

A-Engrossed House Bill 2262

Ordered by the House March 22
Including House Amendments dated March 22

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

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.

Modifies duties and membership of Early Learning Council.
Modifies purpose of Youth Development Council.

A BILL FOR AN ACT

1
2 Relating to the governance structure of public education; amending ORS 326.425, 329.150, 329.165,
3 329.195, 417.788, 417.793, 417.796, 417.827 and 417.847.

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

5 **SECTION 1.** ORS 326.425 is amended to read:

6 326.425. (1) The Early Learning Council is established.

7 (2) The council is established to [*oversee*] **coordinate** a unified **and aligned** system of early
8 learning services for the [*purpose of ensuring that children enter school ready to learn.*] **purposes**
9 **of ensuring that:**

10 (a) **Children enter school ready to learn; and**

11 (b) **Families are healthy, stable and attached.**

12 (3) The Early Learning Council shall [*ensure that children enter school ready to learn*] **accom-**
13 **plish the purposes described in subsection (2) of this section** by:

14 (a) [*Serving*] **Designating a committee to serve** as the state advisory council for purposes of
15 the federal Head Start Act[, *as provided by ORS 417.796*].

16 (b) [*Implementing and overseeing a*] **Coordinating an integrated** system that [*coordinates*] **aligns**
17 the delivery of early learning services.

18 (c) [*Overseeing*] **Coordinating** the Oregon Early Learning System created by ORS 417.727.

19 [(3)] (4) The council consists of members appointed as provided by subsections [(4) and] (5) **and**
20 (6) of this section.

21 [(4)(a)] (5)(a) The Governor shall appoint nine voting members who are appointed for a term of
22 four years and serve at the pleasure of the Governor. A person appointed under this subsection may
23 not be appointed to serve more than two consecutive full terms as a council member.

24 (b) When determining whom to appoint to the council under this subsection, the Governor shall:

25 (A) Ensure that each congressional district of this state is represented;

26 (B) **Ensure that at least one member represents the tribes of this state;**

27 [(B)] (C) Ensure that each member meets the following qualifications:

28 (i) Demonstrates leadership skills in civics or the member's profession;

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 (ii) To the greatest extent practicable, contributes to the council's representation of the ge-
2 ographic, ethnic, gender, racial and economic diversity of this state; and

3 (iii) Contributes to the council's expertise, knowledge and experience in early childhood devel-
4 opment, early childhood care, early childhood education, family financial stability, populations dis-
5 proportionately burdened by poor education outcomes and outcome-based best practices; and

6 [(C)] (D) Solicit recommendations from the Speaker of the House of Representatives for at least
7 two members and from the President of the Senate for at least two members.

8 [(5)] (6) In addition to the members appointed under subsection [(4)] (5) of this section, the
9 Governor shall appoint [voting] **nonvoting**, ex officio members who represent [the] **relevant** state
10 agencies. [and other entities that are required to be represented on a state advisory council for pur-
11 poses of the federal Head Start Act and who represent the tribes of this state.]

12 [(6)] (7) The activities of the council shall be directed and supervised by the Early Learning
13 System Director who is appointed by the Governor and serves at the pleasure of the Governor.

14 [(7)] (8) In accordance with applicable provisions of ORS chapter 183, the council may adopt
15 rules necessary for the administration of the laws that the council is charged with administering.

16 [(8)] (9) The council shall coordinate and collaborate with the Chief Education Office as pro-
17 vided by section 1, chapter 519, Oregon Laws 2011.

18 **SECTION 2.** ORS 326.425, as amended by section 44, chapter 774, Oregon Laws 2015, is
19 amended to read:

20 326.425. (1) The Early Learning Council is established.

21 (2) The council is established to [oversee] **coordinate** a unified **and aligned** system of early
22 learning services for the [purpose of ensuring that children enter school ready to learn.] **purposes**
23 **of ensuring that:**

24 (a) **Children enter school ready to learn; and**

25 (b) **Families are healthy, stable and attached.**

26 (3) The Early Learning Council shall [ensure that children enter school ready to learn] **accom-**
27 **plish the purposes described in subsection (2) of this section** by:

28 (a) [Serving] **Designating a committee to serve** as the state advisory council for purposes of
29 the federal Head Start Act, as provided by ORS 417.796.

30 (b) [Implementing and overseeing a] **Coordinating an integrated** system that [coordinates] **aligns**
31 the delivery of early learning services.

32 (c) [Overseeing] **Coordinating** the Oregon Early Learning System created by ORS 417.727.

