

TITLE 377. OFFICE OF JUVENILE AFFAIRS
CHAPTER 1. FUNCTION AND STRUCTURE OF THE OFFICE OF JUVENILE
AFFAIRS

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

Subchapter 1. Function and Structure of the Office of Juvenile Affairs

377:1-1-1. Purpose [AMENDED]

377:1-1-5. Board of Juvenile Affairs [REVOKED]

377:1-1-6. Rates and Standards Committee [REVOKED]

377:1-1-7. Legal Base for Rates and Standards Committee [REVOKED]

377:1-1-8. Rates and Standards Committee membership [REVOKED]

377:1-1-9. Conduct of Committee meetings [REVOKED]

377:1-1-10. Public hearing regarding a fixed rate [REVOKED]

377:1-1-11. Executive Director [AMENDED]

Subchapter 3. Board of Juvenile Affairs

377:1-3-25. Purpose[NEW]

377:1-3-26. Board Composition [NEW]

377:1-3-27. Rates and Standards Committee [NEW]

377:1-3-28. Conduct of Committee meetings [NEW]

377:1-3-29. Board meeting in which the Board may vote for a fixed rate [NEW]

SUMMARY:

The proposed rules were created, amended, or revoked part of the agency review completed under Executive Order 2020-03.

AUTHORITY:

The Board of Juvenile Affairs, pursuant to 10A O.S. §§ 2-7-101(F)(2) and 2-7-101(G)(1), and 75 O.S. § 302(A)(1).

COMMENT PERIOD:

The comment period will begin on Monday, December 16, 2024, and end on Wednesday, January 15, 2025. Written comments will be accepted during the comment period at the following address: Office of Juvenile Affairs, Attn: Audrey Rockwell, P.O. Box 268812, Oklahoma City, OK 73126, or by email at audrey.rockwell@oja.ok.gov.

PUBLIC HEARING:

A Public Hearing will be held at 10:00 a.m. on Friday, January 17, 2025, virtually at <https://www.zoomgov.com/j/1610680696?pwd=lhNzi3OqFQhcDTG4XaqYSdyf9ziVaM.1> Meeting ID: 161 068 0696 Passcode: 380344 or in person at the OJA State Office, 2501 N. Lincoln Blvd., Ste. 500, Oklahoma City, OK 73105. Persons wishing to make oral comments must sign in via email for virtual comments at audrey.rockwell@oja.ok.gov or at the door by 9:45 a.m. on that day. Each individual will be allowed to make oral comments for a maximum of five (5) minutes.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Office of Juvenile Affairs requests business entities affected by the proposed rules to provide written information to the Office of Juvenile Affairs, within the comment period, in dollar amounts if possible, of the increase in the level of direct services, revenue loss, direct or indirect costs, or other costs, such as fees, reporting, recordkeeping, equipment, construction, labor, or professional costs, expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information via email to audrey.rockwell@oja.ok.gov.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained during regular business hours from the Office of Juvenile Affairs, 2501 N. Lincoln Blvd., Ste. 500, Oklahoma City, OK 73105, or by email at audrey.rockwell@oja.ok.gov. The proposed rules will be available on the OJA website at <https://oklahoma.gov/oja.html> no later than December 13, 2024.

RULE IMPACT STATEMENT:

Under 75 O.S., § 303(D), a rule impact statement will be prepared and available for review at the Office of Juvenile Affairs, 2501 N. Lincoln Blvd., Ste. 500, Oklahoma City, OK 73105 beginning on or before December 13, 2024, as well as on the OJA website at <https://oklahoma.gov/oja.html>.

CONTACT PERSON:

Audrey Rockwell, Executive Assistant/ Paralegal, (405) 530-2806, or audrey.rockwell@oja.ok.gov

TITLE 377. OFFICE OF JUVENILE AFFAIRS
CHAPTER 1. FUNCTION AND STRUCTURE OF THE OFFICE OF JUVENILE
AFFAIRS

RULE IMPACT STATEMENT

1. A brief description of the purpose of the rule:

Title 377. Office of Juvenile Affairs

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

Subchapter 1. Function and Structure of the Office of Juvenile Affairs

377:1-1-1. Purpose [AMENDED]

377:1-1-5. Board of Juvenile Affairs [REVOKED]

