

Enrolled
House Bill 2013

Sponsored by Representatives KOTEK, GELSER, TOMEI, KENY-GUYER, LIVELY, VEGA
PEDERSON; Senator EDWARDS

CHAPTER

AN ACT

Relating to early learning; creating new provisions; amending ORS 343.475, 417.705, 417.710, 417.725, 417.728, 417.775, 417.777, 417.790 and 417.795 and sections 14, 77, 77a, 78, 82 and 103, chapter 37, Oregon Laws 2012; repealing ORS 417.797 and sections 14, 15 and 78, chapter 37, Oregon Laws 2012; appropriating money; and declaring an emergency.

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

SECTION 1. Section 14, chapter 37, Oregon Laws 2012, is amended to read:

Sec. 14. (1) The Early Learning Council established by section 4, chapter 519, Oregon Laws 2011, and the Department of Education shall jointly develop a process that allows for an assessment of children to determine their readiness for kindergarten. The development of the process must include the input of kindergarten teachers prior to implementation as described in subsection (2) of this section.

(2) By November 1, 2012, the process described in subsection (1) of this section must be made available to school districts that have been selected to be part of a pilot program for the implementation of the process. The council and department shall select the participating school districts from school districts that volunteer to be part of the pilot program and in a manner that achieves the greatest possible diversity of school districts across this state.

(3)(a) By November 1, 2013, the process described in subsection (1) of this section must be made available to all school districts for implementation.

(b) The council and department shall assist school districts in implementing the process described in subsection (1) of this section. Assistance shall include training on:

(A) The goals of the process;

(B) The implementation of the process;

(C) Early learning services available to improve a child’s readiness for kindergarten; and

(D) The recommended procedures to follow after implementation, including accessing any early learning services.

SECTION 2. (1) Section 14, chapter 37, Oregon Laws 2012, is repealed June 30, 2015.

(2) Section 15, chapter 37, Oregon Laws 2012, is repealed.

SECTION 3. ORS 417.728, as amended by section 44b, chapter 37, Oregon Laws 2012, is amended to read:

417.728. (1) The Early Learning Council shall lead a joint effort with other state and local early childhood partners to establish the policies necessary for a voluntary statewide early learning system that shall be incorporated into the local coordinated comprehensive plan.

(2) The voluntary statewide early learning system shall be designed to achieve:

(a) The appropriate outcomes identified by the Early Learning Council with input from early childhood partners; and

(b) Any other early childhood benchmark or outcome that demonstrates progress toward meeting a target and that is identified by the Early Learning Council with input from early childhood partners.

(3) The voluntary statewide early learning system shall include the following components.:

(a) A process to identify as early as possible children and families who would benefit from early learning services, **including the required use of standardized screening and referral procedures used throughout the voluntary statewide early learning system;**

(b) A plan to support the identified needs of the child and family that coordinates case management personnel and the delivery of services to the child and family; and

(c) Services to support children who are zero through six years of age and their families who give their express written consent, including:

(A) Screening, assessment and home visiting services pursuant to ORS 417.795;

(B) Specialized or targeted home visiting services;

(C) Community-based services such as relief nurseries, family support programs and parent education programs;

(D) Affordable, quality child care, as defined by the Early Learning Council;

(E) Preschool and other early education services;

(F) Health services for children and pregnant women;

(G) Mental health services;

(H) Alcohol and drug treatment programs that meet the standards promulgated by the Oregon Health Authority pursuant to ORS 430.357;

(I) Developmental disability services; and

(J) Other state and local services.

(4) In establishing the definition of affordable, quality child care under subsection (3)(c)(D) of this section, the Early Learning Council shall consult with child care providers and early childhood educators. The definition established by the council shall support parental choice of child care provider and shall consider differences in settings and services, including but not limited to child care for school-aged children, part-time care, odd-hour and respite care and factors of cultural appropriateness and competence.

(5)(a) For the purpose of ensuring that affordable, quality home-based child care is available through a subsidy program administered by the Department of Human Services, the Department of Human Services and the Child Care Division of the Employment Department shall convene a permanent committee for professional development and quality improvement. The committee must have equal representation by state agencies and by union representatives of home-based child care providers that are exempt from licensure. The committee shall develop a quality improvement system for child care providers that are exempt from licensure and that receive subsidies. The system must use evidence-based approaches.

(b) Any quality standards established under the subsidy program described in paragraph (a) of this subsection for child care providers that are exempt from licensure must be consistent with state policies for child well-being and development and are subject to collective bargaining.

~~[(5)]~~ (6) The Early Learning Council shall:

(a) Consolidate administrative functions relating to the voluntary statewide early learning system, to the extent practicable, including but not limited to training and technical assistance, planning and budgeting. *[This paragraph does not apply to the administrative functions of the Department of Education relating to education programs.]*

(b) Adopt policies to establish training and technical assistance programs to ensure that personnel have skills in appropriate areas, including screening, family assessment, competency-based home visiting skills, cultural and gender differences and other areas as needed.

(c) Identify research-based age-appropriate and culturally and gender appropriate screening and assessment tools that would be used as appropriate in programs and services of the voluntary statewide early learning system.

(d) Develop a plan for the implementation of a common data system for voluntary early childhood programs.

(e) Coordinate existing and new early childhood programs to provide a range of community-based supports.

(f) Establish a common set of quality assurance standards to guide local implementation of all elements of the voluntary statewide early learning system, including voluntary universal screening and assessment, home visiting, staffing, evaluation and community-based services.

(g) Ensure that all plans for voluntary early childhood services are coordinated and consistent with federal and state law, including but not limited to plans for Oregon prekindergarten programs, federal Head Start programs, early childhood special education services, early intervention services and public health services.

(h) Identify how the voluntary statewide early learning system for children who are zero through six years of age will link with systems of support for older children and their families.

(i) During January of each odd-numbered year, report to the Governor and the Legislative Assembly on the voluntary statewide early learning system.

[(6)] (7) The State Board of Education, the Employment Department, the Department of Human Services and the Oregon Health Authority when adopting rules to administer voluntary early childhood programs under their individual authority shall adopt rules:

(a) That are consistent with the requirements of the voluntary statewide early learning system created under this section; and

(b) With the direction of the Early Learning Council.