33 [(3)] (4) The council consists of members appointed as provided by subsections [(4) and] (5) **and**
34 **(6)** of this section.

35 [(4)(a)] (5)(a) The Governor shall appoint nine voting members who are appointed for a term of
36 four years and serve at the pleasure of the Governor. A person appointed under this subsection may
37 not be appointed to serve more than two consecutive full terms as a council member.

38 (b) When determining whom to appoint to the council under this subsection, the Governor shall:

39 (A) Ensure that each congressional district of this state is represented;

40 **(B) Ensure that at least one member represents the tribes of this state;**

41 [(B)] (C) Ensure that each member meets the following qualifications:

42 (i) Demonstrates leadership skills in civics or the member's profession;

43 (ii) To the greatest extent practicable, contributes to the council's representation of the ge-
44 ographic, ethnic, gender, racial and economic diversity of this state; and

45 (iii) Contributes to the council's expertise, knowledge and experience in early childhood devel-

1 opment, early childhood care, early childhood education, family financial stability, populations dis-
 2 proportionately burdened by poor education outcomes and outcome-based best practices; and

3 [(C)] (D) Solicit recommendations from the Speaker of the House of Representatives for at least
 4 two members and from the President of the Senate for at least two members.

5 [(5)] (6) In addition to the members appointed under subsection [(4)] (5) of this section, the
 6 Governor shall appoint [voting] **nonvoting**, ex officio members who represent [the] **relevant** state
 7 agencies. [and other entities that are required to be represented on a state advisory council for pur-
 8 poses of the federal Head Start Act and who represent the tribes of this state.]

9 [(6)] (7) The activities of the council shall be directed and supervised by the Early Learning
 10 System Director who is appointed by the Governor and serves at the pleasure of the Governor.

11 [(7)] (8) In accordance with applicable provisions of ORS chapter 183, the council may adopt
 12 rules necessary for the administration of the laws that the council is charged with administering.

13 **SECTION 3.** ORS 329.150 is amended to read:

14 329.150. A school district may provide services for children and families at the school site, which
 15 may include a community learning center. If the district chooses to provide services, the design of
 16 educational and other services to children and their families shall be the responsibility of the school
 17 district. School districts may coordinate services with programs provided through and [overseen]
 18 **coordinated** by the Early Learning Council for the purpose of providing services to families. To
 19 ensure that all educational and other services for young children and their families offer the maxi-
 20 mum opportunity possible for the personal success of the child and family members, it is the policy
 21 of this state that the following principles for serving children should be observed to the maximum
 22 extent possible in all of its educational and other programs serving young children and their fami-
 23 lies, including those programs delivered at community learning centers:

24 (1) Services for young children and their families should be located as close to the child and the
 25 family's community as possible, encouraging community support and ownership of such services;

26 (2) Services for young children and their families should reflect the importance of integration
 27 and diversity to the maximum extent possible in regard to characteristics such as race, economics,
 28 gender, creed, capability and cultural differences;

29 (3) Services should be designed to support and strengthen the welfare of the child and the family
 30 and be planned in consideration of the individual family's values;

31 (4) Services should be designed to ensure continuity of care among caregivers in a given day
 32 and among service plans from year to year;

33 (5) Service systems should address the most urgent needs in a timely manner including health,
 34 intervention and support services; and

35 (6) Service providers and sources of support should be coordinated and collaborative, to reflect
 36 the knowledge that no single system can serve all of the needs of the child and family.

37 **SECTION 4.** ORS 329.165 is amended to read:

38 329.165. (1) [In consultation with the advisory committee for the Oregon prekindergarten program,
 39 the Early Learning Council, acting as the state advisory council for purposes of the federal Head Start
 40 Act,] **The Early Learning Council** shall develop a long-range plan for serving eligible children and
 41 their families and shall report to each odd-numbered year regular session of the Legislative Assem-
 42 bly on the funds necessary to implement the long-range plan, including but not limited to regular
 43 programming costs, salary enhancements and program improvement grants. The council shall deter-
 44 mine the rate of increase in funding for programs necessary each biennium to provide service to all
 45 children eligible for the **Oregon** prekindergarten program.

1 (2) Each biennial report shall include but not be limited to estimates of the number of eligible
2 children and families to be served, projected cost of programs and evaluation of the programs.

3 **SECTION 5.** ORS 329.195 is amended to read:

4 329.195. (1)(a) The Early Learning Council[, *acting as the state advisory council for purposes of*
5 *the federal Head Start Act,*] shall adopt rules for the establishment of the Oregon prekindergarten
6 program.

