Proceedings	NEW
13	377:15-7-7	Notice of Hearing	NEW
13	377:15-7-9	Procedures for Hearing	NEW
14	377:15-7-11	Recordings	NEW
14	377:15-7-13	Informal disposition	NEW
14	377:15-7-15	Representation	NEW
14	377:15-7-17	Final Agency Orders	NEW

14	377:15-7-19	Emergencies	NEW
15	377:15-7-21	Continuances and Request for Extensions Of Time	NEW
15	377:15-7-23	Rehearing	NEW
15	377:15-7-25	Appeals	NEW

Complete List Proposed revisions: HB2999 (Remove Department of Juvenile Justice, Deputy Director Title, Organization, Open Records Dept.			
1	377:1-1-3	Description of OJA	Remove DJJ
2	377:1-1-5	Board of Juvenile Affairs	Remove DJJ
5	377:1-1-11	Executive Director	Remove DJJ
5	377:1-1-12	Deputy Director of DJJ	Remove DJJ
6	377:3-1-23	Job Duties	Remove Deputy
6	377:3-1-26	Advocate General procedures during an abuse, neglect or caretaker misconduct investigation	Remove Deputy
7	377:3-1-28	General grievance procedure	Remove Deputy
9	377:3-1-31	Monitoring and evolution	Remove Deputy
10	377:3-1-46	General provisions	Remove Deputy
10	377:3-1-47	Media access to OJA	Remove Deputy
11	377:3-1-48	Volunteer program	Remove DJJ/Deputy
12	377:3-3-3	Duties and responsibilities	Remove DJJ/Deputy
12	377:3-7-1	Legal basis	Remove DJJ
12	377:63-11-5	Substance screening	Deputy/Post-rehab
13	377:3-11-20	General provisions	Remove DJJ
14	377:3-15-1	Purpose	MIS to IT Department
14	377:3-185-2	Legal Basis	MIS to IT Department
14	377:3-15-3	Jolts requirements	MIS to IT Department
14	377:3-16-1	Purpose	Organizational change
14	377:3-16-2	Legal basis	Organizational change
15	377:3-16-3	Planning and reporting requirements	Organizational change
15	377:3-16-4	Other Services	Organizational change
15	377:3-17-25	Purpose	Remove Deputy
15	377:3-17-28	Proposals seeking only an OJA Letter of Support	Remove DJJ/Deputy
16	377:5-1-3	Legal Basis	Remove DJJ/Deputy
16	377:5-3-1	Pre-release planning	Remove DJJ
16	377:5-3-2	Schedule of tentative release date	Remove DJJ
17	377:5-5-1	Definitions	Remove Deputy
17	377:5-5-2	Parole Hearing	Remove Deputy
19	377:5-5-5	Conduct of Parole Revocation and Administrative Transfer Hearings	Remove Deputy
22	377:10-1-3	Discipline	Remove Deputy
22	377:10-1-5	Testing for research purposes	Remove Deputy
23	377:10-1-8	Agency records	Remove DJJ/Department
24	377:10-1-9	Information sharing	Remove DJJ
25	377:10-1-10	Disclosure of records pertaining to serious	Remove DJJ

		and habitual juvenile offenders without court order	
25	377:10-1-11	Documents and Records	Fee change to 25% per copy and change in Open Records Department
27	377:10-7-1	Purpose	Remove DJJ
27	377:10-7-3	Foster care	Remove DJJ/Deputy
32	377:10-7-4	Therapeutic foster care	Remove DJJ
33	377:10-7-50	Legal basis	Remove DJJ
33	377:10-11-1	Purpose	Remove DJJ
33	377:10-13-36	Juvenile housing	Remove Deputy
34	377:10-13-100	Placement in RJTP	Remove Deputy
35	377:25-1-2	Legal basis, authority and scope	Remove DJJ
35	377:25-3-15	Legal basis for intake/preliminary inquiry	Remove DJJ
35	377:25-7-2	Grievance Procedure	ACA Requirements – All juveniles may file a grievance
36	377:25-7-50	Retention of custody guideline	Remove DJJ
36	377:25-9-1	Financial support	Remove DJJ
36	377:25-13-1	Mentor screening criteria	Remove DJJ
37	377:25-13-2	Mentor training standards	Remove DJJ
38	377:30-1-1	Legal basis, scope and purpose	Remove DJJ
39	377:35-1-1	Legal basis	Remove DJJ
39	377:35-3-3	Injuries, fires and assault	Remove Deputy
39	377:35-3-8	Searches and control of contraband/evidences	Remove Deputy
41	377:35-7-2	Surgery	Remove Deputy
41	377:35-9-1	Juvenile rights	Advocate General requested that Institutional Advocates have 30 days to meet with juveniles
41	377:35-11-5	Juvenile correspondence	Remove Deputy
42	377:35-16-1	Admissions	Remove Deputy
43	377:35-17-1	Education	Remove DJJ