377:1-1-6. Rates and Standards Committee [REVOKED]

377:1-1-7. Legal Base for Rates and Standards Committee [REVOKED]

377:1-1-8. Rates and Standards Committee membership [REVOKED]

377:1-1-9. Conduct of Committee meetings [REVOKED]

377:1-1-10. Public hearing regarding a fixed rate [REVOKED]

377:1-1-11. Executive Director [AMENDED]

Subchapter 3. Board of Juvenile Affairs

377:1-3-25. Purpose[NEW]

377:1-3-26. Board Composition [NEW]

377:1-3-27. Rates and Standards Committee [NEW]

377:1-3-28. Conduct of Committee meetings [NEW]

377:1-3-29. Board meeting in which the Board may vote for a fixed rate [NEW]

Summary: The proposed rules were created, amended, or revoked part of the agency review completed under Executive Order 2020-03.

2. A brief description of the classes of persons who most likely will be affected by the proposed rule:

The public, Board of Juvenile Affairs, OJA employees, and OJA youth will be affected by the proposed rule revisions.

3. A brief description of classes of persons who will benefit from the proposed rule:

The public, Board of Juvenile Affairs, OJA employees, and OJA youth will benefit from the proposed rule revisions.

4. A brief description of the probable economic impact of the proposed rule upon the affected classes of persons or political subdivisions, including a listing of all fee changes and, whenever possible, a separate justification for each fee change:

The proposed rule revisions should not have an economic impact on any affected classes.

5. The probable costs and benefits to the agency and to any other agency of the implementation and enforcement of the state proposed rule, the source of revenue to be used for implementation and enforcement of the proposed rule, and any anticipated effect on state revenues, including a projected net loss or gain in such revenues if it can be projected by the agency.

The cost of implementation and enforcement of the proposed rule revisions is minimal.

6. A determination of whether implementation of the proposed rule will have an adverse economic effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act:

The proposed rule revisions should not have an economic impact on any small business or require their cooperation in implementing or enforcing the rule revisions.

7. An explanation of the measures the agency has taken to minimize compliance costs and a determination of whether there are less costly or non-regulatory methods or less intrusive methods for achieving the purpose of the proposed rule:

The proposed rule revisions should not be costly nor require other methods to update the proposed rule revisions.

8. A determination of the effect of the proposed rule on the public health, safety and environment and, if the proposed rule is designed to reduce significant risks to the public health, safety and environment, an explanation of the nature of the risk and to what extent the proposed rule will reduce the risk:

The proposed rule revisions have no effect on the public health, safety, and environment.

9. A determination of any detrimental effect on the public health, safety, and environment if the proposed rule is not implemented:

If the proposed rule revisions do not pass, there will be a conflict with state law, which may have an effect on agency business.

10. The date the rule impact statement was prepared and if modified, the date modified:

Prepared on November 26, 2024

CHAPTER 1. FUNCTION AND STRUCTURE OF THE OFFICE OF JUVENILE AFFAIRS

SUBCHAPTER 1. FUNCTION AND STRUCTURE OF THE OFFICE OF JUVENILE AFFAIRS

377:1-1-1. Purpose

The purpose of this Chapter is to describe the organizational structure and function of the Office of Juvenile Affairs (OJA). This Chapter indicates the legal ~~basis~~ bases of OJA, identifies OJA divisions and units, and outlines other rules governing the overall operation of the OJA.

377:1-1-5. Board of Juvenile Affairs [REVOKED]

(a) **Composition.** The Board of Juvenile Affairs (Board), per 10A O.S. § 2-7-101, is the governing body for OJA. The Board consists of nine (9) members; five (5) members appointed by the Governor, two (2) members appointed by the President Pro-Tempore of the Senate, and two (2) members appointed by the Speaker of the House, all members serve at the pleasure of their appointing authority.

(b) **Meetings.** Regularly scheduled meetings of the Board shall be held at places, dates, and times fixed by the Board and after appropriate notice. Special meetings may be called by the Chair or by five (5) members of the Board. Emergency meetings of the Board may be called as provided by Oklahoma statutes. All meetings, including executive sessions, shall be conducted in accordance with the provisions of the Open Meeting Act.

(c) **Voting.** A majority of members serving on the Board shall constitute a quorum.

