

## Enrolled House Bill 2025

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor Kate Brown for Department of Education)

CHAPTER .....

AN ACT

Relating to early learning; creating new provisions; and amending ORS 329.170, 329.172, 329.175, 329.183 and 329.200.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1.** ORS 329.170 is amended to read:

329.170. [(1)] As used in ORS 329.170 to 329.200:

[(a) “Advisory committee” means the advisory committee established specifically for the Oregon prekindergarten program established by ORS 329.170 to 329.200.]

[(b)] (1) “Oregon [prekindergartens] **prekindergarten**” means [programs] **a program** that [are] **is** recognized by the Early Learning Division as meeting the minimum program rules to be adopted by the Early Learning Council and that [provide] **provides** comprehensive health, education and social services **to children prenatally through five years of age** in order to maximize the potential of **those** children [three and four years of age] **when they enter kindergarten**.

[(c)] (2) “Oregon prekindergarten program” means the statewide administrative activities carried on within the Early Learning Division to allocate, award and monitor state funds appropriated to create or assist local Oregon prekindergartens.

(3) **“Preschool Promise Program” means the preschool program administered by the Early Learning Division under ORS 329.172.**

[(2) For purposes of ORS 329.175, “eligible child” means an at-risk child who is not a participant in a federal, state or local program providing like comprehensive services and may include children who are eligible under rules adopted by the Early Learning Council. As used in this subsection, “at-risk child” means a child at least three years of age and not eligible for kindergarten whose family circumstances would qualify that child for eligibility under the federal Head Start program.]

**SECTION 2.** ORS 329.172 is amended to read:

329.172. (1)(a) **The Preschool Promise Program is established.** The Early Learning Division shall administer [a preschool program] **the Preschool Promise Program** as provided by this section. The [preschool program] **Preschool Promise Program** shall expand preschool options available to the children of this state.

(b) **In administering the Preschool Promise Program, the Early Learning Division shall identify local entities as provided under subsection (3) of this section within the region served by each Early Learning Hub to serve as a preschool provider or as a fiscal agent for multiple preschool providers that meet the eligibility criteria established under subsections (4) and (5) this section.**

[(2)(a)] (2) For the purpose of expanding and coordinating preschool options **under the Preschool Promise Program**, Early Learning Hubs shall:

(a) **Once every two years, in consultation with resource and referral entities established under ORS 329A.100 to 329A.135, complete a community plan to identify priority populations of children and families to enroll in preschool, to assess the availability of high-quality preschool programs and to identify existing preschool providers and other related services within the region served by the Early Learning Hub.**

[(A) *Coordinate the providers of preschool programs under this section.*]

[(B) *Convene annual meetings between representatives of the Oregon prekindergarten program and the preschool program described in this section to coordinate the enrollment of eligible children in the programs before the eligible children are enrolled. The representatives shall collaborate to determine the program that best meets the needs of eligible children and their families within the Early Learning Hub.*]

[(b) *The Early Learning Hubs shall apply for state funding, coordinate local planning and enter into contracts with preschool providers.*]

(b) **Based on the results of the most recent community plan, annually coordinate and collaborate with preschool providers to:**

(A) **Determine the preschool program that best meets the needs of eligible children and their families within the Early Learning Hub; and**

(B) **Enroll eligible children in preschool programs.**

(3) **A local entity may apply to the Early Learning Division to be awarded grants or contracts to be a preschool provider or to act as a fiscal agent for multiple preschool providers under this section if the local entity is:**

(a) **An Early Learning Hub designated under ORS 417.827;**

(b) **A resource and referral entity established under ORS 329A.100 to 329A.135;**

(c) **An education service district;**

(d) **A school district;**

(e) **A federal Head Start program;**

(f) **A community-based organization; or**

(g) **Another entity identified by the Early Learning Division.**

[(3)] (4) A preschool provider that meets the requirements of this subsection may apply to participate in the [*preschool program described in this section*] **Preschool Promise Program to receive grants or contracts under the program.** The preschool provider:

(a) Must be establishing a new preschool program or expanding an existing preschool program.

(b) Must meet or exceed the requirements of subsection [(4)] (5) of this section.

(c) May be a **federal** Head Start program, an Oregon prekindergarten [*program*], a child care provider, a relief nursery, a private preschool, a public school, a public charter school, an education service district or a community-based organization that provides a preschool program.

[(4)] (5) A preschool provider may participate in the [*preschool program described in this section*] **Preschool Promise Program** if the provider's preschool program:

(a) Provides, at a minimum, the annual number of instructional hours required for full-day kindergarten.

(b) Takes into consideration the scheduling needs of families who need full-time child care.