STATE PLAN FOR YOUTH SERVICES AGENCIES

Dennis Gober, Community-based Youth Services Division Director, presented. Mr. Gober stated the State Plan for the Community-based Youth Services Division is in the planning stages. He presented the Board Members with an outline of the Plan.

State Plan Outline

Purpose/History/Vision
 Current YSA
 Vision Statement/Values
 Mission Statement

Enhance and maintain a comprehensive and culturally competent system of community-based youth service agencies available to at-risk children, youth, families and significant others throughout the state in an effort to prevent and intervene in real life issues that may contribute to involvement by the child or youth in the juvenile justice or child welfare systems.

Three levels of Prevention
 Primary Prevention
 Secondary Prevention

Tertiary Prevention
Needs/Trends
Goals

1. Promote Prevention
2. Develop and maintain a collaborative planning and decision-making process between community groups, YSA and OJA
3. Enhance the capacity of local Community-based Youth Service agencies.
4. Enhance current prevention, intervention, and treatment services by promoting best practices and fostering a rigorous program evaluation.
5. Assure that user-friendly data is available to local communities.
6. Implement, review and revise the State Plan.

PROPOSED RULES FOR DESIGNATION AND TERMINATION OF COMMUNITY-BASED YOUTH SERVICES AGENCIES AND INDIVIDUAL PROCESSINGS

Dorothy Brown, Assistant Attorney General and General Counsel, presented. The material presented is new rules to be adopted by OJA.

Subchapter 5. Designation of Community-based Youth Services Agency

377:15-5-1. Definitions

“Applicant” means any person or organization submitting an application for designation as a Youth Services Agency to the Board of Juvenile Affairs.

377:15-5-3. Application for “Youth Services Agency” designation

The applicant for designation as a Youth Services Agency shall submit an application to the Board of Juvenile Affairs on a form prescribed by the Board, as set forth in 10 O.S., § 7302-3.6a. The applicant shall submit the application to the Secretary of the Board of the Office of Juvenile Affairs, 3812 N. Santa Fe, Suite 400, P.O. Box 268812, Oklahoma City, OK 73126-8812.

377:15-5-5. Application Process

- (a) Submission of application. The applicant for designation as a Youth Services Agency shall submit an application to the Board of Juvenile Affairs on a form prescribed by the Board. The applicant may attach to the form such supplemental materials as may be necessary to fully support the application. The applicant shall provide all documentation required by the Community-based Youth Services Division in support of the application. The application shall be signed by the person making the application or by the chief executive officer of the organization seeking designation. The signature shall be notarized.

377:15-5-7. Requirements of the Application

- (a) The applicant shall describe in detail all aspects of direct community participation in the planning, operation and evaluation of the services and programs for which the applicant seeks designation.
- (b) The applicant shall describe in detail:
 - (1) Its capability to deliver all or part of the compensable services set forth in Title 10, § 7301.3(9); or other 7302-3.3; core community-based facilities, program, or services designated by the Board of Juvenile Affairs as core community-based services.
 - (2) If applicable, its capability to deliver all or part of the compensable children’s services that the Department of Human Services is authorized to provide for by contract with a private agency.
 - (3) Its ability to provide adequate and qualified staff for the services it may provide.
 - (4) Its capability to meet the need for adequate services in its primary catchment area or other areas which it may serve.
 - (5) A statement of its financial viability as defined by 10 O.S. § 7302-3.6a. An assessment of the applicant’s financial viability shall be based upon a formula as determined by the Community-based Youth Services Division.
 - (6) A documented need for services in the primary catchment area or other areas, which it may serve.