(1) The acts of the majority of the members present at a meeting at which a quorum is present shall be the acts of the Board except that a vote of not less than four (4) members of the Board shall be required to amend these rules.

(2) A member may disqualify from a vote at any time and without explanation. A member who disqualifies from a vote shall be considered to be not present for purposes of that vote.

(d) **Election of officers.** The Chair and Vice-chair shall be elected in accordance with 10A O.S. § 2-7-101(E), and shall hold office until his or her successor has been duly elected or upon death, resignation, or removal.

(e) **Vacancies.** A vacancy in the elected position of Chair or Vice-chair because of death, resignation, removal, disqualification, or otherwise, may be filled by the Board for the unexpired portion of the term of the position.

(f) **Duties of the position of Chair and Vice-chair.** The Chair, or in the Chair's absence, the Vice-chair, shall preside at all meetings of the Board, including executive sessions. The Chair shall be the final authority on all procedural issues, and may, when appropriate, refer to and follow the recommendations of legal counsel for the OJA or "Robert's Rules of Order" to resolve a procedural issue.

(1) The Chair, within two (2) weeks of a member's new appointment, shall:

(A) brief the member of the Board regarding the duties and responsibilities of the Board and its members;

(B) provide the new member a copy of the statutes pertinent to the Board and its duties;

(C) provide a copy of the monthly operating budgets of OJA for the preceding twelve months;

(D) provide a copy of the rules under which OJA functions and operates; and

(E) provide such other information as is necessary to assure that the new member is advised of his or her duties and responsibilities.

(2) The Chair may delegate the briefing described in paragraph (1) of this subsection in whole or part to the Executive Director or a managing officer, but the responsibility for its accomplishment shall remain with the Chair.

(g) **Responsibilities.** The Board of Juvenile Affairs, in addition to the duties required by 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, may:

(1) review and approve OJA's budget request to the Governor;

(2) adopt nonbinding resolutions requesting action by OJA in response to comments from the public or upon the Board's own initiative;

(3) if necessary and in accordance with 10A O.S. § 2-7-201(G), designate an interim or acting Executive Director;

(4) advise OJA with respect to real estate leases;

(5) review the OJA Annual Report which analyzes and evaluates the effectiveness of OJA programs and services;

(6) promulgate rules for OJA to obtain national criminal history records searches for personnel working with or around juveniles in OJA institutions and contracted facilities, pursuant to 10 O.S. § 404.1(A)(14);

(7) receive and review institutional inspection reports of the State Fire Marshall and Commissioner of Public Health;

(8) establish standards for regimented juvenile training programs;

(9) establish certification standards for municipal juvenile facilities for temporary detention;

(10) approve a form for the statistical reporting of detention of persons under the age of 18;

377:1-1-6. Rates and Standards Committee [REVOKED]

—The Board of Juvenile Affairs (Board) is the official rate-setting body for the programs administered by OJA. The Rates and Standards Committee (Committee) is responsible for making recommendations to the Board regarding fixed fiscal rates and

standards for service contracts entered into by OJA. The Rates and Standards Committee is not authorized to make decisions regarding rate setting. The Committee's purpose is to advise and make recommendations to the Board.

377:1-1-7. Legal Base for Rates and Standards Committee [REVOKED]

The legal base for establishing fixed and uniform rates is found at 10A O.S. 2-7-101(F)(6) and 74 O.S. § 85.7(A)(6).

377:1-1-8. Rates and Standards Committee membership [REVOKED]

The Chair of the Rates and Standards Committee shall be a member of the Board of Juvenile Affairs (Board) and shall be appointed by the Board. In addition to the Chair, the Committee shall be comprised of the Board's Finance Sub-Committee Chair, and the Executive Director of OJA, or designee.

377:1-1-9. Conduct of Committee meetings [REVOKED]

(a) Committee meetings are called by either the Chair, Executive Director, or Board of Juvenile Affairs. A majority of the Committee constitutes a quorum. Recommendations of the Committee are approved by a majority of the members present and voting.

(b) During a meeting in which the Committee intends to vote on a rate setting recommendation for the Board of Juvenile Affairs, the public, vendors, or OJA staff shall provide evidence to support rate recommendations.

