



State of Oklahoma

OFFICE OF JUVENILE AFFAIRS

Board of Juvenile Affairs and Board of Oklahoma Youth Academy Charter School

Meeting Minutes

March 30, 2021

Board Members Present via Videoconference

Sidney Ellington

Amy Emerson

Janet Foss

Stephen Grissom

Mautra Jones

Jenna Worthen

Karen Youngblood

Absent

Timothy Tardibono

Call to Order

Chair Youngblood called the March 30, 2021, special meeting for the Board of Juvenile Affairs and Board of Oklahoma Youth Academy Charter School Zoom meeting to order at 3:33 p.m. and requested roll be called.

Secretary Rockwell discussed the attached presentation on proposed OJA permanent rule amendments.

Dr. Grissom: On 377:3-13-44, where we added the report regarding room confinement in excess of 48-hours, must complete a report for continued room confinement, my question is how long do they have to submit the report to OJA?

Secretary Rockwell: I am going to kick this question to Jaremy Andrews.

Mr. Andrews: We did not specify a time, we could align it with critical incidents, which is within 24-hours. This rule was created as a method to inform OJA of room confinement over 48-hours. I am open to suggestions.

Dr. Grissom: I am willing to live with a max of 24-hours for a notification. If you have to do room confinement, over 48-hours there are serious issues that need to be dealt with. I don't want to wait 5 days for us to get that heads up.

Chair Youngblood: How would you feel more comfortable Dr. Grissom?

Dr. Grissom: I would feel more comfortable adding within 24-hours.

Chair Youngblood: Within or after exceeding the 48-hours?

Secretary Rockwell: I added language on your screen in red to say, "within twenty-four (24) hours of exceeding the forty-eight (48) hours."

Judge Foss: Is there a form?

Mr. Andrews: There is a critical incident form they could amend.

Dr. Ellington: Does there need to be some verbal communication before the written communication? What is the normal protocol?

Secretary Rockwell: Dr. Ellington, apologies for interrupting but Jeremy got cut off.

Mr. Andrews attempted to answer but had technical issues.

Secretary Rockwell: Jeremy Evans, can you speak to the question?

Mr. Evans: I can speak about critical incidents, which they do call first.

Chair Youngblood: Here is my problem with making too many adjustments in the rules, these have to go through the state. I agree with you Sid, I want a clear standard and delineation. However, the delineation, may need to go into the facility handbook. Using the rule to create the standard but the handbook to create the standard/ delineation.

Secretary Rockwell: Jeremy Andrews is now in my office, if you want to re-ask your question.

Dr. Ellington: Is there a verbal heads-up that occurs before the written report?

Andrews: For the critical incidents, they normally verbally notify Jeremy Evans and follow it up with a formal report. This is a new standard, we don't have a form stand up and we did not necessarily want to specify a form, so that we did not have to go through a rule change to amend a form.

Dr. Ellington: It sounds like room confinement, will then follow in the critical category.

Mr. Andrews: It wasn't before, the incident placing them into confinement could have. This would in effect capture room confinement and ask it be reported to us.

Dr. Grissom: From my years in institution, we lived with a 3-hour limit on confinement. If we have a procedure here, and I understand detention facilities do not have the resources of a larger facility. Over 48-hours in room confinement, is a serious issue, we want to create a standard for prompt reporting. For rule purposes, I am happy with the time limit in getting the report to OJA.

Secretary Rockwell: Creating this standard, will give OJA data and we can use that data to amend the rules in the future.

Chair Youngblood: Rules create the edges, we need to use the contract and procedures to enact the rules.

Dr. Grissom: Dr. Ellington, I think a phone call is a procedural issue. I think the timely report is a rule action.

Chair Youngblood: I love the spirit and care for the kids behind this thoughtful dialogue. Any further comments or questions? I have been informed there are no public comments. I am checking my emails on the procedures to vote on the rules. We can move to adopt each section of rule amendments through the agenda item list.

Public comment on permanent rule amendments

No public comment.

Ms. Worthen: Thank you for your work on this. I know Audrey stated, data would start coming in, can we get that data as it starts to come in? I believe, this would assist the Board inform some decisions.