(c) Serves children who:

(A) Are at least three years of age but not older than five years of age, as determined by the date used to determine kindergarten eligibility; and

(B)(i) Are members of families whose incomes, at the time of enrollment, are at or below 200 percent of the federal poverty guidelines; or

(ii) Otherwise meet criteria established by the Early Learning Council by rule.

(d) Provides continuity from infant and toddler services to early elementary grades.

(e) **Demonstrates an ability to maximize available federal, state and local funds.**

[(e)] (f) **Demonstrates quality through meeting standards, including:**

(A) [Attaining one of the top two ratings of] **Participating in** the quality rating and improvement system for early childhood programs.

(B) Adopting culturally responsive teaching methods and practices.

(C) Providing a high-quality, culturally responsive family engagement environment that supports parents as partners in a child's learning and development.

(D) Providing high-quality, culturally responsive curricula, assessments and professional development that are linked to one another and to the state's comprehensive early learning standards.

**(E) Providing a classroom environment that is inclusive of all children, regardless of ability or family income.**

[(E)] **(F)** Providing highly trained lead preschool teachers who have:

(i) At least a bachelor's degree in:

(I) Early childhood education or a field related to early childhood education; or

(II) A field not related to early childhood education if the Early Learning Division, based on rules adopted by the Early Learning Council, determines that the teacher has completed coursework that is equivalent to a major in early childhood education and has sufficient training in early childhood education;

(ii) An associate degree with additional training or additional certification in early childhood education or a field related to early childhood education, as determined by the Early Learning Division based on rules adopted by the Early Learning Council; or

(iii) Sufficient alternative credentialing to indicate that the teacher is highly trained, as determined by the Early Learning Division based on rules adopted by the Early Learning Council.

[(F)] **(G)** Providing lead preschool teachers **and teaching assistants** with a salary that meets the minimum salary requirements established by the Early Learning Council.

[(G)] **(H)** Providing at least one **teaching** assistant in each classroom who provides support for academic instruction and who meets the state's personnel qualification requirements of one of the top two tiers for the quality rating and improvement system for early childhood programs.

[(H)] **(I)** Providing **children and families with** additional health and child development supports [for children and families], such as screening, referrals and coordination with health care providers.

[(f)] **(g)** Incorporates best practices in outreach, enrollment and programming for diverse cultural and linguistic populations and children who have been historically underserved in preschool programs.

[(g)] **(h)** Works in collaboration with community programs to ensure that families have knowledge of, and are connected to, community resources and supports to meet the needs of children and families served by the preschool program.

[(h)] **(i)** Participates in an ongoing monitoring and program evaluation system that is used for continuous program improvement.

[(5)(a)] **(6)(a)** While any moneys received under a **grant received or a** contract entered into as provided by this section must be used to serve children described in subsection [(4)(c)] **(5)(c)** of this section, nothing in subsection [(4)(c)] **(5)(c)** of this section prevents a preschool provider from serving additional children, including children who:

(A) Pay tuition for the preschool program and whose family [incomes] **income** at the time of enrollment exceeds 200 percent of federal poverty guidelines.

(B) Are funded by the Oregon prekindergarten program, a **federal** Head Start program or another source of funding.

(b) If a preschool [program] **provider participating in the Preschool Promise Program** serves children described in paragraph (a) of this subsection, moneys received under a **grant or** contract as provided by this section may not be used to pay for expenses incurred for the children described in paragraph (a) of this subsection.

[(6)] **(7)** A preschool [program] **provider participating in the Preschool Promise Program** may receive a waiver of any of the requirements described in subsection [(4)] **(5)** of this section if the waiver:

(a) Is for a preschool program that is maintaining progress toward quality; **and**

(b) Is anticipated for the first years of the preschool program only. [; and]

[(c) Is granted for only one year at a time.]

[(7)] (8) To assist the Early Learning Division in administering this section, the Early Learning Council shall:

(a) Identify resources necessary for the Early Learning Division to develop, support and sustain the implementation of a high-quality preschool program, including evaluations, professional development opportunities, technical assistance, monitoring guidance and administrative assistance.

(b) Ensure that pathways and supports are available to teaching staff to increase culturally and linguistically diverse staff to teach and assist in preschool classrooms.

(c) Establish minimum salary requirements and target salary guidelines for lead preschool teachers **and teaching assistants at preschool providers participating in the Preschool Promise Program** [as required under subsection (4)(e)(F) of this section]. Minimum salary requirements may be differentiated by program type. Target salary guidelines shall be, to the extent practicable, comparable to lead kindergarten teacher **and teaching assistant** salaries in public schools. The Early Learning Division shall provide guidelines and technical assistance to [programs] **preschool providers participating in the Preschool Promise Program** to address salary disparities among preschool teachers and preschool staff.

