

**Enrolled**  
**House Bill 2053**

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

CHAPTER .....

AN ACT

Relating to early learning programs; creating new provisions; amending ORS 329.172 and 417.784; and declaring an emergency.

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

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

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

(b) In administering the Preschool Promise Program, the Early Learning Division shall identify local entities as provided under subsection (3) of this section within the region served by each Early Learning Hub to serve as a preschool provider *[or as a fiscal agent for multiple preschool providers that meet]* **that meets** the eligibility criteria established under subsections (4) and (5) of this section.

(2) For the purpose of expanding and coordinating preschool options under the Preschool Promise Program, Early Learning Hubs shall:

(a) Once every two years, in consultation with resource and referral entities established under ORS 329A.100 to 329A.135, complete a community plan *[to identify priority populations of children and families to enroll in preschool, to assess the availability of high-quality preschool programs and to identify existing preschool providers and other related services within the region served by the Early Learning Hub]*. **The community plan must include the following for the region served by the Early Learning Hub:**

- (A) **Identification of priority populations of children and families to enroll in the program;**
- (B) **Assessment of the availability of high-quality preschool programs;**
- (C) **Identification of existing preschool providers and opportunities to increase the number and enrollment capacity of preschool providers;**
- (D) **Prioritization of local entities to serve as preschool providers based on community need and enrollment capacity;**
- (E) **Identification of methods for increasing the enrollment capacity of preschool providers and for providing professional development to preschool providers; and**
- (F) **Identification of other services related to preschool programs.**

(b) **After completing a community plan described in paragraph (a) of this subsection, the Early Learning Hub shall submit the plan to the Early Learning Division for approval based on rules adopted by the Early Learning Council.**

*[(b)]* (c) Based on the results of the most recent community plan, annually coordinate and collaborate with preschool providers to:

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

(B) Enroll eligible children in preschool programs.

(3) A local entity may apply to the Early Learning Division to be awarded grants or contracts to be a preschool provider [or to act as a fiscal agent for multiple preschool providers] under this section if the local entity is:

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

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

(c) An education service district;

(d) A school district;

(e) A federal Head Start program;

(f) A community-based organization; or

(g) Another entity identified by the Early Learning Division.

(4) A preschool provider that meets the requirements of this subsection may apply to participate in the Preschool Promise Program to receive grants or contracts under the program. 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 (5) of this section.

(c) May be a federal Head Start program, an Oregon prekindergarten, 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.

(5) A preschool provider may participate in the Preschool Promise Program 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:

(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 an ability to maximize available federal, state and local funds.

(f) Demonstrates quality through meeting standards, including:

(A) Participating in the quality rating and improvement system for early childhood programs.

(B) Adopting culturally responsive teaching methods and practices.

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

(D) Providing 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 a classroom environment that is inclusive of all children, regardless of ability or family income.

(F) 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.

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

(H) Providing at least one teaching 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.

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

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

(h) 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.

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

(6)(a) While any moneys received under a grant received or a contract entered into as provided by this section must be used to serve children described in subsection (5)(c) of this section, nothing in subsection (5)(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 income at the time of enrollment exceeds 200 percent of federal poverty guidelines.

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

(b) If a preschool provider participating in the Preschool Promise Program serves children described in paragraph (a) of this subsection, moneys received under a grant or 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.

(7) A preschool provider participating in the Preschool Promise Program may receive a waiver of any of the requirements described in subsection (5) of this section if the waiver:

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

(b) Is anticipated for the first years of the preschool program only.

(8) 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 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 guidelines for lead preschool teachers and teaching assistants at preschool providers participating in the Preschool Promise Program. Minimum salary requirements may be differentiated by program type. Target salary guidelines shall be, to the extent practicable, comparable to lead kindergarten teacher and teaching assistant salaries in public schools. The Early Learning Division shall provide guidelines and technical assistance to preschool providers participating in the Preschool Promise Program to address salary disparities among preschool teachers and preschool staff.

(d) Develop strategies that strive to increase the mean salary for lead teachers, teaching assistants and other preschool staff employed by preschool providers participating in the Preschool Promise Program.