[(7)] (8) Information gathered in conjunction with the voluntary comprehensive screening and assessment of children and their families may be used only for the following purposes:

(a) Providing services to children and families who give their express written consent;

(b) Providing statistical data that are not personally identifiable;

(c) Accomplishing other purposes for which the family has given express written consent; and

(d) Meeting the requirements of mandatory state and federal disclosure laws.

SECTION 4. ORS 417.728, as amended by sections 44b and 91, chapter 37, Oregon Laws 2012, is amended to read:

417.728. (1) The Early Learning Council shall lead a joint effort with other state and local early childhood partners to establish the policies necessary for a voluntary statewide early learning system.

(2) The voluntary statewide early learning system shall be designed to achieve:

(a) The appropriate outcomes identified by the Early Learning Council with input from early childhood partners; and

(b) Any other early childhood benchmark or outcome that demonstrates progress toward meeting a target and that is identified by the Early Learning Council with input from early childhood partners.

(3) The voluntary statewide early learning system shall include the following components:

(a) A process to identify as early as possible children and families who would benefit from early learning services, **including the required use of standardized screening and referral procedures used throughout the voluntary statewide early learning system;**

(b) A plan to support the identified needs of the child and family that coordinates case management personnel and the delivery of services to the child and family; and

(c) Services to support children who are zero through six years of age and their families who give their express written consent, including:

(A) Screening, assessment and home visiting services pursuant to ORS 417.795;

(B) Specialized or targeted home visiting services;

(C) Community-based services such as relief nurseries, family support programs and parent education programs;

(D) Affordable, quality child care, as defined by the Early Learning Council;

(E) Preschool and other early education services;

(F) Health services for children and pregnant women;

(G) Mental health services;

(H) Alcohol and drug treatment programs that meet the standards promulgated by the Oregon Health Authority pursuant to ORS 430.357;

(I) Developmental disability services; and

(J) Other state and local services.

(4) In establishing the definition of affordable, quality child care under subsection (3)(c)(D) of this section, the Early Learning Council shall consult with child care providers and early childhood educators. The definition established by the council shall support parental choice of child care provider and shall consider differences in settings and services, including but not limited to child care for school-aged children, part-time care, odd-hour and respite care and factors of cultural appropriateness and competence.

(5)(a) For the purpose of ensuring that affordable, quality home-based child care is available through a subsidy program administered by the Department of Human Services, the Department of Human Services and the Child Care Division of the Employment Department shall convene a permanent committee for professional development and quality improvement. The committee must have equal representation by state agencies and by union representatives of home-based child care providers that are exempt from licensure. The committee shall develop a quality improvement system for child care providers that are exempt from licensure and that receive subsidies. The system must use evidence-based approaches.

(b) Any quality standards established under the subsidy program described in paragraph (a) of this subsection for child care providers that are exempt from licensure must be consistent with state policies for child well-being and development and are subject to collective bargaining.

[5] (6) The Early Learning Council shall:

(a) Consolidate administrative functions relating to the voluntary statewide early learning system, to the extent practicable, including but not limited to training and technical assistance, planning and budgeting. *[This paragraph does not apply to the administrative functions of the Department of Education relating to education programs.]*

(b) Adopt policies to establish training and technical assistance programs to ensure that personnel have skills in appropriate areas, including screening, family assessment, competency-based home visiting skills, cultural and gender differences and other areas as needed.

(c) Identify research-based age-appropriate and culturally and gender appropriate screening and assessment tools that would be used as appropriate in programs and services of the voluntary statewide early learning system.

(d) Develop a plan for the implementation of a common data system for voluntary early childhood programs.

(e) Coordinate existing and new early childhood programs to provide a range of community-based supports.

(f) Establish a common set of quality assurance standards to guide local implementation of all elements of the voluntary statewide early learning system, including voluntary universal screening and assessment, home visiting, staffing, evaluation and community-based services.

(g) Ensure that all plans for voluntary early childhood services are coordinated and consistent with federal and state law, including but not limited to plans for Oregon prekindergarten programs, federal Head Start programs, early childhood special education services, early intervention services and public health services.

(h) Identify how the voluntary statewide early learning system for children who are zero through six years of age will link with systems of support for older children and their families.

(i) During January of each odd-numbered year, report to the Governor and the Legislative Assembly on the voluntary statewide early learning system.

[~~(6)~~] (7) The State Board of Education, the Employment Department, the Department of Human Services and the Oregon Health Authority when adopting rules to administer voluntary early childhood programs under their individual authority shall adopt rules:

(a) That are consistent with the requirements of the voluntary statewide early learning system created under this section; and

(b) With the direction of the Early Learning Council.

[~~(7)~~] (8) Information gathered in conjunction with the voluntary comprehensive screening and assessment of children and their families may be used only for the following purposes:

(a) Providing services to children and families who give their express written consent;

(b) Providing statistical data that are not personally identifiable;

(c) Accomplishing other purposes for which the family has given express written consent; and

(d) Meeting the requirements of mandatory state and federal disclosure laws.

SECTION 5. ORS 417.795, as amended by section 53, chapter 37, Oregon Laws 2012, is amended to read:

417.795. (1) The Early Learning Council shall establish [*Healthy Start Family Support Services*] **Healthy Families Oregon** programs through contracts entered into by local commissions on children and families in all counties of this state as funding becomes available.

(2) These programs shall be nonstigmatizing, voluntary and designed to achieve the appropriate early childhood benchmarks and shall:

(a) Ensure that express written consent is obtained from the family prior to any release of information that is protected by federal or state law and before the family receives any services;

(b) Ensure that services are voluntary and that, if a family chooses not to accept services or ends services, there are no adverse consequences for those decisions;

(c) Offer a voluntary comprehensive [*screening and*] risk assessment of all [*newly born*] children, **from zero through three years of age**, and their families **in coordination with voluntary statewide early learning system screening and referral efforts**;

(d) Ensure that the disclosure of information gathered in conjunction with the voluntary comprehensive [*screening and*] risk assessment of children and their families is limited pursuant to ORS 417.728 [~~(7)~~] (8) to the following purposes:

(A) Providing services under the programs to children and families who give their express written consent;

(B) Providing statistical data that are not personally identifiable;

(C) Accomplishing other purposes for which the family has given express written consent; and

