

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)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Revises preschool program administered by Early Learning Division and establishes program as Preschool Promise Program.

Expands eligibility criteria for Oregon prekindergarten program and specifies teaching and funding requirements to participate in program.

Establishes scholarship and grant program to develop early childhood care and education professionals.

Transfers certain reporting duties regarding prekindergarten program from Superintendent of Public Instruction to Early Learning Division.

A BILL FOR AN ACT

1
2 Relating to early learning; creating new provisions; and amending ORS 329.170, 329.172, 329.175,
3 329.183 and 329.200.

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

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

6 329.170. *[(1)]* As used in ORS 329.170 to 329.200:

7 *[(a) "Advisory committee" means the advisory committee established specifically for the Oregon*
8 *prekindergarten program established by ORS 329.170 to 329.200.]*

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

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

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

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

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

25 329.172. (1)(a) **The Preschool Promise Program is established.** The Early Learning Division
26 shall administer *[a preschool program]* **the Preschool Promise Program** as provided by this sec-
27 tion. The *[preschool program]* **Preschool Promise Program** shall expand preschool options avail-

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 able to the children of this state.

2 **(b) In administering the Preschool Promise Program, the Early Learning Division shall**
 3 **identify a local entity as provided under subsection (3) of this section within the region**
 4 **served by each Early Learning Hub that shall be responsible for awarding grants or contracts**
 5 **to preschool providers that meet the eligibility criteria established under subsections (4) and**
 6 **(5) this section.**

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

9 **(a) Once every two years, in consultation with resource and referral entities established**
 10 **under ORS 329A.100 to 329A.135, conduct a community needs assessment to assess the**
 11 **availability of high-quality preschool programs within the region served by the Early Learn-**
 12 **ing Hub.**

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

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

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

21 **(b) Based on the results of the most recent community needs assessment, coordinate and**
 22 **collaborate with preschool providers to:**

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

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

26 **(3) A local entity may apply to the Early Learning Division to be responsible for awarding**
 27 **grants or contracts to preschool providers under this section if the local entity is:**

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

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

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

31 **(d) A federal Head Start program;**

32 **(e) A community-based organization; or**

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

34 [(3)] **(4) A preschool provider that meets the requirements of this subsection may apply to partic-**
 35 **ipate in the [preschool program described in this section] Preschool Promise Program to receive**
 36 **grants or contracts under the program. The preschool provider:**

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

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

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

42 [(4)] **(5) A preschool provider may participate in the [preschool program described in this**
 43 **section] Preschool Promise Program if the provider's preschool program:**

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

- 1 (b) Takes into consideration the scheduling needs of families who need full-time child care.
- 2 (c) Serves children who:
 - 3 (A) Are at least three years of age but not older than five years of age, as determined by the
 - 4 date used to determine kindergarten eligibility; and
 - 5 (B)(i) Are members of families whose incomes, at the time of enrollment, are at or below 200
 - 6 percent of the federal poverty guidelines; or
 - 7 (ii) Otherwise meet criteria established by the Early Learning Council by rule.
 - 8 (d) Provides continuity from infant and toddler services to early elementary grades.
 - 9 **(e) Demonstrates an ability to maximize available federal, state and local funds.**
 - 10 [(e)] (f) Demonstrates quality through meeting standards, including:
 - 11 (A) Attaining one of the top two ratings of the quality rating and improvement system for early
 - 12 childhood programs.
 - 13 (B) Adopting culturally responsive teaching methods and practices.
 - 14 (C) Providing a high-quality, culturally responsive family engagement environment that supports
 - 15 parents as partners in a child’s learning and development.
 - 16 (D) Providing high-quality, culturally responsive curricula, assessments and professional devel-
 - 17 opment that are linked to one another and to the state’s comprehensive early learning standards.
 - 18 **(E) Providing a classroom environment that is inclusive of all children, regardless of**
 - 19 **ability or family income.**
 - 20 [(E)] (F) Providing highly trained lead preschool teachers who have:
 - 21 (i) At least a bachelor’s degree in:
 - 22 (I) Early childhood education or a field related to early childhood education; or
 - 23 (II) A field not related to early childhood education if the Early Learning Division, based on
 - 24 rules adopted by the Early Learning Council, determines that the teacher has completed coursework
 - 25 that is equivalent to a major in early childhood education and has sufficient training in early
 - 26 childhood education;
 - 27 (ii) An associate degree with additional training or additional certification in early childhood
 - 28 education or a field related to early childhood education, as determined by the Early Learning Di-
 - 29 vision based on rules adopted by the Early Learning Council; or
 - 30 (iii) Sufficient alternative credentialing to indicate that the teacher is highly trained, as deter-
 - 31 mined by the Early Learning Division based on rules adopted by the Early Learning Council.
 - 32 [(F)] (G) Providing lead preschool teachers **and teaching assistants** with a salary that meets
 - 33 the minimum salary requirements established by the Early Learning Council.
 - 34 [(G)] (H) Providing at least one **teaching** assistant in each classroom who provides support for
 - 35 academic instruction and who meets the state’s personnel qualification requirements of one of the
 - 36 top two tiers for the quality rating and improvement system for early childhood programs.
 - 37 [(H)] (I) Providing **children and families with** additional health and child development supports
 - 38 [for children and families], such as screening, referrals and coordination with health care providers.
 - 39 [(f)] (g) Incorporates best practices in outreach, enrollment and programming for diverse cul-
 - 40 tural and linguistic populations and children who have been historically underserved in preschool
 - 41 programs.
 - 42 [(g)] (h) Works in collaboration with community programs to ensure that families have knowl-
 - 43 edge of, and are connected to, community resources and supports to meet the needs of children and
 - 44 families served by the preschool program.
 - 45 [(h)] (i) Participates in an ongoing monitoring and program evaluation system that is used for

1 continuous program improvement.