7 (b) Rules adopted under this section specifically shall require:

8 (A) Performance standards and operating standards that are at a level no less than the level
9 required under the federal Head Start program guidelines.

10 (B) Processes and procedures for recompetition that are substantially similar to the processes
11 and procedures required under the rules and guidelines adopted under the federal Head Start Act.

12 (C) Implementation plans for any changes to the federal Head Start program rules or guidelines.

13 (c) Federal Head Start program guidelines shall be considered as guidelines for the Oregon
14 prekindergarten program.

15 (d) Notwithstanding paragraph (b) of this subsection, the council may adopt rules that allow for
16 the provision of a half-day program or a full-day program, or a combination thereof, to meet com-
17 munity needs, as determined by the council based on community assessments.

18 (2) In developing rules for the Oregon prekindergarten program, the council [*shall consult with*
19 *the advisory committee established under ORS 329.190 and*] shall consider such factors as coordi-
20 nation with existing programs, the preparation necessary for instructors, qualifications of instruc-
21 tors, training of staff, adequate space and equipment and special transportation needs.

22 (3) The Early Learning Division shall review applications for the Oregon prekindergarten pro-
23 gram received and designate those programs as eligible to commence operation by July 1 of each
24 year. When approving grant applications, to the extent practicable, the council shall distribute
25 funds regionally based on percentages of unmet needs for the county or region.

26 **SECTION 6.** ORS 417.788 is amended to read:

27 417.788. (1) The Early Learning Division shall support Relief Nursery programs statewide as
28 funding becomes available. Funding to support Relief Nursery programs may include, but is not
29 limited to:

30 (a) Administrative costs;

31 (b) Costs for direct service personnel, equipment, supplies and operating expenses;

32 (c) Start-up costs;

33 (d) Classroom furniture and materials;

34 (e) Playground equipment;

35 (f) Computers; and

36 (g) Transportation vehicles.

37 (2) The division may encourage communities to establish Relief Nursery programs for young
38 children who are at risk and their families. Communities may choose to establish regional Relief
39 Nursery programs. The Relief Nursery programs shall be consistent with the voluntary early learn-
40 ing system [*overseen*] **coordinated** by the Early Learning Council.

41 (3) Relief Nursery programs shall participate in a statewide independent evaluation conducted
42 by the Oregon Association of Relief Nurseries to document improved child safety, reduction in foster
43 care placements, progress in healthy child development and improvement in family functioning and
44 support.

45 (4) Each Relief Nursery program that receives state funding shall have financial support from

1 the community that, excluding any amounts distributed to the Relief Nursery program pursuant to
2 ORS 131A.360 (4)(d) and 131A.365 (3)(d), is at least equal to 25 percent of any state allocation.

3 (5) The division shall adopt rules necessary for the administration of this section, including rules
4 requiring that any public funds received by Relief Nursery programs be used to achieve the out-
5 comes identified in subsection (3) of this section.

6 **SECTION 7.** ORS 417.793 is amended to read:

7 417.793. The Early Learning Division shall support parents-as-teachers programs statewide as
8 funding becomes available. If a program is offered, the program shall be part of a comprehensive,
9 research-based approach to parent education and support. The program shall be consistent with the
10 voluntary early learning system plan [*overseen*] **coordinated** by the Early Learning Council.

11 **SECTION 8.** ORS 417.796 is amended to read:

12 417.796. (1) [*As the state advisory council for purposes of the federal Head Start Act,*] The Early
13 Learning Council shall:

14 (a) Conduct a periodic statewide needs assessment concerning the quality and availability of
15 early childhood education and development programs and services for children from birth to school
16 age, including an assessment of the availability of high-quality prekindergarten services for low-
17 income children in this state.

18 (b) Identify opportunities for, and barriers to, collaboration and coordination among federally
19 funded and state-funded child care and early childhood education and development programs and
20 services, including collaboration and coordination among state agencies responsible for administer-
21 ing those programs and services.

22 (c) Develop recommendations for increasing the overall participation of children in existing
23 federal, state and local early childhood education and development programs and services, including
24 outreach to underrepresented and special populations.

25 (d) Develop recommendations for establishing a unified data collection system for public early
26 childhood education and development programs and services throughout this state.

27 (e) Develop recommendations regarding statewide professional development and career ad-
28 vancement plans for providers of early childhood education and development programs and services
29 in this state.