(D) Meeting the requirements of mandatory state and federal disclosure laws;

(e) Ensure that risk factors used in the risk [*assessment*] **screen** are limited to those risk factors that have been shown by research to be associated with poor outcomes for children and families;

(f) Identify, as early as possible, families that would benefit most from the programs;

(g) Provide parenting education and support services, including but not limited to community-based home visiting services [*and primary health care services*];

(h) Provide other supports, including but not limited to referral to and linking of community and public services for children and families such as mental health services, alcohol and drug treatment programs that meet the standards promulgated by the Oregon Health Authority under ORS 430.357, child care, food, housing and transportation;

(i) Coordinate services for children consistent with the voluntary local early childhood system plan developed pursuant to ORS 417.777;

[*(j) Provide follow-up services and supports from zero through six years of age;*]

[*(k)*] (j) Integrate data with any common data system for early childhood programs;

[*(L)*] (k) Be included in a statewide independent evaluation to document:

- (A) Level of screening and assessment;
- (B) Incidence of child abuse and neglect;
- (C) Change in parenting skills; and
- (D) Rate of child development;

[*m*] **(L)** Be included in a statewide training program in the dynamics of the skills needed to provide early childhood services, such as assessment and home visiting; and

[*n*] **(m)** Meet voluntary statewide and local early childhood system quality assurance and quality improvement standards.

(3) The [*Healthy Start Family Support Services*] **Healthy Families Oregon** programs, [*local health departments and other providers of prenatal and perinatal services in counties,*] **in coordination with statewide home visiting partners and** as part of the voluntary local early childhood system, shall:

(a) Identify existing services and describe and prioritize additional services necessary for a voluntary home visit system;

(b) Build on existing programs;

(c) Maximize the use of volunteers and other community resources that support all families;

(d) Target, at a minimum, all [*first birth families in the county*] **prenatal families and families with children less than three months of age and provide services through at least the child's third birthday;** and

(e) Ensure that home visiting services provided by local [*health departments*] **home visiting partners** for children and pregnant women support and are coordinated with local [*Healthy Start Family Support Services*] **Healthy Families Oregon** programs.

(4) Through a [*Healthy Start Family Support Services program, a trained family support worker or nurse*] **Healthy Families Oregon program, a trained home visitor** shall be assigned to each family assessed as at risk that consents to receive services through the [*worker or nurse*] **trained home visitor**. The [*worker or nurse*] **trained home visitor** shall conduct home visits and assist the family in gaining access to needed services.

(5) The services required by this section shall be provided by hospitals, public or private entities or organizations, or any combination thereof, capable of providing all or part of the family risk assessment and the follow-up services. In granting a contract, a local commission may utilize collaborative contracting or requests for proposals and shall take into consideration the most effective and consistent service delivery system.

(6) The family risk assessment and follow-up services for families at risk shall be provided by [*trained family support workers or nurses*] **trained home visitors** organized in teams supervised by a manager [*and including a family services coordinator who is available to consult*].

(7) Each [*Healthy Start Family Support Services*] **Healthy Families Oregon** program shall adopt disciplinary procedures for [*family support workers, nurses*] **trained home visitors** and other employees of the program. The procedures shall provide appropriate disciplinary actions for [*family support workers, nurses*] **trained home visitors** and other employees who violate federal or state law or the policies of the program.

SECTION 6. ORS 417.795, as amended by sections 53 and 95, chapter 37, Oregon Laws 2012, is amended to read:

417.795. (1) The Early Learning Council shall establish [*Healthy Start Family Support Services*] **Healthy Families Oregon** programs in all counties of this state as funding becomes available.

(2) These programs shall be nonstigmatizing, voluntary and designed to achieve the appropriate early childhood benchmarks and shall:

(a) Ensure that express written consent is obtained from the family prior to any release of information that is protected by federal or state law and before the family receives any services;

(b) Ensure that services are voluntary and that, if a family chooses not to accept services or ends services, there are no adverse consequences for those decisions;

(c) Offer a voluntary comprehensive [screening and] risk assessment of all [newly born] children, **from zero through three years of age**, and their families **in coordination with voluntary statewide early learning system screening and referral efforts**;

(d) Ensure that the disclosure of information gathered in conjunction with the voluntary comprehensive [screening and] risk assessment of children and their families is limited pursuant to ORS 417.728 [(7)] **(8)** to the following purposes:

(A) Providing services under the programs to children and families who give their express written consent;

(B) Providing statistical data that are not personally identifiable;

(C) Accomplishing other purposes for which the family has given express written consent; and

(D) Meeting the requirements of mandatory state and federal disclosure laws;

(e) Ensure that risk factors used in the risk [assessment] **screen** are limited to those risk factors that have been shown by research to be associated with poor outcomes for children and families;

(f) Identify, as early as possible, families that would benefit most from the programs;

(g) Provide parenting education and support services, including but not limited to community-based home visiting services [and primary health care services];

(h) Provide other supports, including but not limited to referral to and linking of community and public services for children and families such as mental health services, alcohol and drug treatment programs that meet the standards promulgated by the Oregon Health Authority under ORS 430.357, child care, food, housing and transportation;

(i) Coordinate services for children consistent with other services provided through the Oregon Early Learning System;

[(j) Provide follow-up services and supports from zero through six years of age;]

[(k)] **(j)** Integrate data with any common data system for early childhood programs;

[(L)] **(k)** Be included in a statewide independent evaluation to document:

(A) Level of screening and assessment;

(B) Incidence of child abuse and neglect;

(C) Change in parenting skills; and

(D) Rate of child development;

[(m)] **(L)** Be included in a statewide training program in the dynamics of the skills needed to provide early childhood services, such as assessment and home visiting; and

[(n)] **(m)** Meet statewide quality assurance and quality improvement standards.

(3) The [Healthy Start Family Support Services] **Healthy Families Oregon** programs, [local health departments and other providers of prenatal and perinatal services in counties] **in coordination with statewide home visiting partners**, shall:

(a) Identify existing services and describe and prioritize additional services necessary for a voluntary home visit system;

(b) Build on existing programs;

(c) Maximize the use of volunteers and other community resources that support all families;

(d) Target, at a minimum, all [first birth families in the county] **prenatal families and families with children less than three months of age and provide services through at least the child's third birthday**; and

(e) Ensure that home visiting services provided by local [health departments] **home visiting partners** for children and pregnant women support and are coordinated with local [Healthy Start Family Support Services] **Healthy Families Oregon** programs.

