

# House Bill 2013

Sponsored by Representative KOTEK

## 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**.

Modifies requirements for preschool program administered by Early Learning Division.

Directs Early Learning Division to conduct evaluation related to accessibility and quality of early learning programs. Directs division to submit reports to interim committees of Legislative Assembly related to education no later than February 1, 2018, and no later than October 15, 2018.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

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

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

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

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

9 Whereas equitable access to high-quality early learning that is culturally competent and cul-  
10 turally responsive is necessary to support school readiness and long-term success for children; now,  
11 therefore,  
12

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

14 **SECTION 1.** ORS 329.172 is amended to read:

15 329.172. (1) The Early Learning Division shall administer a preschool program as provided by  
16 this section. The preschool program shall expand preschool options available to the children of this  
17 state.

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

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

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

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

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

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

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

**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 kindergarten.
- 2 (b) Takes into consideration the scheduling needs of families who need full-time child care.
- 3 (c) Serves children who *[are]*:
- 4 (A) **Are** at least three years of age but not older than five years of age, as determined by the
- 5 date used to determine kindergarten eligibility; and
- 6 (B)(i) **Are** members of families whose incomes, at the time of enrollment, are at or below 200
- 7 percent of the federal poverty guidelines[.]; **or**
- 8 **(ii) Otherwise meet criteria established by the Early Learning Council by rule.**
- 9 (d) Provides continuity from infant and toddler services to early elementary grades.
- 10 (e) 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]* **high-quality**, culturally responsive family engagement environ-
- 15 ment that supports parents as partners in a child's learning and development.
- 16 (D) Providing *[high quality]* **high-quality**, culturally responsive curricula, assessments and pro-
- 17 fessional development that are linked to one another and to the state's comprehensive early learning
- 18 standards.
- 19 *[(E) Providing highly trained lead preschool teachers who have at least a bachelor's degree in early*
- 20 *childhood education or a field related to early childhood education. The requirements of this subpara-*
- 21 *graph may be satisfied by lead preschool teachers who do not have a bachelor's degree but who have*
- 22 *submitted a plan to attain a bachelor's degree and are demonstrating progress on that plan.]*
- 23 **(E) Providing highly trained lead preschool teachers who have:**
- 24 **(i) At least a bachelor's degree in:**
- 25 **(I) Early childhood education or a field related to early childhood education; or**
- 26 **(II) A field not related to early childhood education if the Early Learning Division, based**
- 27 **on rules adopted by the Early Learning Council, determines that the teacher has completed**
- 28 **coursework that is equivalent to a major in early childhood education and has sufficient**
- 29 **training in early childhood education;**
- 30 **(ii) An associate degree with additional training or additional certification in early child-**
- 31 **hood education or a field related to early childhood education, as determined by the Early**
- 32 **Learning Division based on rules adopted by the Early Learning Council; or**
- 33 **(iii) Sufficient alternative credentialing to indicate that the teacher is highly trained, as**
- 34 **determined by the Early Learning Division based on rules adopted by the Early Learning**
- 35 **Council.**
- 36 (F) Providing lead preschool teachers with a salary that meets the minimum salary requirements
- 37 established by the Early Learning Council.
- 38 (G) Providing at least one assistant in each classroom who provides support for academic in-
- 39 struction and who meets the state's personnel qualification requirements of one of the top two tiers
- 40 for the quality rating and improvement system for early childhood programs.
- 41 (H) Providing additional health and child development supports for children and families, such
- 42 as screening, referrals and coordination with health care providers.
- 43 (f) Incorporates best practices in outreach, enrollment and programming for diverse cultural and
- 44 linguistic populations and children who have been historically underserved in preschool programs.
- 45 (g) Works in collaboration with community programs to ensure that families have knowledge of,

1 and are connected to, community resources and supports to meet the needs of children and families  
 2 served by the preschool program.

3 (h) Participates in an ongoing monitoring and program evaluation system that is used for con-  
 4 tinuous program improvement.

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

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

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

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

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

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

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

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

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

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

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

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

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

38 (8) Each biennium, the Early Learning Division shall submit a report to the Legislative Assem-  
 39 bly that describes:

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

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

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

44 (C) Who pay tuition; and

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

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

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

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

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

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

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

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

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

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

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

22 **(2) The division shall submit to the interim committees of the Legislative Assembly re-**  
23 **lated to education:**

24 **(a) A progress report on the evaluation conducted under this section no later than Feb-**  
25 **ruary 1, 2018; and**

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

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

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