(c) A party requesting a rate shall supply the following information and data to justify the proposed rate recommendation:

- (1) a description of the program or service, including the target population and an annual estimate of the number of juveniles to whom the service will be provided;
- (2) any historical rate information regarding previous rates established for the program, or rates for similar programs or services if no rate exists;
- (3) an explanation and cite of cite and explain any Federal, State, and other regulations and standards which apply;
- (4) the rate being proposed, a summary of the program and cost variables included in the rate, and a program and fiscal impact statement on the juvenile justice system;
- (5) the operational budget and narrative justification for each budget category, including the methodology and cost computations used to arrive at the proposed rate; and
- (6) an estimated total cost of the service.

(d) If the Committee determines additional information is needed, the Chair may recess the meeting until a later date to allow interested parties or staff additional time to secure the information.

(e) In making its recommendations, the Committee shall consider any relevant data which is consistent with applicable state plans, all relevant administrative rules, OJA policies and procedures, and statutory provisions.

(f) Once the Committee establishes a recommendation, notification of the proposed rates and standards along with any supporting documentation will be sent to the Office of Management and Enterprise Services (OMES). The Chair shall place the item on the agenda of a Board of Juvenile Affairs meeting for a public hearing to set the rate, after proposed rates and standards have been approved by OMES. The public hearing may be held during any Board meeting.

377:1-1-10. Public hearing regarding a fixed rate [REVOKED]

(a) Any comments from OMES, whether made in person or in writing, are included in the minutes of the Board meeting.

(b) During the Board meeting, the Chair of the Rates and Standards Committee, or a designee, shall present the proposed rate and provide the Committee's recommendation to the Board.

(c) After the Chair's presentation, interested parties shall be given the opportunity for public comments regarding the proposed rates. Each rate must be openly and separately discussed before the Board's vote. The Board may vote to approve, deny, or modify the recommendation of the Rates and Standards Committee.

SUBCHAPTER 3. BOARD OF JUVENILE AFFAIRS

377:1-3-25. Purpose

The purpose of this Chapter is to describe the organizational structure and function of the Board of Juvenile Affairs (Board). See 10A O.S. § 2-7-101.

377:1-3-26. Legal base Board Composition

(a) **Composition.** The Board of Juvenile Affairs (Board), per 10A O.S. § 2-7-101, is the governing body for OJA. The Board consists of nine (9) members: five (5) members appointed by the Governor, two (2) members appointed by the President pro-Tempore of the Senate, and two (2) members appointed by the Speaker of the House. All members serve at the pleasure of their appointing authority.

(b) **Meetings.** Regularly scheduled meetings of the Board shall be held at places, dates, and times fixed by the Board and after appropriate notice. Special meetings may be called by the Chair or by five (5) members of the Board. Emergency meetings of the

Board may be called as provided by Oklahoma statutes. All meetings, including executive sessions, shall be conducted in accordance with the provisions of the Open Meeting Act.

(c) **Voting.** A majority of members serving on the Board shall constitute a quorum.

(1) The acts of the majority of the members present at a meeting at which a quorum is present shall be the acts of the Board except that a vote of not less than four (4) members of the Board shall be required to amend these rules.

(2) A member may be disqualified from a vote at a time and without explanation. A member who is disqualified from a vote shall be considered to be not present for the purposes of that vote.

(d) **Election of officers.** The Chair and Vice-chair shall be elected in accordance with 10A O.S. § 2-7-101(E), and shall hold office until his or her successor has been duly elected or upon death, resignation, or removal.

(e) **Vacancies.** A vacancy in the elected position of Chair or Vice-chair because of death, resignation, removal, disqualification, or otherwise, may be filled by the Board for the unexpired portion of the term of the position.

(f) **Duties of the position of Chair and Vice-Chair.** The Chair, or in the Chair's absence, the Vice-Chair shall preside at all meetings of the Board, including executive sessions. The Chair shall be the final authority on all procedural issues. When appropriate, the Board may refer to and follow the recommendations of legal counsel for OJA or "Robert's Rules of Order" to resolve a procedural issue.

(1) The Chair, within two (2) weeks of a member's new appointment, shall:

(A) Brief the member of the Board regarding the duties and responsibilities of the Board and its members;

(B) Provide the new member a copy of the statutes pertinent to the Board and its duties;

(C) Provide a copy of the monthly operating budgets of OJA for the preceding twelve months;

(D) Provide a copy of the rules under which OJA functions and operates; and

(E) Provide such other information as necessary to assure the new member is advised of his or her duties and responsibilities.

