

Enrolled
House Bill 2013

Sponsored by Representative KOTEK

CHAPTER

AN ACT

Relating to children; creating new provisions; amending ORS 329.172; and declaring an emergency.

Whereas critical brain development occurs before a child turns five years old; and

Whereas opportunity gaps already exist by the time a child begins kindergarten; and

Whereas policies and implementation practices that encourage equity, including racial equity policies, culturally responsive policies and economic policies that reduce geographic isolation, help children who are experiencing developmental delays or who are in foster care or are homeless and also help certain communities to thrive, including communities that are black, Latino, Native American and Asian and Pacific Islander and communities whose first language is not English; and

Whereas equitable access to high-quality early learning that is culturally competent and culturally responsive is necessary to support school readiness and long-term success for children; now, therefore,

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

SECTION 1. ORS 329.172 is amended to read:

329.172. (1) The Early Learning Division shall administer a preschool program as provided by this section. The preschool program shall expand preschool options available to the children of this state.

(2) For the purpose of expanding preschool options, Early Learning Hubs shall coordinate the providers of preschool programs under this section. The Early Learning Hubs shall apply for state funding, coordinate local planning and enter into contracts with preschool providers.

(3) A preschool provider that meets the requirements of this subsection may apply to participate in the preschool program described in this section. The preschool provider:

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

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

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

(4) A preschool provider may participate in the preschool program described in this section if the provider's preschool program:

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

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

(c) Serves children who [are]:

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

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

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

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

(e) Demonstrates quality through meeting standards, including:

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

(B) Adopting culturally responsive teaching methods and practices.

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

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

[(E) Providing highly trained lead preschool teachers who have at least a bachelor's degree in early childhood education or a field related to early childhood education. The requirements of this subparagraph may be satisfied by lead preschool teachers who do not have a bachelor's degree but who have submitted a plan to attain a bachelor's degree and are demonstrating progress on that plan.]

(E) Providing highly trained lead preschool teachers who have:

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

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

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

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

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

(F) Providing lead preschool teachers with a salary that meets the minimum salary requirements established by the Early Learning Council.

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

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

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

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

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

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

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

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

(b) If a preschool program serves children described in paragraph (a) of this subsection, moneys received under a contract as provided by this section may not be used to pay for expenses incurred for the children described in paragraph (a) of this subsection.

(6) A preschool program may receive a waiver of any of the requirements described in subsection (4) of this section if the waiver:

- (a) Is for a preschool program that is maintaining progress toward quality;
- (b) Is anticipated for the first years of the preschool program only; and
- (c) Is granted for only one year at a time.

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

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

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

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

(d) Develop strategies that strive to increase the mean salary for lead preschool teachers **and other preschool staff** in this state.

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

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

(a) The number of children served by the preschool program described in this section, including the number of children:

- (A) Whose family incomes are at or below 200 percent of the federal poverty guidelines;
- (B) Whose family incomes are between 100 and 200 percent of the federal poverty guidelines;
- (C) Who pay tuition; and
- (D) Who are eligible for Head Start programs.

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

(c) The level of state support received for implementing the preschool program described in this section.

(d) The effectiveness of the preschool program described in this section, including student progress and outcomes.

(e) Improvements that have been made to the administration and evaluation of the preschool program to improve the effectiveness of the program.

(f) The salary, education levels and turnover rates of lead preschool teachers employed by preschool providers receiving moneys under this section.

(9) The Early Learning Division shall coordinate with the Department of Education and other state agencies in support of the preschool program described in this section.

(10) The Early Learning Division shall prescribe the form and timeline for applications to participate in the preschool program as provided by this section.

SECTION 2. (1) The Early Learning Division shall conduct an evaluation to:

(a) Identify methods for structuring the financing of early learning programs to ensure that families have access to the highest quality preschool programs possible.

(b) Determine how teacher and staff compensation, including benefits and professional development, contribute to a well-qualified, stable and high-quality early learning workforce. For purposes of this paragraph, the division shall consider recruitment, hiring, retention and the overall well-being of the early learning workforce and make data-based and equity-informed determinations.

(2) The division shall submit to the interim committees of the Legislative Assembly related to education:

(a) A progress report on the evaluation conducted under this section no later than February 1, 2018; and

(b) A final report on the evaluation conducted under this section, which may include recommendations for legislation, no later than October 15, 2018.

SECTION 3. This 2017 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect on its passage.

Passed by House April 18, 2017

.....
Timothy G. Sekerak, Chief Clerk of House

.....
Tina Kotek, Speaker of House

Passed by Senate June 5, 2017

.....
Peter Courtney, President of Senate

Received by Governor:

.....M,....., 2017

Approved:

.....M,....., 2017

.....
Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2017

.....
Dennis Richardson, Secretary of State