(d) Develop strategies that strive to increase the mean salary for [lead preschool teachers and other preschool staff in this state] **lead teachers, teaching assistants and other preschool staff employed by preschool providers participating in the Preschool Promise Program.**

(e) Administer waivers as described in subsection [(6)] (7) of this section.

**(f) Develop strategies to ensure preschool providers have the resources necessary to maintain children in placement in the Preschool Promise Program.**

[(8)] (9) Each biennium, the Early Learning Division shall submit a report to the Legislative Assembly that describes:

(a) The number of children served by the [preschool program described in this section] **Preschool Promise Program**, including the number of children:

(A) Whose family incomes are at or below 200 percent of the federal poverty guidelines;

(B) Whose family incomes are between 100 and 200 percent of the federal poverty guidelines;

(C) Who pay tuition; [and]

(D) Who are eligible for Head Start programs[.]; **and**

**(E) Who are eligible for early childhood special education.**

(b) The cost to serve each child described in subsection [(4)(c)] (5)(c) of this section.

(c) The level of state support received for implementing the [preschool program described in this section] **Preschool Promise Program.**

(d) The effectiveness of the [preschool program described in this section] **Preschool Promise Program**, including student progress and outcomes.

(e) Improvements that have been made to the administration and evaluation of the [preschool program] **Preschool Promise Program** to improve the effectiveness of the program.

(f) The salary, education levels and turnover rates of lead preschool teachers **and teaching assistants** employed by preschool providers **participating in the Preschool Promise Program** [receiving moneys under this section].

[(9)] (10) The Early Learning Division shall coordinate with the Department of Education and other state agencies in support of the [preschool program described in this section] **Preschool Promise Program.**

[(10)] (11) The Early Learning Division shall prescribe the form and timeline for applications to participate in the [preschool program as provided by this section] **Preschool Promise Program.**

**SECTION 3.** ORS 329.175 is amended to read:

329.175. (1) The Early Learning Division shall administer the Oregon prekindergarten program to assist eligible children with comprehensive services including educational, social, health and nutritional development to enhance their chances for success in school and life. Eligible children, upon

request of parent or guardian, shall be admitted to approved Oregon prekindergartens to the extent that the Legislative Assembly provides funds.

**(2)(a) In administering the Oregon prekindergarten program, the Early Learning Division shall adopt a funding formula and methodology that will ensure that Oregon prekindergartens offer high-quality services to eligible children and their families.**

**(b) Services may be provided under this section to pregnant women and families with children under the age of five years old who are not participating in a federal, state or local program providing comprehensive services and who qualify for eligibility under the federal Head Start program.**

[2] **(3)(a)** Nonsectarian organizations, including school districts and Head Start grantees, are eligible to compete for funds to establish an Oregon prekindergarten.

**(b)(A)** Grant recipients shall serve children eligible according to federal Head Start guidelines and other children who meet criteria of eligibility adopted by rule by the Early Learning Council.

**(B)** [However,] **Grant recipients may serve children not described in subparagraph (A) of this paragraph, but not more than 20 percent of the total enrollment with a grant recipient shall consist of children who do not meet federal Head Start guidelines.**

**(c)** School districts may contract with other governmental or nongovernmental nonsectarian organizations to conduct a portion of the program.

**(d)** Funds appropriated for the program shall be used to establish and maintain new or expanded Oregon prekindergartens and [shall] **may** not be used to supplant federally supported Head Start programs. Oregon prekindergartens also may accept gifts, grants and other funds for the purposes of this section.

[3] **(4)** Applicants shall identify how they will serve the target population and provide all components as specified in the federal Head Start performance standards and guidelines, including staff qualifications and training, facilities and equipment, transportation and fiscal management.

**(5) Applicants shall identify how they will provide, at a minimum, the annual number of instructional hours required under performance guidelines and standards of the federal Head Start programs.**

**(6) Oregon prekindergartens shall provide lead teachers and teaching assistants with a salary that meets the minimum salary requirements established by the Early Learning Council.**

**(7) Oregon prekindergartens must demonstrate an ability to maximize all available federal, state and local funds.**

[4] **(8)** Oregon prekindergartens shall coordinate with each other and with federal Head Start programs to ensure efficient delivery of services and prevent overlap. Oregon prekindergartens shall also work with local organizations such as local education associations serving young children and make the maximum use of local resources.

[5] **(9)** Oregon prekindergartens shall coordinate services with other services provided through the Oregon Early Learning System. The coordination of services [shall] **must** be consistent with federal and state law.