(2) The Chair may delegate the briefing described in paragraph (1) of this subsection in whole or part to the Executive Director or a managing officer. It is still the Chair's responsibility to verify the new member received the briefing.

(g) **Responsibilities.** The Board of Juvenile Affairs, in addition to the duties required by 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, may:

(1) Review and approve OJA's budget request to the Governor;

(2) Adopt nonbinding resolutions requesting action by OJA in response to comments from the public or upon the Board's own initiative;

(3) If necessary and in accordance with 10A O.S. § 2-7-201(G), designate an interim or acting Executive Director;

(4) Advise OJA with respect to real estate leases;

(5) Review the OJA Annual Report, which analyzes and evaluates the effectiveness of OJA programs and services;

(6) Promulgate rules for OJA to obtain national criminal history record searches for personnel working with or around juveniles in OJA institutions and contracted facilities, pursuant to 10 O.S. § 404.1(A)(14);

(7) Receive and review institutional inspection reports of the State Fire Marshall and Commissioner of Public Health;

(8) Establish standards for regimented juvenile training programs;

(9) Establish certification standards for municipal juvenile facilities for temporary detention; and

(10) Approve a form for the statistical reporting of detention of persons under the age of 18.

377:1-3-27. Rates and Standards Committee membership

The Board of Juvenile Affairs (Board) is the official rate-setting body for the programs administered by OJA. See 10A O.S. 2-7-101(F)(6) and 74 O.S. § 85.7(A)(6)(f). The Chair of the Rates and Standards Committee shall be a member of the Board of Juvenile Affairs (Board) and shall be appointed by the Board. In addition to the Chair, the Committee shall comprise the Board's Finance Sub-Committee Chair and the Executive Director of OJA or designee. The Rates and Standards Committee (Committee) is responsible for making recommendations to the Board regarding fixed fiscal rates and standards for service contracts entered into by OJA. The Rates and Standards Committee is not authorized to make decisions regarding rate setting; its purpose is to advise and make recommendations to the Board.

377:1-3-28. Conduct of Committee meetings

(a) Committee meetings are called by the Committee Chair, Executive Director, or the Board. A majority of the Committee constitutes a quorum. The committee's recommendations are approved by a majority of the members present and voting.

(b) During a meeting in which the Committee intends to vote on a rate-setting recommendation for the Board, the public, vendors, or OJA staff shall provide evidence to support rate recommendations.

(c) A party requesting a rate shall supply the following information and data to justify the proposed rate recommendation:

(1) A description of the program or service, including the target population and an annual estimate of the number of juveniles to whom the service will be provided;

(2) Any historical rate information regarding previous rates established for the program or rates for similar programs or services if no rate exists;

(3) An explanation and an explanation of and citation to any Federal, State, and other regulations and standards that apply;

(4) The rate being proposed, a summary of the program and cost variables included in the rate, and a program and fiscal impact statement on the juvenile justice system;

(5) The operational budget and narrative justification for each budget category, including the methodology and cost computations used to arrive at the proposed rate; and

(6) An estimated total cost of the service.

(d) If the Committee determines additional information is needed, the Chair may recess the meeting until later to allow interested parties or staff additional time to secure the information.

(e) In making its recommendations, the Committee shall consider any relevant data consistent with applicable state plans, all relevant administrative rules, OJA policies and procedures, and statutory provisions.

(f) Once the Committee establishes a recommendation, notification of the proposed rates and standards and any supporting documentation will be sent to the Office of Management and Enterprise Services (OMES). After OMES has approved the proposed rates and standards, they will be placed on the next Board agenda for a public hearing to set the rate.

377:1-3-29. Board meeting in which the Board may vote for a fixed rate

(a) Any comments from OMES, whether made in person or in writing, are included in the minutes of the Board meeting.

(b) During the Board meeting, the Chair of the Rates and Standards Committee, or a designee, shall present the proposed rate and provide the Committee's recommendation to the Board.

(c) Interested parties shall be given the opportunity for public comments regarding the proposed rates. The Board may vote to approve, deny, or modify the recommendation of the Rates and Standards Committee.