Dr. Ellington: For my own clarification, we had some comments from Twyla

Yes, my apologies for not covering that information. Yes, the Friday following our Board meeting, we held our public hearing as required by the Administrative Procedures Act. We worked informally with OJDA rule by rule to make adjustments. We also identified areas we would like to address in the future.

Dr. Ellington: Thank you.

Chair Youngblood: Thank you Audrey. Is there a Motion?

Move to adopt agenda items B(1)(a – k)

Dr. Grissom moved to approve with a second by Judge Foss

Aye: Ellington, Foss, Grissom, Jones, Worthen, and Youngblood

Nay:

Absent: Emerson and Tardibono

Judge Foss: I would like to vote. I would have voted aye.

Secretary Rockwell: My apologies Judge Foss. I got lost looking for Dr. Emerson.

Chair Youngblood: It is noted Judge Foss voted yes.

Agenda items B(1)(a – k) approved.

Move to adopt agenda items B(2)(a)(i – v)

Dr. Grissom moved to approve with a second by Judge Foss

Aye: Ellington, Emerson, Foss, Grissom, Jones, Worthen, and Youngblood

Nay:

Absent: Tardibono

Agenda items B(2)(a)(i – v) approved.

Move to adopt agenda items B(2)(b)(i)(1 – 3)

Dr. Grissom moved to approve with a second by Dr. Jones and Judge Foss

Aye: Ellington, Emerson, Foss, Grissom, Jones, Worthen, and Youngblood

Nay:

Absent: Tardibono

Agenda items B(2)(b)(i)(1 – 3) approved.

Move to adopt agenda items B(2)(b)(ii)(1 - 12)

Secretary Rockwell: I recommend you add as amended.

Chair Youngblood: Good point, is there a motion on the item as proposed and amended during the meeting?

Dr. Grissom moved to approve as proposed and amended with a second by Ms. Worthen

Aye: Ellington, Emerson, Foss, Grissom, Jones, Worthen, and Youngblood

Nay:

Absent: Tardibono

Agenda items B(2)(b)(ii)(1 - 12) approved.

Move to adopt agenda items B(2)(b)(iii)(1)

Dr. Grissom moved to approve with a second by Judge Foss

Aye: Ellington, Emerson, Foss, Grissom, Jones, Worthen, and Youngblood

Nay:

Absent: Tardibono

Agenda items B(2)(b)(iii)(1) approved.

Announcements/ comments

Dr. Grissom: I like it when I can see what I vote on, I appreciate the modification. We dealt with my one issue. I think everyone did a pretty fine job on this.

Chair Youngblood: Thank you for your comments Dr. Grissom.

Adjournment

Ms. Worthen moved to adjourn with a second by Judge Foss

Aye: Ellington, Emerson, Foss, Grissom, Jones, Tardibono, Worthen, and Youngblood

Nay:

Absent: Burrage and Ellington

Chair Youngblood adjourned the meeting at 4:09 p.m.

Minutes approved in regular session on the 20th day of April 2021.

Prepared by:

Signed by:

Audrey Rockwell
Audrey Rockwell (Apr 20, 2021 12:31 CDT)

Audrey Rockwell, Secretary

Karen Youngblood
Karen Youngblood (Apr 20, 2021 12:08 CDT)

Karen Youngblood, Chair









special meeting Mar. 2021 board minutes

Final Audit Report

2021-04-20

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March 30, 2021

Administrative Rule Amendments



OKLAHOMA
Office of Juvenile Affairs



Chapter 1 Amendments

Chapter 1 – Function and Structure of the Office of Juvenile Affairs

Subchapter 1

377:1-1-1. Purpose &

377:1-1-2. Legal Basis - Clean up for grammar errors

377:1-1-3. Description of the Office of Juvenile Affairs - Edited to reflect amendments to 10A O.S. § § 2-7-201 and 2-7-202

377:1-1-5. Board of Juvenile Affairs

Edited to reflect amendments to 10A O.S. § § 2-7-101 and 2-7-201. Remove language duplicated from statutes, see 10A O.S. §§ 2-3-103, 2-4-103, 2-7-101, 2-7-201, 2-7-305(D), 2-7-306, 2-7-608, 2-7-613, 2-7-614, 2-7-616, 2-7-704, and 2-8-112, see OJA's report on Administrative Rules to Governor Stitt (EO Report).