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

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

8 (B) Are funded by the Oregon prekindergarten program, a **federal** Head Start program or an-
9 other source of funding.

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

14 [(6)] **(7)** A preschool [*program*] **provider participating in the Preschool Promise Program**
15 may receive a waiver of any of the requirements described in subsection [(4)] **(5)** of this section if
16 the waiver:

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

18 (b) Is anticipated for the first years of the preschool program only; and

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

20 [(7)] **(8)** To assist the Early Learning Division in administering this section, the Early Learning
21 Council shall:

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

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

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

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

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

39 [(8)] **(9)** Each biennium, the Early Learning Division shall submit a report to the Legislative
40 Assembly that describes:

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

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

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

45 (C) Who pay tuition; and

1 (D) Who are eligible for Head Start programs.

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

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

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

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

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

12 [(9)] **(10)** The Early Learning Division shall coordinate with the Department of Education and
13 other state agencies in support of the [*preschool program described in this section*] **Preschool**
14 **Promise Program**.

15 [(10)] **(11)** The Early Learning Division shall prescribe the form and timeline for applications to
16 participate in the [*preschool program as provided by this section*] **Preschool Promise Program**.

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

18 329.175. (1) The Early Learning Division shall administer the Oregon prekindergarten program
19 to assist eligible children with comprehensive services including educational, social, health and nu-
20 tritional development to enhance their chances for success in school and life. Eligible children, upon
21 request of parent or guardian, shall be admitted to approved Oregon prekindergartens to the extent
22 that the Legislative Assembly provides funds.

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

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

30 [(2)] **(3)(a)** Nonsectarian organizations, including school districts and Head Start grantees, are
31 eligible to compete for funds to establish an Oregon prekindergarten.

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

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

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

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

43 [(3)] **(4)** Applicants shall identify how they will serve the target population and provide all
44 components as specified in the federal Head Start performance standards and guidelines, including
45 staff qualifications and training, facilities and equipment, transportation and fiscal management.

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

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

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

9 [4] **(8) Oregon prekindergartens shall coordinate with each other and with federal Head Start**
 10 **programs to ensure efficient delivery of services and prevent overlap. Oregon prekindergartens shall**
 11 **also work with local organizations such as local education associations serving young children and**
 12 **make the maximum use of local resources.**

13 [5] **(9) Oregon prekindergartens shall coordinate services with other services provided through**
 14 **the Oregon Early Learning System. The coordination of services [shall] must be consistent with**
 15 **federal and state law.**

16 [6](a) **(10)(a) The governing body of a recipient of grant funds under this section shall be sub-**
 17 **ject to ORS 192.610 to 192.690 but is subject to ORS 192.311 to 192.478 only:**

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

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

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

24 **SECTION 4. Section 5 of this 2019 Act is added to and made a part of ORS 329.170 to**
 25 **329.200.**

26 **SECTION 5. (1) The Higher Education Coordinating Commission and the Early Learning**
 27 **Division shall jointly administer a scholarship program and a grant program designed to en-**
 28 **sure that there is an adequate supply of highly qualified early childhood care and education**
 29 **professionals in this state.**

30 **(2) Scholarships awarded under this section must cover the costs of tuition, fees and**
 31 **materials needed to participate in an early childhood care or education degree program that**
 32 **is approved under subsection (3) of this section.**

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

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

36 **(a) Enrolls in a program approved under subsection (3) of this section;**

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

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

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

40 **(a) Remains in good academic standing; and**

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

42 **(6) The commission and division may prioritize a person currently employed in a position**
 43 **in the field of early childhood care or education for receiving a scholarship under this sec-**
 44 **tion.**

45 **(7) An institution of higher education may receive a one-time grant under this section**

1 **to develop high-quality degree programs for early childhood care and education professionals.**

2 **(8) The Early Learning Council and the commission may adopt rules necessary to imple-**
 3 **ment the scholarship program and grant program administered as provided by this section.**
 4 **Rules may provide for the reduction of the costs of the programs in the event amounts re-**
 5 **quested under the programs exceed amounts available for the programs.**

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

7 329.183. (1) The Prekindergarten Program Trust Fund is established as a fund in the State
 8 Treasury, separate and distinct from the General Fund. Interest earned by the trust fund shall be
 9 credited to the trust fund. The primary *[purpose]* **purposes** of the trust fund *[is]* **are** to:

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

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

14 (c) **Provide grants to institutions of higher education to develop high-quality degree pro-**
 15 **grams for early childhood care and education professionals, as described in section 5 of this**
 16 **2019 Act.**

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

20 *[(2)]* (3) The division may solicit and accept money in the form of gifts, contributions and grants
 21 to be deposited in the trust fund. Except as provided in ORS 329.185, the acceptance of federal
 22 grants for purposes of ORS 329.170 to 329.200 does not commit state funds nor place an obligation
 23 upon the Legislative Assembly to continue the purposes for which the federal funds are made
 24 available.

25 *[(3)]* (4) The trust fund may be listed, if otherwise qualified, on the Oregon income tax return
 26 for checkoff pursuant to application made to the Oregon Charitable Checkoff Commission under ORS
 27 305.690 to 305.753 by the division.

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

29 329.200. (1) The *[Superintendent of Public Instruction]* **Early Learning Division** shall report to
 30 the Legislative Assembly on the merits of continuing and expanding the Oregon prekindergarten
 31 program or instituting other means of providing early childhood development assistance.

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

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

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

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

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

41 (e) Licensing or endorsement of early childhood teachers.

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