(4) Through a [Healthy Start Family Support Services program, a trained family support worker or nurse] **Healthy Families Oregon program, a trained home visitor** shall be assigned to each family assessed as at risk that consents to receive services through the [worker or nurse] **trained home visitor**. The [worker or nurse] **trained home visitor** shall conduct home visits and assist the family in gaining access to needed services.

(5) The services required by this section shall be provided by hospitals, public or private entities or organizations, or any combination thereof, capable of providing all or part of the family risk as-

assessment and the follow-up services. In granting a contract, collaborative contracting or requests for proposals may be used and must include the most effective and consistent service delivery system.

(6) The family risk assessment and follow-up services for families at risk shall be provided by [trained family support workers or nurses] **trained home visitors** organized in teams supervised by a manager [and including a family services coordinator who is available to consult].

(7) Each [Healthy Start Family Support Services] **Healthy Families Oregon** program shall adopt disciplinary procedures for [family support workers, nurses] **trained home visitors** and other employees of the program. The procedures shall provide appropriate disciplinary actions for [family support workers, nurses] **trained home visitors** and other employees who violate federal or state law or the policies of the program.

SECTION 7. ORS 417.777, as amended by section 47, chapter 37, Oregon Laws 2012, is amended to read:

417.777. (1) Each local commission on children and families, as part of the local coordinated comprehensive plan developed under ORS 417.775 for the county or region, shall lead and coordinate the development of a voluntary local early childhood system plan that shall focus on the needs of children who are zero through eight years of age and their families. Local Oregon prekindergarten programs, early childhood special education programs and early intervention services shall collaborate and participate with the local commission in the development and implementation of the voluntary early childhood system plan.

(2) In the process of developing the voluntary local early childhood system plan, a local commission shall include parents, youth, community representatives and representatives of local providers of early childhood services that reflect the diversity of the county or region, including but not limited to representatives from:

- (a) Hospitals and the health professions;
- (b) Local interagency coordinating councils;
- (c) Oregon prekindergarten programs;

(d) Contractors who are designated by the Superintendent of Public Instruction to be responsible for the administration of early childhood special education and early intervention services in a service area;

- (e) Community corrections agencies;
- (f) Mental health services;
- (g) County health departments;
- (h) [Healthy Start Family Support Services] **Healthy Families Oregon** programs;
- (i) Alcohol and drug treatment programs;
- (j) Local child care resource and referral agencies;
- (k) Child care providers;
- (L) Developmental disability services;
- (m) The kindergarten through grade 12 education community;
- (n) Faith-based organizations; and
- (o) Other providers of prenatal and perinatal services.

(3) A voluntary local early childhood system plan shall:

(a) Provide for the coordination of early childhood programs by creating a process to connect children and families with the most appropriate supports;

(b) Include a description of how the components of the voluntary statewide early learning system specified in ORS 417.728 will be implemented in the county or region;

- (c) Build on existing programs;
- (d) Identify ways to maximize the use of volunteers and other community resources; and
- (e) Ensure that the diverse populations within a community receive services that are culturally and gender appropriate.

(4) Local communities are encouraged to:

(a) Use private nonprofit organizations to raise community awareness and support for the voluntary local early childhood system; and

(b) Involve the medical community to ensure appropriate referrals to services and supports that are provided through the voluntary local early childhood system.

SECTION 8. The Oregon Health Authority and the Early Learning Council shall work collaboratively with coordinated care organizations to develop performance metrics for prenatal care, delivery and infant care that align with early learning outcomes.

SECTION 9. The Oregon Health Authority and the Early Learning Council shall establish a grant program to provide funding to support effective and scalable strategies that align voluntary statewide early learning systems and health systems for the purpose of improving the developmental outcomes for children from zero through three years of age.

SECTION 10. ORS 343.475 is amended to read:

343.475. (1)(a) In accordance with rules adopted by the State Board of Education, the Superintendent of Public Instruction **in collaboration with the Early Learning Council** shall develop and administer a statewide, comprehensive, coordinated, multidisciplinary, interagency program of early childhood special education and early intervention services for preschool children with disabilities [*and may*:].

(b) The program must ensure that each preschool child with a disability has access to a comprehensive plan for communication that allows the child, by the age of three years, to engage in expressive and receptive communication across all learning, home and community settings. The plan may allow for communication orally, by sign language, by assistive technology or by augmentative communication.

(2) In accordance with rules adopted by the State Board of Education, the Superintendent of Public Instruction in collaboration with the Early Learning Council may:

(a) Establish and designate service areas throughout the state for the delivery of early childhood special education and early intervention services that shall meet state and federal guidelines and be delivered to all eligible children.

(b) Designate in each service area a primary contractor that shall be responsible for the administration and coordination of early childhood special education and early intervention services to all eligible preschool children and their families residing in the service area.

[2] **(3) Early childhood special education and early intervention services shall:**

(a) Participate in the planning process under ORS 417.777 to develop a voluntary local early childhood system plan; and

(b) Coordinate services with other services that are coordinated through the plan. The coordination of services shall be consistent with federal and state law.

[3] **(4) Preschool children with disabilities shall be considered residents of the service area where the children are currently living, including children living in public or private residential programs, hospitals and similar facilities.**

[4] **(5) In addition to any other remedy or sanction that may be available, the Superintendent of Public Instruction may withhold funds and terminate the contract of any contractor that fails to comply with any provisions of the contract.**

SECTION 11. ORS 343.475, as amended by section 89, chapter 37, Oregon Laws 2012, is amended to read:

343.475. (1)(a) In accordance with rules adopted by the State Board of Education, the Superintendent of Public Instruction **in collaboration with the Early Learning Council** shall develop and administer a statewide, comprehensive, coordinated, multidisciplinary, interagency program of early childhood special education and early intervention services for preschool children with disabilities [*and may*:].

(b) The program must ensure that each preschool child with a disability has access to a comprehensive plan for communication that allows the child, by the age of three years, to engage in expressive and receptive communication across all learning, home and community settings. The plan may allow for communication orally, by sign language, by assistive technology or by augmentative communication.