- (e) Administer waivers as described in subsection (7) of this section.
- (f) Develop strategies to ensure preschool providers have the resources necessary to maintain children in placement in the Preschool Promise Program.
- (9) 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 Promise Program, 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;
    - (D) Who are eligible for Head Start programs; and
    - (E) Who are eligible for early childhood special education.
  - (b) The cost to serve each child described in subsection (5)(c) of this section.
  - (c) The level of state support received for implementing the Preschool Promise Program.
  - (d) The effectiveness of the Preschool Promise Program, including student progress and outcomes.
  - (e) Improvements that have been made to the administration and evaluation of the Preschool Promise Program to improve the effectiveness of the program.
  - (f) The salary, education levels and turnover rates of lead preschool teachers and teaching assistants employed by preschool providers participating in the Preschool Promise Program.
- (10) The Early Learning Division shall coordinate with the Department of Education and other state agencies in support of the Preschool Promise Program.
- (11) The Early Learning Division shall prescribe the form and timeline for applications to participate in the Preschool Promise Program.

**SECTION 2. The amendments to ORS 329.172 by section 1 of this 2021 Act apply to community plans developed on or after the effective date of this 2021 Act.**

**SECTION 3.** ORS 417.784 is amended to read:

417.784. (1) As used in this section:

- (a) "Local entity" includes:
  - (A) An Early Learning Hub designated under ORS 417.827;
  - (B) A resource and referral entity;
  - (C) An education service district;
  - (D) A federal Head Start program;
  - (E) A community-based organization; or
  - (F) Any entity identified by the Early Learning Division.
- (b) "Provider" means a provider of infant and toddler care.
- (c) "Resource and referral entity" means a resource and referral entity established under ORS 329A.100 to 329A.135.
- (2) The Early Learning Division shall administer an infant and toddler care program to improve access to high quality infant and toddler care for families whose incomes, at the time of enrollment, are at or below 200 percent of the federal poverty guidelines.
- (3)(a) Each biennium, each Early Learning Hub, in consultation with resource and referral entities, shall complete a community plan. The plan must include the following for the region served by the Early Learning Hub:
  - (A) Identification of priority populations of children and families to enroll in the program;
  - (B) Assessment of the availability of high-quality infant and toddler care;
  - (C) Identification of existing providers and opportunities to increase the number and enrollment capacity of providers;
  - (D) Prioritization of local entities to serve as providers based on community need and enrollment capacity;
  - [(E) Identification of local entities to serve as fiscal agents for multiple providers;]*

[~~F~~] (**E**) Identification of methods for increasing the enrollment capacity of providers and for providing professional development to providers; and

[~~G~~] (**F**) Identification of other services related to infant and toddler care.

(b) After completing a community plan described in paragraph (a) of this subsection, an Early Learning Hub shall submit the plan to the Early Learning Division for approval based on rules adopted by the Early Learning Council.

(4)(a) The Early Learning Division shall contract with resource and referral entities to recruit eligible providers to participate in the infant and toddler care program established under this section.

(b) To be eligible to participate in the program, a provider must demonstrate a commitment and ability to:

(A) Address the needs identified in the community plan approved by the Early Learning Division under subsection (3) of this section;

(B) Provide care to infants and toddlers;

(C) Serve families whose incomes, at the time of enrollment, are at or below 200 percent of the federal poverty guidelines; and

(D) Serve families who otherwise meet criteria established by the Early Learning Council by rule.

(5)(a) The Early Learning Division shall identify a local entity within each Early Learning Hub region that shall be responsible for awarding grants and contracts to providers who meet the eligibility criteria established under subsection (4) of this section.

(b) Before a provider may be awarded a grant or contract under this section, the provider must agree to participate in any quality improvement and professional development activities necessary to meet the standards established by the Early Learning Division.

(6) Resource and referral entities shall:

(a) In consultation with each provider awarded a grant or contract under this section, develop a quality improvement and professional development plan for the provider; and

(b) Provide coaching and other professional development services necessary to execute the plan developed under this subsection.

**SECTION 4. This 2021 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect on its passage.**

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**Passed by House March 16, 2021**

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

**Passed by Senate May 17, 2021**

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Peter Courtney, President of Senate

**Received by Governor:**

.....M.,....., 2021

**Approved:**

.....M.,....., 2021

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Kate Brown, Governor

**Filed in Office of Secretary of State:**

.....M.,....., 2021

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Shemia Fagan, Secretary of State