30 (f) Assess the capacity and effectiveness of two-year and four-year public and private institutions
31 of higher education in this state in supporting the development of early childhood educators, in-
32 cluding the extent to which the institutions have articulation agreements, professional development
33 and career advancement plans, and internships or other training opportunities that allow students
34 to spend time with children enrolled in the federal Head Start program or another prekindergarten
35 program. The assessment conducted under this paragraph must be conducted in coordination with
36 appropriate higher education governance bodies, as identified by the Chief Education Office.

37 (g) Make recommendations for improvements in state early learning standards and undertake
38 efforts to develop high-quality comprehensive early learning standards when appropriate.

39 (2) The council shall hold public hearings and provide an opportunity for public comment in
40 relation to the actions described in subsection (1) of this section.

41 (3)(a) The council shall submit an annual statewide strategic report addressing the activities
42 described in subsection (1) of this section to the State Director of Head Start Collaboration, the
43 Chief Education Office, the Legislative Assembly and the Governor.

44 (b) Following submission of a statewide strategic report described in paragraph (a) of this sub-
45 section, the council may meet periodically to review the implementation of the recommendations in

1 the report and to review any changes in state or local needs.

2 **SECTION 9.** ORS 417.796, as amended by section 62, chapter 774, Oregon Laws 2015, is
3 amended to read:

4 417.796. (1) [*As the state advisory council for purposes of the federal Head Start Act,*] The Early
5 Learning Council shall:

6 (a) Conduct a periodic statewide needs assessment concerning the quality and availability of
7 early childhood education and development programs and services for children from birth to school
8 age, including an assessment of the availability of high-quality prekindergarten services for low-
9 income children in this state.

10 (b) Identify opportunities for, and barriers to, collaboration and coordination among federally
11 funded and state-funded child care and early childhood education and development programs and
12 services, including collaboration and coordination among state agencies responsible for administer-
13 ing those programs and services.

14 (c) Develop recommendations for increasing the overall participation of children in existing
15 federal, state and local early childhood education and development programs and services, including
16 outreach to underrepresented and special populations.

17 (d) Develop recommendations for establishing a unified data collection system for public early
18 childhood education and development programs and services throughout this state.

19 (e) Develop recommendations regarding statewide professional development and career ad-
20 vancement plans for providers of early childhood education and development programs and services
21 in this state.

22 (f) Assess the capacity and effectiveness of two-year and four-year public and private institutions
23 of higher education in this state in supporting the development of early childhood educators, in-
24 cluding the extent to which the institutions have articulation agreements, professional development
25 and career advancement plans, and internships or other training opportunities that allow students
26 to spend time with children enrolled in the federal Head Start program or another prekindergarten
27 program. The assessment conducted under this paragraph must be conducted in coordination with
28 appropriate higher education governance bodies.

29 (g) Make recommendations for improvements in state early learning standards and undertake
30 efforts to develop high-quality comprehensive early learning standards when appropriate.

31 (2) The council shall hold public hearings and provide an opportunity for public comment in
32 relation to the actions described in subsection (1) of this section.

33 (3)(a) The council shall submit an annual statewide strategic report addressing the activities
34 described in subsection (1) of this section to the State Director of Head Start Collaboration, the
35 Legislative Assembly and the Governor.

36 (b) Following submission of a statewide strategic report described in paragraph (a) of this sub-
37 section, the council may meet periodically to review the implementation of the recommendations in
38 the report and to review any changes in state or local needs.

39 **SECTION 10.** ORS 417.827 is amended to read:

40 417.827. (1) As used in this section and ORS 417.829:

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

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

1 (2) The council shall implement and [oversee] **coordinate** a system that coordinates the delivery
2 of early learning services to the communities of this state through the direction of Early Learning
3 Hubs. The system may not include more than 16 Early Learning Hubs.

4 (3) The system implemented and [overseen] **coordinated** by the council must ensure that:

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

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

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

9 (4) The council shall develop and implement a process for requesting proposals from entities to
10 become Early Learning Hubs. Proposals submitted under this subsection must comply with criteria
11 and requirements adopted by the council by rule, including:

12 (a) The entity will be able to coordinate the provision of early learning services to the commu-
13 nity that will be served by the entity. An entity may meet the requirement of this paragraph by
14 submitting evidence that local stakeholders, including but not limited to service providers, parents,
15 community members, county governments, local governments and school districts, have participated
16 in the development of the proposal and will maintain a meaningful role in the Early Learning Hub.

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

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

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

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

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

26 (g) The entity must have a governing body or community advisory body that:

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

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

33 (h) The entity will collaborate on documentation related to coordinated services with public and
34 private entities that are identified by the council as providers of services that advance the early
35 learning of children.