- (7) If applicable, a statement of how the applicant may augment any services being provided by an existing Youth Services Agency.
- (c) Certifications and Licenses: The applicant shall provide copies of all current licenses and certifications applicable to its operations. If the organization is accredited by a nationally recognized accrediting organization, the applicant shall submit a copy of its most recent evaluation or audit conducted by the certifying organization.
- (d) Upon submission of the application, the applicant may be required to undergo an initial peer review to be conducted by the Oklahoma Association of Youth Services Agencies or other Oklahoma non-profit corporation whose membership consists solely of Youth Services Agencies and of whom at least a majority of Youth Services Agencies is members. If a peer review is required by the Community-based Youth Services Division, the applicant and peer reviewing organization shall be notified by the Division Director. The peer review shall be completed and submitted to the Division of Community-based Youth Services within 60 days of the notice of the peer review requirements. The costs, of any, of the initial peer review shall be borne by the applicant. The Community-based Youth Services Division may accept a review by a national accrediting organization, such as the Commission on Accreditation of Rehabilitation Facilities (CARF), in lieu of a peer review.
- (e) Agency Inspection: The Division of Community-based Youth Services shall make a site visit inspection of the applicant's operations and obtain all available verifications required to support the application.
- (f) References: The applicant shall provide letters of reference from local community leaders or other persons familiar with the applicant's operations. The Division of Community-based Youth Services shall obtain from the applicant authorization to communicate with such references. The Division of Community-based Youth Services shall not be limited to the references provided in conducting its review of the applicant's operations.
- (g) Evaluation and summary: The Division of Community-based Youth Services shall evaluate the application and all support details and summarize its findings in a Report of the Community-based Youth Services Division to be submitted to the Board within 90 days of submission of a completed application to the Community-based Youth Services Division. Extensions of the 90-day requirement may be authorized by the Executive Director of the Office of Juvenile Affairs upon good cause shown. The Report shall state whether or not granting of the designation of the applicant as a Youth Services Agency is based on community needs as indicated in the State Plan for Youth Services Agencies. The Report of the Community-based Youth Services Division shall contain a recommendation as to whether the application should be granted or denied. The Report shall be signed by the Division Director and approved by the Executive Director of the Office of Juvenile Affairs.

377:15-5-11. Reporting Process

- (a) With respect to any application for designation as a Youth Services Agency, the Division of Community-based Youth Services shall prepare a Report addressing the statutory criteria for designation of Youth Services Agencies, as well as any other criteria established by the Board.
- (b) The Report of the Division of Community-based Youth Services (Report) shall contain a recommendation to either grant or deny an application for designation.
- (c) The Executive Director of OJA shall approve the Report prior to submission to the Board of Juvenile Affairs.
- (d) The Report shall be filed with the Board of Juvenile Affairs and a copy provided to the applicant, either by personal delivery or by certified mail, when filed.
- (e) The application for designation as a Youth Services Agency shall be placed on the Board Agenda for consideration at the next Board Meeting following the filing of the Report containing the recommendation.
- (f) The Board shall consider the Report in determining whether to grant or deny the application.
- (g) The Board's review of the Report shall not be conducted as an individual proceeding.
- (h) Upon review of the Report the Board may make one of the following determinations:
- (1) grant the application for designation
 - (2) deny the application for designation; or