(2) In accordance with rules adopted by the State Board of Education, the Superintendent of Public Instruction in collaboration with the Early Learning Council may:

(a) Establish and designate service areas throughout the state for the delivery of early childhood special education and early intervention services that shall meet state and federal guidelines and be delivered to all eligible children.

(b) Designate in each service area a primary contractor that shall be responsible for the administration and coordination of early childhood special education and early intervention services to all eligible preschool children and their families residing in the service area.

[2)] (3) Early childhood special education and early intervention services shall coordinate services with other services provided through the Oregon Early Learning System. The coordination of services shall be consistent with federal and state law.

[3)] (4) Preschool children with disabilities shall be considered residents of the service area where the children are currently living, including children living in public or private residential programs, hospitals and similar facilities.

[4)] (5) In addition to any other remedy or sanction that may be available, the Superintendent of Public Instruction may withhold funds and terminate the contract of any contractor that fails to comply with any provisions of the contract.

SECTION 12. Section 103, chapter 37, Oregon Laws 2012, is amended to read:

Sec. 103. ORS 417.747, 417.760, 417.765, 417.770, 417.775, 417.777, 417.780, 417.785, 417.787, [417.797,] 417.830, 417.833, 417.836, 417.839 and 417.842 are repealed.

SECTION 13. ORS 417.797 is repealed.

NOTE: Section 14 was deleted by amendment. Subsequent sections were not renumbered.

SECTION 15. ORS 417.775, as amended by sections 46 and 108a, chapter 37, Oregon Laws 2012, and section 25, chapter 97, Oregon Laws 2012, is amended to read:

417.775. (1) Under the direction of the board or boards of county commissioners, and in conjunction with the guidelines set by the Early Learning Council, the local commission on children and families shall promote wellness for children of all ages and their families in the county or region, if the families have given their express written consent, mobilize communities and develop policy and oversee the implementation of a local coordinated comprehensive plan described in this section. A local commission shall:

- (a) Inform and involve citizens;
- (b) Identify and map the range of resources in the community;
- (c) Plan, advocate and fund research-based and tribal-based initiatives for children who are 18 years of age or younger, including prenatal, and their families;
- (d) Develop local policies, priorities, outcomes and targets;
- (e) Prioritize activities identified in the local plan and mobilize the community to take action;
- (f) Prioritize the use of nondedicated resources; **and**
- (g) Monitor implementation of the local plan. [; and]

[*(h) Monitor and evaluate the intermediate outcome targets identified in the local plan that are reviewed under ORS 417.797, and report on the progress in addressing priorities and achieving outcomes.*]

(2)(a) A local commission may not provide direct services for children and their families.

(b) Notwithstanding paragraph (a) of this subsection, a local commission may provide direct services for children and their families for a period not to exceed six months if:

- (A)(i) The local commission determines that there is an emergency;
- (ii) A provider of services discontinues providing the services in the county or region; or
- (iii) No provider is able to offer the services in the county or region; and
- (B) The family has given its express written consent.

(3) The local commission shall lead and coordinate a process to assess needs, strengths, goals, priorities and strategies, and identify county or regional outcomes to be achieved. The process shall be in conjunction with other coordinating bodies for services for children and their families and shall include representatives of education, mental health services, developmental disability services,

alcohol and drug treatment programs, public health programs, local child care resource and referral agencies, child care providers, law enforcement and corrections agencies, private nonprofit entities, local governments, faith-based organizations, businesses, families, youth and the local community. The process shall include populations representing the diversity of the county or region.

(4) Through the process described in subsection (3) of this section, the local commission shall coordinate the development of a single local plan for coordinating community programs, strategies and services for children who are 18 years of age or younger, including prenatal, and their families among community groups, government agencies, private providers and other parties. The local plan shall be a comprehensive area-wide service delivery plan for all services to be provided for children and their families in the county or region, if the families have given their express written consent. The local plan shall be designed to achieve state and county or regional outcomes based on state policies and guidelines and to maintain a level of services consistent with state and federal requirements.

(5) The local commission shall prepare the local coordinated comprehensive plan and applications for funds to implement ORS 417.705 to 417.800. The local plan, policies and proposed service delivery systems shall be submitted to the board or boards of county commissioners for approval prior to submission to the Early Learning Council. The local plan shall be based on identifying the most effective service delivery system allowing for the continuation of current public and private programs where appropriate. The local plan shall address needs, strengths and assets of all children, their families and communities, including those children and their families at highest risk.

(6) Subject to the availability of funds:

(a) The local coordinated comprehensive plan shall include:

(A) Identification of ways to connect all state and local planning processes related to services for children and their families into the local coordinated comprehensive plan to create positive outcomes for children and their families; and

(B) Provisions for a continuum of social supports at the community level for children from the prenatal stage through 18 years of age, and their families, that takes into account areas of need, service overlap, asset building and community strengths as outlined in ORS 417.305 (2).

(b) The local coordinated comprehensive plan shall reference:

(A) A voluntary local early childhood system plan created pursuant to ORS 417.777;

(B) Local alcohol and other drug prevention and treatment plans developed pursuant to ORS 430.242;

(C) Local service plans, developed pursuant to ORS 430.630, for the delivery of mental health services for children and their families;

(D) Local public health plans, developed pursuant to ORS 431.385, that include public health issues such as prenatal care, immunizations, well-child checkups, tobacco use, nutrition, teen pregnancy, maternal and child health care and suicide prevention; and

(E) The local high-risk juvenile crime prevention plan developed pursuant to ORS 417.855.

(7) The local coordinated comprehensive plan shall include a list of staff positions budgeted to support the local commission on children and families. The list shall indicate the status of each position as a percentage of full-time equivalency dedicated to the implementation of the local coordinated comprehensive plan. The county board or boards of commissioners shall be responsible for providing the level of staff support detailed in the local plan and shall ensure that funds provided for these purposes are used to carry out the local plan.