Chapter 1 – Function and Structure of the Office of Juvenile Affairs

Subchapter 1

377:1-1-6. Rates and Standards Committee,

377:1-1-7. Legal Base for Rates and Standards Committee, &

377:1-1-8. Rates and Standards Committee membership – Grammar and EO Report edits

377:1-1-9. Conduct of Committee meetings – amended to add OMES to the Rates approval process

377:1-1-10. Public hearing regarding a fixed rate - amended to add OMES & public comment language

377:1-1-11. Executive Director - amended to reflect edits to 10A O.S. § 2-7-201

377:1-1-14. Documentation standards – Grammar and EO Report edits

Chapter 3 Subchapter 9 Amendments

Chapter 3. Administrative Services

Subchapter 9. Office of Policy

Part 7 . Policy and Accreditation

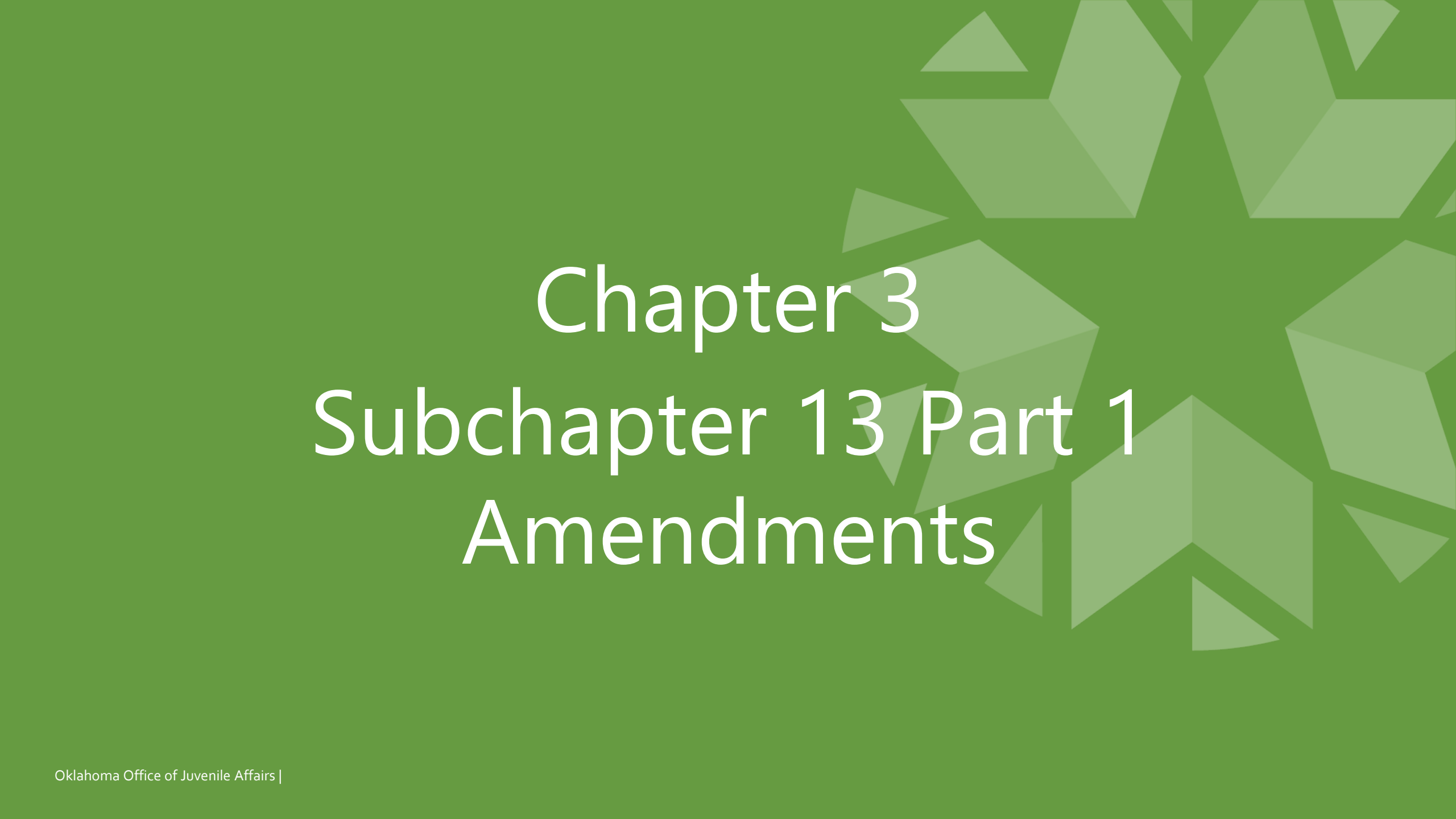
377:3-9-40. Legal basis,

377:3-9-41. Purpose,

377:3-9-42. Public hearings, and

377:3-9-43. Availability of OJA rules, policies, and procedures – Grammar and EO Report edits

377:3-9-44. Petitions for the promulgation, amendment, or repeal of rules – amended to remove the Office of Policy and place rules under the General Counsel, also amended for Grammar and EO edits



Chapter 3

Subchapter 13 Part 1

Amendments

Chapter 3. Administrative Services

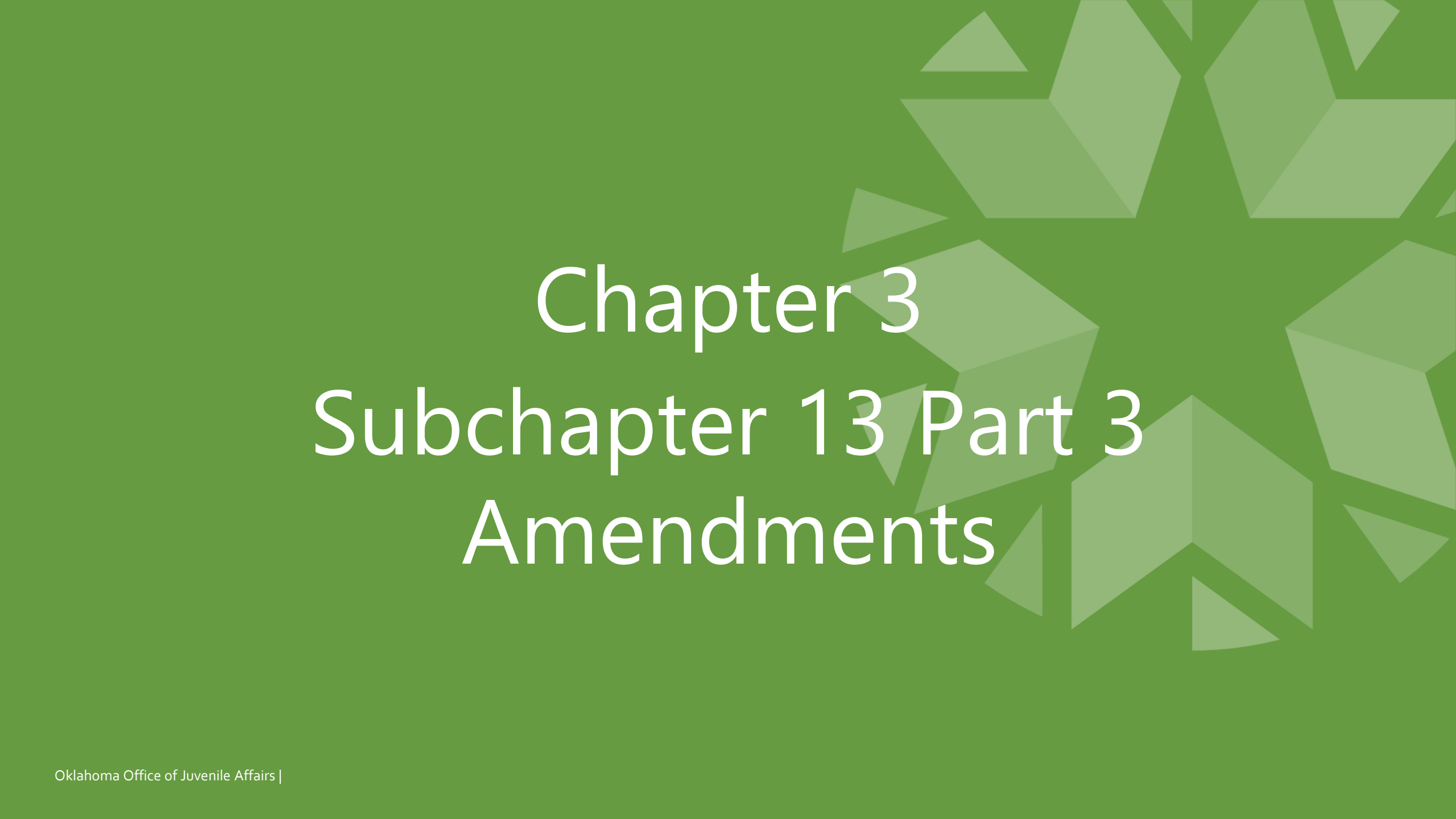
Subchapter 13. Office of Public Integrity