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

40 (j) The entity will be able to raise and leverage significant funds from public and private sources
41 and to secure in-kind support to support early learning services coordinated by the entity and op-
42 erate in a fiscally sound manner.

43 (k) The entity meets any other qualifications established by the council.

44 (5) The council may adopt by rule requirements that are in addition to the requirements de-
45 scribed in subsections (3) and (4) of this section that an entity must meet to qualify as an Early

1 Learning Hub. When developing the additional requirements, the council must use a statewide public
2 process of community engagement that is consistent with the requirements of the federal Head Start
3 Act.

4 (6) When determining whether to designate an entity as an Early Learning Hub, the council
5 shall balance the following factors:

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

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

8 (c) The entity's resourcefulness.

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

10 (7) The council shall develop metrics for the purpose of providing funding to Early Learning
11 Hubs designated under this section. The metrics must:

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

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

18 (c) Include child performance metrics.

19 (8) The council may require that, as a condition of receiving funding as a designated Early
20 Learning Hub under this section, the Early Learning Hub provide matching funding. The percentage
21 of matching funding shall be determined by the council and may vary for each fiscal year. Any
22 moneys received by an Early Learning Hub are subject to the restrictions of this section.

23 (9) For any community in this state that is not served by an Early Learning Hub, the council
24 shall [*oversee*] **coordinate** and administer the delivery of early learning services for that community
25 and, to the extent practicable, shall regionalize service administration.

26 (10) The council may alter the lines of the territory served by an Early Learning Hub only to
27 ensure that all children of this state are served by an Early Learning Hub.

28 (11) An entity designated as part of an Early Learning Hub may not use more than 15 percent
29 of the moneys received by the entity from the council to pay administrative costs of the entity.

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

32 **SECTION 11.** ORS 417.847, as amended by section 63, chapter 774, Oregon Laws 2015, and
33 section 36, chapter 17, Oregon Laws 2017, is amended to read:

34 417.847. (1) The Youth Development Council is established.

35 (2) The council is established for the purpose of [*overseeing*] **coordinating** a unified **and aligned**
36 system that provides services to school-age children through youth 24 years of age in a manner that
37 supports educational success, focuses on crime prevention, reduces high risk behaviors and is inte-
38 grated, measurable and accountable. The council shall provide direction to the Youth Development
39 Division.

40 (3) The council consists of no fewer than 15 members who are appointed by the Governor. The
41 Governor shall ensure that membership of the council satisfies any federal requirements for mem-
42 bership of a state advisory committee on juvenile justice, and shall include tribal representation in
43 the membership of the council.

44 (4) The council shall:

45 (a) Determine the availability of funding to support community-based youth development pro-

1 grams, services and initiatives with demonstrated outcomes and strategic objectives established by
2 the council by rule.

3 (b) Prioritize funding for services related to:

4 (A) The prevention of and intervention in the risk factors that lead to juvenile delinquency and
5 the promotion of protective factors that improve the health and well-being of children and youth,
6 as supported by evidence-based program models and other research-based models; and

7 (B) The prevention of and intervention in gang violence and gang involvement.

8 (5) The council may:

9 (a) Enter into performance-based intergovernmental agreements with regional and county enti-
10 ties, and tribal governments, to contract for the provision of youth development programs, services
11 and initiatives that will achieve demonstrated outcomes and strategic objectives established by the
12 council by rule.

13 (b) Determine the means by which services to children and youth may be provided effectively
14 and efficiently across multiple programs to improve the academic and social outcomes of children
15 and youth.

16 (c) Assess state programs and services related to youth development and training, and identify
17 methods by which programs and services may be [*coordinated or consolidated*] **aligned or unified**.

18 (d) Establish common academic and social indicators to support attainment of goals established
19 by the council.

20 (e) Establish common program outcome measurements and coordinate data collection across
21 multiple programs and services.

22 (f) Ensure implementation of best practices that:

23 (A) Are evidence based;

24 (B) Are culturally, gender and age appropriate;

25 (C) Address individual risk factors;

26 (D) Build upon factors that improve the health and well-being of children and youth; and

27 (E) Include tribal best practices.

28 (6) The Governor may designate one member of the council to serve as the chairperson or, if the
29 Governor chooses not to designate a chairperson, the council may elect one of its members to serve
30 as chairperson.

31 (7) In accordance with applicable provisions of ORS chapter 183, the council may adopt rules
32 necessary for the administration of the laws that the council is charged with administering.

33