(8) The local coordinated comprehensive plan shall:

(a) Improve results by addressing the needs, strengths and assets of all children, their families and communities in the county or region, including those children and their families at highest risk;

(b) Improve results by identifying the methods that work best at the state and local levels to coordinate resources, reduce paperwork and simplify processes, including data gathering and planning;

(c) Be based on local, state and federal resources;

(d) Be based on proven practices of effectiveness for the specific community;

(e) Contribute to a voluntary statewide system of formal and informal services and supports that is provided at the community level, that is integrated in local communities and that promotes improved outcomes for Oregon's children;

(f) Be presented to the citizens in each county for public review, comment and adjustment;

(g) Be designed to achieve outcomes based on research-identified proven practices of effectiveness; and

(h) Address other issues, local needs or children and family support areas as determined by the local commission.

(9) In developing the local coordinated comprehensive plan, the local commission shall:

(a) Secure active participation pursuant to subsection (3) of this section;

(b) Provide for community participation in the planning process, including media notification;

(c) Conduct an assessment of the community that identifies needs and strengths;

(d) Identify opportunities for service integration; and

(e) Develop a local coordinated comprehensive plan and budget to meet the priority needs of a county or region.

(10) The Early Learning Council may disapprove the part of the local coordinated comprehensive plan relating to the planning process required by this section and the voluntary local early childhood system plan.

(11)(a) The Early Learning Council may disapprove the planning process and the voluntary local early childhood system plan only upon making specific findings that the local plan substantially fails to conform to the principles, characteristics and values identified in ORS 417.708 to 417.725 or that the local plan fails to conform with the planning process requirements of this section. The staff of the Early Learning Council shall assist the local commission in remedying the deficiencies in the planning process or the voluntary local early childhood system plan. The Early Learning Council shall set a date by which any deficient portions of the planning process or the voluntary local early childhood system plan must be revised and resubmitted to the Early Learning Council by the local commission.

(b) The Early Learning Council does not have approval authority over the following service plans referenced in the local coordinated comprehensive plan:

(A) The local alcohol and other drug prevention and treatment plans developed pursuant to ORS 430.242;

(B) Local service plans, developed pursuant to ORS 430.630, relating to the delivery of mental health services;

(C) Local public health plans developed pursuant to ORS 431.385; and

(D) Local high-risk juvenile crime prevention plans developed pursuant to ORS 417.855.

(12) The Early Learning Council, the Department of Human Services and the Youth Development Council may jointly approve the community plan that is part of the local coordinated comprehensive plan, but may not jointly approve the service plans that are referenced in the local plan. If the community plan is disapproved in whole, the agencies shall identify with particularity the manner in which the community plan is deficient and the service plans may be implemented. If only part of the community plan is disapproved, the remainder of the community plan and the service plans may be implemented. The staff of the agencies shall assist the local commission in remedying the disapproved portions of the community plan. The agencies shall jointly set a date by which the deficient portions of the community plan shall be revised and resubmitted to the agencies by the local commission. In reviewing the community plan, the agencies shall consider the impact of state and local budget reductions on the community plan.

(13) If a local commission determines that the needs of the county or region it serves differ from those identified by the Early Learning Council, it may ask the Early Learning Council to waive specific requirements in its list of children's support areas. The process for granting waivers shall be developed by the Early Learning Council prior to the start of the review and approval process for the local coordinated comprehensive plan and shall be based primarily on a determination of

whether the absence of a waiver would prevent the local commission from best meeting the needs of the county or region.

(14) From time to time, the local commission may amend the local coordinated comprehensive plan and applications for funds to implement ORS 417.705 to 417.800. The local commission must amend the local plan to reflect current community needs, strengths, goals, priorities and strategies. Amendments become effective upon approval of the board or boards of county commissioners and the Early Learning Council.

(15) The local commission shall keep an official record of any amendments to the local coordinated comprehensive plan under subsection (14) of this section.

(16) The local commission shall provide an opportunity for public and private contractors to review the components of the local coordinated comprehensive plan and any amendments to the local plan, to receive notice of any component that the county or counties intend to provide through a county agency and to comment publicly to the board or boards of county commissioners if they disagree with the proposed service delivery plan.

(17) Alcohol and drug prevention and treatment services included in the local coordinated comprehensive plan must meet minimum standards adopted by the Oregon Health Authority under ORS 430.357.

SECTION 16. (1) The Early Learning Council shall establish Early Learning Hub Demonstration Projects.

(2) The Early Learning Council shall ensure that, to the extent practicable, any requirements for Early Learning Hub Demonstration Projects are consistent with the requirements for Early Learning Hubs, as described in section 77, chapter 37, Oregon Laws 2012.

(3) The Early Learning Council shall develop metrics for the purpose of providing funding under this section. The metrics must:

(a) Focus on community readiness, high capacity development and progress toward tracking child outcomes;

(b) Establish a baseline of information for the area to be served by an Early Learning Hub Demonstration Project, including information about the inclusion of community partners in the governance structure of the Early Learning Hub Demonstration Project, the availability of data on local programs and outcomes and the success in leveraging private, nonprofit and other governmental resources for early learning; and

(c) Include child performance metrics.

(4) When selecting entities to participate in an Early Learning Hub Demonstration Project, the Early Learning Council shall consider the entity's ability to comply with the criteria and requirements adopted under section 77 (3), (4) and (5), chapter 37, Oregon Laws 2012, and shall balance the factors described in section 77 (6), chapter 37, Oregon Laws 2012.

(5) The Early Learning Council may provide funding under this section during the 2013-2014 fiscal year for no more than seven Early Learning Hub Demonstration Projects. An Early Learning Hub Demonstration Project that receives moneys in the 2013-2014 fiscal year must achieve sufficient outcomes, as determined by the council, to qualify to receive moneys in the 2014-2015 fiscal year.

(6) The Early Learning Council may provide funding under this section during the 2014-2015 fiscal year for no more than a total of 16 Early Learning Hub Demonstration Projects.

(7) The Early Learning Council may require that, as a condition of receiving funding under this section, an Early Learning Hub Demonstration Project provide matching funding. The percentage of matching funding shall be determined by the council and may vary for each fiscal year. Any moneys received under this section are subject to the restrictions described in section 77 (8), chapter 37, Oregon Laws 2012.

(8) For any community in this state that is not served by an Early Learning Hub Demonstration Project, the Early Learning Council shall oversee and administer the delivery of

early learning services for that community and, to the extent practicable, shall regionalize service administration.

(9)(a) An Early Learning Hub Demonstration Project that receives funding under this section must submit a report to the appropriate interim legislative committees no later than January 1, 2014.