- (3) defer its decision and direct the Division of Community-based Youth Services to provide additional information to the Board for its consideration.
- (i) The applicant shall be notified of the Board's decision by certified mail.
- (j) If the applicant for designation is granted, the designation shall be effective immediately.
- (k) If the application for designation is denied, the applicant may request an individual proceeding on the denial by filing a request for hearing with the Secretary to the Board of Juvenile Affairs upon a form approved by the Board. The request for an individual proceeding shall be filed within thirty (30) days of the mailing of the Board's decision. The request for hearing shall state the grounds upon which the applicant disagrees with the decision.
- (l) If the decision to grant or deny designation is deferred, the Division of Community-based Youth Services shall file an Addendum to its original Report providing the additional information requested by the Board within the time frames established by the Board. The matter shall be considered at the next Board meeting following the filing of the Addendum. The Addendum shall be provided to the applicant, either by personal delivery or by certified mail, when filed the Board may:
 - (4) grant the applicant for designation which shall become effective immediately; or
 - (5) deny the application

377:15-5-15 Report Recommending Termination of Designation as a Youth Services Agency.

With respect to any Youth Services Agency whose designation is recommended for termination, the Division of Community-based Youth Services shall complete a Report documenting the grounds for the proposed termination.

- (1) The Report of the Division of Community-based Youth Services (Report) shall contain an analysis of the program administration, financial viability and most recent peer review report of the Youth Services Agency.
- (2) The Report shall also contain a plan to ensure the continuation of services by another Youth Services Agency.
- (3) The Report shall reflect the recommendations of the Oklahoma Association of Youth Services Agencies with respect to the Plan for service coverage.
- (4) The OJA Executive Director shall approve all Reports prior to filing with the OJA Board.
- (5) The Report shall be filed with the Secretary to the Board of Juvenile Affairs and shall be considered at the next Board meeting following the filing of the Report.
- (6) The Board's review of the Report shall not be conducted as an individual proceeding
- (7) Upon review of the Report, the Board may:
 - (a) terminate the designation of a Youth Services Agency,
 - (b) reject the recommendation for termination; or
 - (c) place the Youth Services Agency on probation upon the terms specified by the Board for up to 90 days. The Board may extend the period of probation for an additional 90 days upon consideration of the Youth Services Agency's substantial compliance with the terms of probation. The probationary status of the Youth Services Agency shall be reviewed by the Board not later than the Board meeting immediately preceding the expiration of the probationary period; at the end of the probationary period, including any extension, the Board shall terminate the designation or remove the Youth Services Agency from probationary status.
- (8) The Youth Services Agency shall be notified of the Board's decision by certified mail. If the Board terminates the designation of a Youth Services Agency, the Youth Services Agency may request an individual proceeding on the denial by filing with the Secretary to the Board of Juvenile Affairs a request for hearing upon a form approved by the Board. The request for an individual proceeding shall be filed within thirty (30) days of the mailing of the Board's decision to terminate. The request for hearing shall state the grounds upon which the Youth Services Agency disagrees with the decision.

Subchapter 7. Individual Proceedings: Application Denials, and Terminations of Designation as a Youth Services Agency

377:15-7-1 Definitions

All words which are defined in 75 O.S. 2001, § 301 are used in accordance with such meaning.

377:15-7-3 Filing of Papers

All papers required by this subchapter are to be filed with the Secretary to the Board of Juvenile Affairs at the Office of Juvenile Affairs, 3812 North Santa Fe, Suite 400, Oklahoma City, OK 73118.

377:15-7-5 Initiation of Individual Proceedings

An individual proceeding may be initiated by the filing of a request for hearing containing a brief statement setting forth the relief requested and the grounds therefore upon a form approved by the Board of Juvenile Affairs. The hearing shall be open to the public and shall be conducted in accordance with the *Administrative Procedures Act*.

377:15-7-7 Notice of Hearing

The notice of hearing shall include:

- (1) a statement of the time, place, and nature of the hearing.
- (2) a statement of the legal authority and jurisdiction under which the hearing is to be held.
- (3) a reference to the particular sections of the statutes and rules involved; and
- (4) a short and plain statement of the matters asserted or issues involved.