Part 1. General Provisions

377:3-13-1. General Purpose, legal basis and authority – creates sections and gives the Executive Director the power to designate supervision of the sections (1) Internal Affairs/Employment Discrimination Investigations; (2) Licensing and Programs Assessment Section; and (3) Financial Contract Monitoring/Reviews Section - amended to address the section changes along with Grammar & EO edits

377:3-13-2. Internal affairs investigations – amended to reflect changes in OAC 377: 3-13-1 along with Grammar & EO edits

377:3-13-6. Certification of Secure Juvenile Detention Facilities, Municipal Juvenile Facilities, and Community Intervention Centers – amended to reflect changes in OAC 377: 3-13-1 along with Grammar & EO edits – adding section **(d) - (c) Probationary Certificate**. If a facility fails to meet/comply with the requirements of certification, but is not considered an immediate risk to the health and safety of the juveniles, OJA may place the facilities certificate on a probationary status to allow the facility time to regain compliance. The probationary status will not last more than ninety (90) days. During this time, OJA can opt to reduce the licensed capacity of the facility, implement additional safety plans or measures, and conduct unannounced inspections as needed. Should the facility fail to regain compliance during this time, the certificate shall be revoked. The facility will receive official notice of the decision to place the facilities certificate on probationary status and the grounds for such action.



Chapter 3

Subchapter 13 Part 3

Amendments

Chapter 3. Administrative Services

Subchapter 13. Office of Public Integrity

Part 3. Requirements for Secure Juvenile Detention Centers

377:3-13-35. Legal basis &

377:3-13-37. Organization, administration and finances – Grammar and EO Report edits

377:3-13-38. Policy and procedure manual – address amendments to OAC 377: 3-13-1, adding language: Prior to implementation, all updates or additions to the policy and procedure manual must be submitted electronically to the Licensing and Programs Assessment division for review. (amended at public hearing)

377:3-13-39. Admission procedure and criteria – adding section (2): verify a written medical release has been obtained before allowing a juvenile to enter the center, in the event any juvenile appears to be under the influence, or has a visible medical concern; (amended at public hearing)

377:3-13-40. Records – Grammar and EO Report edits

377:3-13-42. Juvenile rights – adds: (15) Juveniles shall be provided with a copy of the facility rules and their rights while detained.

Chapter 3. Administrative Services

Subchapter 13. Office of Public Integrity

Part 3. Requirements for Secure Juvenile Detention Centers

377:3-13-43. Staff requirements – address amendments to OAC 377: 3-13-1, Grammar and EO Report edits, and adding:

Amending (a)(5)(A) to read: Each person employed must be physically fit and able to perform all job functions necessary to ensure the health, safety and well-being of the juveniles in their care. A physical examination by a licensed physician may be requested should the employee’s ability to perform their mandatory job functions be in question.

Amending (a)(9)(E) to add: Employees will maintain their certification as required by the certifying entity.
(amended at public hearing)

Adding (b)(4) – No individual(s) shall be allowed to serve as the facility administrator, or their designee, with a confirmed/substantiated finding of abuse or neglect by DHS or other entity authorized by state, federal laws or regulations to investigate child abuse and neglect.