(b) The Early Learning Council must submit a report to the Legislative Assembly no later than February 3, 2014. The report must describe:

(A) The progress in establishing Early Learning Hub Demonstration Projects;

(B) The effectiveness of Early Learning Hub Demonstration Projects; and

(C) The provision of services in communities not served by an Early Learning Hub Demonstration Project.

(c) The Early Learning Council must submit a report to the Legislative Assembly no later than February 4, 2015. The report must include:

(A) A summary of the results of the Early Learning Hub Demonstration Projects; and

(B) Proposed legislation that takes into consideration the results of the Early Learning Hub Demonstration Projects and attempts to increase the effectiveness and successfulness of Early Learning Hubs described in section 77, chapter 37, Oregon Laws 2012.

SECTION 17. Section 78, chapter 37, Oregon Laws 2012, is amended to read:

Sec. 78. The Early Learning Council shall establish a process for designating entities as *[community-based coordinators of early learning services]* **Early Learning Hubs as defined in section 77, chapter 37, Oregon Laws 2012**, that allows the entities to *[begin functioning as community-based coordinators of early learning services no later than January 1, 2014]* **transition from an Early Learning Hub Demonstration Project, as described in section 16 of this 2013 Act, to an Early Learning Hub.**

SECTION 18. Section 16 of this 2013 Act and section 78, chapter 37, Oregon Laws 2012, are repealed June 30, 2015.

SECTION 19. Section 77, chapter 37, Oregon Laws 2012, is amended to read:

Sec. 77. *[(1) As used in this section, "community-based coordinator of early learning services" means counties, cities, school districts, education service districts, community colleges, public universities, private educational institutions, faith-based organizations, nonprofit service providers, tribes and any other entity that meets the minimum criteria to be a community-based coordinator of early learning services, as determined by the Early Learning Council.]*

(1) **As used in this section:**

(a) **"Early Learning Hub" means any entity designated by regional partners to coordinate early learning services, as determined by rules adopted by the Early Learning Council.**

(b) **"Regional partners" includes counties, cities, school districts, education service districts, community colleges, public universities, private educational institutions, faith-based organizations, nonprofit service providers and tribes.**

(2) The Early Learning Council shall implement and oversee a system that coordinates the delivery of early learning services to the communities of this state through the *[use of community-based coordinators of early learning services]* **direction of Early Learning Hubs. The system may not include more than 16 Early Learning Hubs.**

(3) The system implemented and overseen by the council must ensure that:

(a) Providers of early learning services are accountable **for outcomes;**

(b) Services are provided in a cost-efficient manner; and

(c) The services provided, and the means by which those services are provided, are focused on the outcomes of the services.

[(4) An entity may become a community-based coordinator of early learning services by submitting to the council an application that demonstrates the following:]

(4) **The Early Learning Council shall develop and implement a process for requesting proposals from entities to become Early Learning Hubs. Proposals submitted under this**

subsection must comply with criteria and requirements adopted by the council by rule, including:

(a) The entity [is] **will be** able to coordinate the provision of early learning services to the community that will be served by the entity. An entity may [make the demonstration required by this] **meet the requirement of this** paragraph by submitting evidence that local stakeholders, including but not limited to service providers, parents, community members, county governments, local governments and school districts, have participated in the development of the [application] **proposal and will maintain a meaningful role in the Early Learning Hub.**

(b) The services coordinated by the entity will be in alignment with the services provided by the public schools of the community that will be served by the entity.

(c) The entity will **be in alignment with, and** make advantageous use of, the system of public health care and services available through county health departments and other publicly supported programs delivered through, or in partnership with, counties **and coordinated care organizations.**

(d) **The entity will be able to integrate efforts among education providers, providers of health care, providers of human services and providers of other programs and services in the community.**

(e) **The entity will use coordinated and transparent budgeting.**

(f) **The entity will operate in a fiscally sound manner.**

[d)] (g) The entity [has] **must have** a governing body or [an] **community** advisory body that:

(A) Has the authority to initiate audits, recommend the terms of a contract and provide reports to the public and to the Early Learning Council on the outcomes of the provision of early learning services to the community served by the entity.

(B) Has members selected through a transparent process **and includes both public and private entities, locally based parents and service recipients, human social service providers, child care providers, health care providers and representatives of local governments from the service area.**

[e)] (h) The entity will collaborate on documentation related to coordinated services with public and private entities that are identified by the Early Learning Council as providers of services that advance the early learning of children.

[f)] (i) The entity will serve a community that is based on the population and service needs of the community **and will demonstrate the ability to improve results for at-risk children, including the ability to identify, evaluate and implement coordinated strategies to ensure that a child is ready to succeed in school.**

[g)] (j) The entity [is] **will be** able to raise **and leverage** significant funds from public and private sources **and to secure in-kind support** to support early learning services coordinated by the entity **and operate in a fiscally sound manner.**

[h)] (k) The entity meets any other qualifications established by the Early Learning Council.

(5) The Early Learning Council may [develop] **adopt by rule** requirements **that are** in addition to the requirements described in subsections (3) and (4) of this section that an entity must meet to qualify as [a community-based coordinator of early learning services] **an Early Learning Hub.** When developing the **additional** requirements, the council must use a statewide public process of community engagement that is consistent with the requirements of the federal Head Start Act.

(6) When determining whether to designate an entity as [a community-based coordinator of early learning services] **an Early Learning Hub,** the Early Learning Council shall balance the following factors:

(a) The entity's ability to engage the community and be involved in the community.

(b) The entity's ability to produce outcomes that benefit children.

(c) The entity's resourcefulness.

(d) The entity's use, or proposed use, of evidence-based practices.

(7) The Early Learning Council may alter the lines of the territory served by [a community-based coordinator of early learning services] **an Early Learning Hub** only to ensure that all children of

this state are served by [a community-based coordinator of early learning services] **an Early Learning Hub.**

(8) An entity designated as [a community-based coordinator of early learning services] **part of an Early Learning Hub** may not use more than 15 percent of the moneys received by the entity from the Early Learning Council to pay administrative costs of the entity.

(9) The Department of Human Services or the Oregon Health Authority may not transfer any authority for determining eligibility for a state or federal program to an Early Learning Hub.