377:15-7-9 Procedures for Hearing

- (a) The hearing shall be conducted in an orderly manner and shall be presided over by the Chairperson of the Board or Board Member Designee
- (b) The rules of evidence used during the hearing shall be those specified by the *Administrative Procedures Act*.
- (c) Witnesses shall be sworn upon oath or shall affirm the truth of their testimony and are subject to cross-examination. The oath or affirmation shall be administered by the Chairperson or Board Member Designee
- (d) The Chairperson of the Board or Board Member Designee shall rule upon the admissibility of evidence or objections thereto, or upon motion to objections arising during the hearing.
- (e) The rulings of the Chairperson of the Board or Board Member Designee shall be the rulings of the Board unless reversed or modified by a majority vote of the Board.
- (f) The Board may utilize the services and advice of its attorney (serving as legal advisor) regarding any matter of evidence, law, or procedure in the conduct of the hearing. All decisions concerning objections or procedures shall be made by the presiding Board member.
- (g) An attorney may be designated by the Board to present the position adverse to the Youth Services Agency applicant or Youth Services Agency whose designation is terminated, but any Board member may inquire of any witness concerning matters deemed relevant and competent and not otherwise offered into evidence.
- (h) All preliminary motions filed by any party prior to the commencement of the hearing shall be ruled upon at the beginning of the hearing.
- (i) The Board shall admit and give probative value to all competent, relevant and probative evidence, both oral and documentary, which tends to prove or disprove the facts germane to the designation denial or termination.
- (j) The Board may exclude incompetent, irrelevant, immaterial, and unduly repetitious evidence. The Board is possessed of specialized knowledge and such knowledge will be used when officially noticed along with other evidence in arriving at a decision. Notice may also be taken of judicially cognizable facts.
- (k) All parties shall be given an opportunity to respond and present evidence on all issues involved.
- (l) In all individual proceedings, the Office of Juvenile Affairs shall bear the burden of proof that shall be by clear and convincing evidence.

377:15-7-11 Recordings

Any hearing before the Board of Juvenile Affairs shall be electronically recorded. The portion of the hearing constituting deliberations in executive session need not be recorded. A copy of the electronic recording shall be made available to any person upon request and payment of appropriate reimbursement costs for reproduction.

377:15-7-13 Informal Disposition

Informal disposition may be made of any individual proceeding by stipulation, agreed settlement, or default upon approval by the Board.

377:15-7-15 Representation

Any party shall have the right to counsel who must be duly licensed by the Supreme Court of Oklahoma.

377:15-7-17 Final Agency Orders

All findings of fact made by the Board in an individual proceeding shall be based exclusively on the evidence and on matters officially noticed, and a final decision shall be determined by a majority vote of the Board.

The final agency order shall be in writing and may be stated on the record at the conclusion of the hearing and deliberations. All parties shall be notified, either by personal delivery or by certified mail, of any final order.

377:15-7-19 Emergencies

If the Board of Juvenile Affairs finds that the public health, safety, or welfare imperatively requires emergency action with respect to a plan for service coverage in a recommended termination, and the finding is incorporated into the order, the Board may issue an *ex parte* order implementing the decision of Community-based Youth Services' plan for service coverage pending the final outcome of proceedings and issuance of a final order.

377:15-7-21 Continuances and Request for Extensions of Time

Requests for continuances and for extensions of the time shall be filed with the Secretary of the Board of Juvenile Affairs. Such requests may be granted by the Chairperson or the Board Member Designee upon good cause shown. The Secretary shall notify the parties of the decision.

377:15-7-23 Rehearing

A Youth Services Agency aggrieved by a final agency order may request a rehearing, reopening, or reconsideration by filing a request with the Secretary to the Board within ten (10) days from the entry of the final agency order. The grounds for such action shall be as provided in the *Administrative Procedure Act* and shall be stated in the request. The Board may grant reconsideration, reopening, or rehearing of the matter at any time on the grounds of fraud practiced by the prevailing party or the procurement of the order by perjured testimony or fictitious evidence. Requests for rehearing, reopening, or reconsideration shall be placed on the Board's agenda for consideration at the next Board meeting following the filing of the request. The Youth Services Agency shall be notified by certified mail of the ruling of the Board on the request.