[6(a)] **(10)(a)** The governing body of a recipient of grant funds under this section shall be subject to ORS 192.610 to 192.690 but is subject to ORS 192.311 to 192.478 only:

**(A)** With respect to records created at a meeting of the governing body, minutes of a meeting of a governing body or records presented at a meeting of the governing body; or

**(B)** As otherwise provided by law other than this subsection.

**(b)** As used in this subsection, “governing body” means a board or other entity of two or more persons who are authorized to make decisions with respect to a recipient or who are authorized to advise or make recommendations to a governing body of the recipient.

**SECTION 4. Section 5 of this 2019 Act is added to and made a part of ORS 329.170 to 329.200.**

**SECTION 5. (1) The Higher Education Coordinating Commission and the Early Learning Division shall jointly administer a scholarship program and a grant program designed to en-**

sure that there is an adequate supply of highly qualified early childhood care and education professionals in this state.

(2) The commission and division shall collaborate to approve degree programs for which a scholarship may be awarded under this section.

(3) A person is eligible to receive a scholarship under this section if the person:

(a) Enrolls in a program approved under subsection (2) of this section;

(b) Enrolls in a minimum of six credits, or the equivalent, per term; and

(c) Files a Free Application for Federal Student Aid or the state equivalent.

(4) A person remains eligible to receive a scholarship under this section if the person:

(a) Remains in good academic standing; and

(b) Has not received the scholarship for the equivalent of four years of full-time study.

(5) The commission and division may prioritize a person currently employed in a position in the field of early childhood care or education for receiving a scholarship under this section.

(6) An institution of higher education may receive a one-time grant under this section to develop high-quality degree programs for early childhood care and education professionals.

(7) The Early Learning Council and the commission may adopt rules necessary to implement the scholarship program and grant program administered as provided by this section. Rules may provide for the reduction of the costs of the programs in the event amounts requested under the programs exceed amounts available for the programs.

**SECTION 6.** ORS 329.183 is amended to read:

329.183. (1) The Prekindergarten Program Trust Fund is established as a fund in the State Treasury, separate and distinct from the General Fund. Interest earned by the trust fund shall be credited to the trust fund. The primary *[purpose]* **purposes** of the trust fund *[is]* **are** to:

(a) Assist eligible children with comprehensive services, including educational, social, health and nutritional development, to enhance their chances for success in school and life[.];

(b) **Provide scholarships awarded to current and prospective early childhood care and education professionals, as described in section 5 of this 2019 Act; and**

(c) **Provide grants to institutions of higher education to develop high-quality degree programs for early childhood care and education professionals, as described in section 5 of this 2019 Act.**

(2) *[For this purpose,]* **For the purposes identified in subsection (1) of this section,** the trust fund is continuously appropriated to the Early Learning Division *[for the Oregon prekindergarten program described in ORS 329.170 to 329.200].*

*[(2)]* (3) The division may solicit and accept money in the form of gifts, contributions and grants to be deposited in the trust fund. Except as provided in ORS 329.185, the acceptance of federal grants for purposes of ORS 329.170 to 329.200 does not commit state funds nor place an obligation upon the Legislative Assembly to continue the purposes for which the federal funds are made available.

*[(3)]* (4) The trust fund may be listed, if otherwise qualified, on the Oregon income tax return for checkoff pursuant to application made to the Oregon Charitable Checkoff Commission under ORS 305.690 to 305.753 by the division.

**SECTION 7.** ORS 329.200 is amended to read:

329.200. (1) The *[Superintendent of Public Instruction]* **Early Learning Division** shall report to the Legislative Assembly on the merits of continuing and expanding the Oregon prekindergarten program or instituting other means of providing early childhood development assistance.

(2) The *[superintendent's]* **division's** report shall include specific recommendations on at least the following issues:

(a) The relationship of the state-funded Oregon prekindergarten program with the common school system;

(b) The types of children and their needs that the program should serve;

(c) The appropriate level of state support for implementing the program for all eligible children, including related projects to prepare instructors and provide facilities, equipment and transportation;

(d) The state administrative structure necessary to implement the program; and

(e) Licensing or endorsement of early childhood teachers.

(3) The [*Early Learning*] division shall examine, monitor and assess the effectiveness of the Oregon prekindergarten program[. *The superintendent shall*] **and** make biennial reports to the Legislative Assembly on the effectiveness of the program.

**Passed by House June 20, 2019**

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

**Passed by Senate June 29, 2019**

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Peter Courtney, President of Senate

**Received by Governor:**

.....M,....., 2019

**Approved:**

.....M,....., 2019

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Kate Brown, Governor

**Filed in Office of Secretary of State:**

.....M,....., 2019

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Bev Clarno, Secretary of State