SECTION 20. Section 77a, chapter 37, Oregon Laws 2012, is amended to read:

Sec. 77a. (1) In order to ensure an orderly transition from the local system of commissions on children and families, an entity submitting an application under section 77 [of this 2012 Act], **chapter 37, Oregon Laws 2012**, must show inclusion of, and coordination with, county governments.

(2) On and after [January 1, 2014] **July 1, 2013**, an entity submitting an application under section 77 [of this 2012 Act], **chapter 37, Oregon Laws 2012**, is required to show that county governments participated in the development of the application as provided by [section 77 (4) of this 2012 Act] **section 77 (4)(a), chapter 37, Oregon Laws 2012.**

SECTION 21. ORS 417.705, as amended by sections 43 and 79, chapter 37, Oregon Laws 2012, is amended to read:

417.705. As used in ORS 417.705 to 417.800:

[1] “Community-based coordinator of early learning services” means an entity designated under section 77, chapter 37, Oregon Laws 2012.]

(1) “**Early Learning Hub**” means an entity designated under section 77, chapter 37, Oregon Laws 2012.

(2) “Outcome” means the measure of a desired result.

(3) “Services for children and families” does not include services provided by the Department of Education or school districts that are related to curriculum or instructional programs.

(4) “Target” means a specific level of achievement desired for a specific time, expressed numerically.

SECTION 22. ORS 417.710, as amended by sections 44 and 80, chapter 37, Oregon Laws 2012, and section 21, chapter 97, Oregon Laws 2012, is amended to read:

417.710. Subject to the availability of funds therefor and the specific provisions of ORS 417.705 to 417.800, it is the purpose of ORS 417.705 to 417.800 to:

(1) Authorize the Early Learning Council to set statewide guidelines for the planning, coordination and delivery of services for children and families in conjunction with other state agencies and other planning bodies;

(2) Vest in [community-based coordinators of early learning services] **Early Learning Hubs** the authority to distribute state and federal funds, to coordinate services and to purchase services for children and families in the local area;

(3) Provide a process for providing local services that are consistent with statewide guidelines;

(4) Retain in the state the responsibility for funding of services for children and families through a combination of local, state and federal funding, including the leveraging of public and private funds available under ORS 417.705 to 417.800; and

(5) Retain state supervision of child protection and other services that should be uniform throughout the state and that are necessarily the state’s responsibility.

SECTION 23. ORS 417.725, as amended by section 81, chapter 37, Oregon Laws 2012, and section 23, chapter 97, Oregon Laws 2012, is amended to read:

417.725. (1) Key elements of the service system developed and implemented under ORS 417.705 to 417.800 are:

(a) A two-to-seven-year incremental implementation process with measurable outcomes;

(b) An implementation process resulting in a voluntary system based on nurturing human development; and

(c) A service continuum based on promoting wellness for the children of Oregon whose parents have given their express written consent. Family resource centers and community learning centers as defined in ORS 329.007 are a viable, but not the exclusive, structure for delivering a service continuum.

(2) If a system of family resource centers and community learning centers is selected by [a community-based coordinator of early learning services] **an Early Learning Hub** to deliver services, the centers:

(a) May serve as the prevention arm of the voluntary delivery system and may link and integrate neighborhood-based services with the intent that services be available to all families who have given their express written consent to promote their children's wellness;

(b) Shall involve parents in the care and education of their children;

(c) Shall involve the local community in developing and overseeing family resource center programs and community learning center programs; and

(d) Shall incorporate the requirements specified for community learning centers under ORS 329.156.

SECTION 24. Section 82, chapter 37, Oregon Laws 2012, is amended to read:

Sec. 82. The amendments to ORS 417.705, 417.710 and 417.725 by sections 79 to 81 [of this 2012 Act], **chapter 37, Oregon Laws 2012**, become operative on [January 1, 2014] **July 1, 2013.**

SECTION 25. ORS 417.790, as amended by sections 51 and 93, chapter 37, Oregon Laws 2012, is amended to read:

417.790. The Early Learning Council shall:

(1) Make grants to fund research-based services and initiatives to improve outcomes for children, youth or families. [The council and community-based coordinators of early learning services shall assist counties in the implementation of community services that are efficient, accountable, coordinated and readily available. These services shall be provided in accordance with ORS 417.715 and 417.720.]

(2) Make Great Start grants to fund community-based programs for children zero through six years of age. A [county or region] **recipient** shall use Great Start grant funds to provide research-based early childhood programs in community settings and to provide services that have proven to be successful and that meet the needs of the community. These services shall be provided in accordance with ORS 417.728.

SECTION 26. (1) The Early Learning Kindergarten Readiness Partnership and Innovation Program is established for the purpose of improving the readiness of children for kindergarten. The program shall be administered by the Early Learning Council as provided by this section.

(2) The Early Learning Council shall provide grants under this section based on criteria established by the council by rule. Criteria may include requirements that an applicant must meet one or more of the following criteria:

(a) Form a partnership with at least one provider of early learning services, childcare provider or elementary school;

(b) Form partnerships with community-based providers of early childhood services to provide preschool and other early-learning strategies;

(c) Establish ambitious but meaningful targets for kindergarten readiness;

(d) Invest resources in students who meet criteria established by the council by rule;

(e) Align with, and supplement, federal programs to provide moneys for educational purposes; and

(f) Agree to report to, and partner with, any Early Learning Hubs serving the region.

(3) Priority for grants provided under this section may be for programs that:

(a) Assist children in becoming ready for kindergarten or being successful in kindergarten; or

(b) Share professional development strategies and resources with providers of early learning services, child care providers and kindergarten teachers.

SECTION 27. (1) The Early Learning Kindergarten Readiness Partnership and Innovation Account is established within the Early Learning Council Fund. Separate records shall be maintained for moneys in the account. Interest earned by the account shall be credited to the account.

(2) Moneys in the account are continuously appropriated to the Early Learning Council for the Early Learning Kindergarten Readiness Partnership and Innovation Program described in section 26 of this 2013 Act.

SECTION 28. This 2013 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect July 1, 2013.

Passed by House June 25, 2013

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Ramona J. Line, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate July 6, 2013

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Peter Courtney, President of Senate

Received by Governor:

.....M.,....., 2013

Approved:

.....M.,....., 2013

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M.,....., 2013

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Kate Brown, Secretary of State