377:15-7-25 Appeals

Appeals of a final agency order shall be in accordance with the *Administrative Procedures Act*

VOTE TO CONVENE INTO EXECUTIVE SESSION

MOTION BY GEORGE LINDLEY WITH SECOND BY EDWARD SMITH TO CONVENE INTO EXECUTIVE SESSION.

MOTION PASSED

Voting Aye: George Lindley
Edward Smith
Linda Toure
Charlie Jackson
Lonelia Simmons

VOTE TO RETURN TO OPEN SESSION

MOTION BY EDWARD SMITH WITH SECOND BY GEORGE LINDLEY TO CONVENE INTO OPEN SESSION

MOTION PASSED

Voting Aye: George Lindley
Edward Smith
Linda Toure
Charlie Jackson
Lonelia Simmons

POSSIBLE ACTION ON ITEMS FROM EXECUTIVE SESSION

There were no items requiring action.

DISCUSSION OF WOODWARD COUNTY'S CONCERNS REGARDING RATES AND STANDARDS FOR DETENTION CENTERS.

Mr. Christian introduced Mr. Brian Newton, Superintendent of the Woodward County Detention Center and Mr. Thomas Reid, Eastern Oklahoma Youth Services to present their concerns to the Board Members.

Mr. Newton and Mr. Reid commented on the Woodward County Detention Rate Issues. The Woodward County Detention Center was expanded by 2 beds at no cost to anyone but themselves and has provided two extra beds for JSU and is being punished for it. The center was an 8-bed facility. The county wanted two specific beds just for them so the center was expanded. Because of that, JSU cut the contract by \$62,000 because there are now 10 beds. JSU just contracts for 8 beds, but the center must be paid on a 10-bed rate. Woodward County is not the only center in the state faced with the same dilemma.

In response to the comments: Mr. Christian explained that the Secure Detention rates are established based on the estimated cost of operating a facility. When OJA became an agency over 11 years ago, the board of Juvenile Affairs voted to continue the method established by DHS of setting rates based upon facility size. The OJA model, which predicts the cost of operations, takes into account the sharing of administrative costs among the total beds in a facility. The larger the facility, the less each individual bed costs to operate. The OJA model and associated methodology has been used consistently for over a decade and has been approved numerous times by the Department of Central Services.

Over the past several years, some centers have asked OJA to apply the rate based on the number of beds contracted, not the number of beds being used in the detention center. In the case of Woodward County, they expanded their facility 8-beds to 10-beds. Woodward County did not request funding for these additional beds prior to providing beds nor have they requested that the OJA State Plan be amended to include these beds. It is Ojai's understanding that Woodward county wanted full control of these 2 specific beds and those beds not be bound by an OJA contract. As a result, the reimbursement rate as developed by Ojai's Rates and Standards Committee and approved by the OJA BOARD OF juvenile affairs and the Department of central Services, dictates that the 10-bed rate be applied, not the 8-bed rate.

Options have been discussed with Woodward in order to come to an agreement. These options include increasing the State Plan and requesting funding for these 2 new beds. All other options could result in a decrease of payments to other providers in the state since the monies available to pay detention centers are limited. This is the reason that additional beds are not added prior to inclusion in the State Plan. These types of funding issues are better addressed prior to the addition of beds rather than after additions have been made.

OJOA has used the same model and methodology, with minor tweaking and adjustment for escalating costs, for several years. It appears that for the most part everyone agrees about the basic premise – that

the larger the facility, the less each bed costs to operate. The problem is when a facility operates beds beyond what is contracted to OJA. Application of a rate beyond its authorized use is not the answer.

NEW BUSINESS

There was no new business to discuss.

ADJOURN

MOTION BY LINDA WARE TOURE WITH SECOND BY CHARLIE JACKSON TO ADJOURN THE MEETING.

MOTION PASSED

Voting Aye: George Lindley
 Edward Smith
 Linda Toure
 Charlie Jackson
 Lonelia Simmons

The meeting was adjourned at 11:55 a.m.

Minutes approved in regular session on the *11th* day of *January, 2007*.

George Lindley
George Lindley, Vice-Chair

PREPARED BY:

Linda McLennan
Linda McLennan
Board Secretary