Chapter 3. Administrative Services

Subchapter 13. Office of Public Integrity

Part 3. Requirements for Secure Juvenile Detention Centers

377:3-13-44. Security and Control – address amendments to OAC 377: 3-13-1, Grammar and EO Report edits, and adding:

Adding (c)(4)(C) adding section (i, ii, and iii) - (i) If a resident is placed in their room for medical, safety, or behavior this will be considered room confinement and facility standards on resident checks will be followed at all times. (ii) During residents' sleeping hours room checks will be completed not to exceed 30 minutes between checks. (iii) All room checks should be documented daily in an observation log and maintained by the facility. [\(amended at public hearing\)](#)

Amending (c)(8)(F) – adding requirement for use of force report: detailing the incident which initiated the use of force, the type of force used and the beginning and end time of the use of force.

Amending (c)(9)(I) – adding the language: and must be continually supervised. [\(amended at public hearing\)](#)

Amending (c)(14)(C) – adding the language: Any juvenile for whom it is determined by the administrator or designee, to continue room confinement in excess of forty-eight (48) hours, must complete a report detailing the reasons for continued room confinement and submit it to the OJA for review **within twenty-four (24) hours of exceeding the forty-eight (48) hours.**

Amending (c)(15)(D) – adding language to juvenile's room confinement: no longer presents a safety risk to self or others.

Chapter 3. Administrative Services

Subchapter 13. Office of Public Integrity

Part 3. Requirements for Secure Juvenile Detention Centers

377:3-13-45. Program and Services – address amendments to OAC 377: 3-13-1, Grammar and EO Report edits, and adding:

Amending (a)(1) – grammar edits; broadens to applicable local school district.

Amending (a)(7) adding a section (E): The facility will ensure proper notification is made to the juvenile’s custodian and OJA, 5 days before any medications need to be refilled. If needed medications are not received after five (5) days, facility administrator will contact the OJA District Supervisor, or Assistant District Supervisor for assistance in obtaining the medications. [\(amended at public hearing\)](#)

377:3-13-46. Physical Plant or facility &

377:3-13-47. Food service, sanitation and hygiene – address amendments to OAC 377: 3-13-1, Grammar and EO Report edits, and adding:

Chapter 3. Administrative Services

Subchapter 13. Office of Public Integrity


Part 3. Requirements for Secure Juvenile Detention Centers

377:3-13-48. Safety and Emergency – (amended at public hearing) address amendments to OAC 377: 3-13-1, Grammar and EO Report edits, and adding:

Amending (b)(4) – adding the sentence: Essential services include but are not limited to – creating sections (i) – (iv): (i) drinking water; (ii) security lighting; (iii) appropriate food storage; and (iv) ability to maintain safe building temperatures.

Amending (b)(4) adding section (d)(1), (2) and (3): Emergency Evacuation. The facility shall create, and review annually, an emergency evacuation plan. The plan, or any annual amendments to the plan, shall be submitted for approval to the OJA Licensing and Programs Assessment division. The plan must contain at a minimum:

- (1) A secondary site will be identified by the facility, in the event the facility needs to evacuate in case of emergency or natural disaster.
- (2) Should the emergency necessitate an absence from the facility in excess of twenty-four (24) hours, the secondary site must be emergency certified by the OJA Licensing and Programs Assessment division and meet all Safety, Security and Control, and Physical Plant Requirements for Secure Detention.
- (3) Should a detention facility be damaged, OJA Licensing and Programs Assessment division may require an inspection be conducted prior to allowing the continued certification of the facility. The Licensing and Programs division will arrange to conduct the inspection with the detention provider.
- (4) If necessary, OJA shall assist with moving youth from facility due to damage or factors that make the facility unable to operate.



Chapter 3

Subchapter 13 Part 11

Amendments

Chapter 3. Administrative Services

Subchapter 13. Office of Public Integrity

Part 11. Requirements for Certification of Secure Juvenile Facilities

377:3-13-127. Physical Plant Requirements – this is the adoption of the Emergency Rule adopted by the board in November 2020 for the Next Generation Campus.