

SB 236-A6  
(LC 1502)  
5/25/21 (HRL/ps)

Requested by HOUSE COMMITTEE ON EARLY CHILDHOOD (at the request of Representative Karin Power)

**PROPOSED AMENDMENTS TO  
A-ENGROSSED SENATE BILL 236**

1 On page 1 of the printed A-engrossed bill, delete lines 4 through 22 and  
2 delete page 2 and insert:

3 **“SECTION 1. (1) As used in this section, ‘early childhood care and**  
4 **education program’ includes programs certified under ORS 329A.280,**  
5 **programs registered under ORS 329A.330, publicly-funded early learn-**  
6 **ing programs, the Employment Related Day Care program and pre-**  
7 **school recorded programs as defined in ORS 329A.250.**

8 **“(2) The Early Learning Division shall conduct a study on:**

9 **“(a) The use of suspension and expulsion in early childhood care**  
10 **and education programs.**

11 **“(b) Efforts to reduce and prevent the use of suspension and ex-**  
12 **pulsion in early childhood care and education programs.**

13 **“(c) The extent to which children are prescreened and removed**  
14 **from early childhood care and education programs before full enroll-**  
15 **ment, as determined based on:**

16 **“(A) The types of practices used to prescreen and remove children;**

17 **“(B) The frequency of the use of the practices identified under**  
18 **subparagraph (A) of this paragraph;**

19 **“(C) The number of children who are impacted by the practices**  
20 **identified under subparagraph (A) of this paragraph, as disaggregated**  
21 **by race, gender, ability, language and age; and**

1       **“(D) Any probationary or trial periods imposed before a child is**  
2 **accepted for full placement into an early childhood care and education**  
3 **program.**

4       **“(3) When conducting the study, the division shall consult with**  
5 **other state and local entities that provide state public funds for early**  
6 **childhood care and education programs, including entities identified**  
7 **in section 3 (1)(b) of this 2021 Act.**

8       **“(4) No later than September 15, 2024, the division shall report the**  
9 **results of the study required under this section to the appropriate in-**  
10 **terim committees of the Legislative Assembly. The report must in-**  
11 **clude:**

12       **“(a) Recommendations for the definition of the term ‘early child-**  
13 **hood care and education program’ for the purpose of section 3 of this**  
14 **2021 Act; and**

15       **“(b) Any other recommendations for amendments to section 3 of**  
16 **this 2021 Act.**

17       **“SECTION 2. Section 1 of this 2021 Act is repealed on December 31,**  
18 **2024.**

19       **“SECTION 3. (1) As used in this section:**

20       **“(a) ‘Disability’ includes:**

21       **“(A) Any condition identified under ORS 343.035 (1); and**

22       **“(B) Any behavior that is a manifestation of a condition identified**  
23 **under ORS 343.035 (1) or that is otherwise related to an accommodation**  
24 **or adaptation that is provided for the condition.**

25       **“(b) ‘Public body’ means:**

26       **“(A) The Early Learning Division;**

27       **“(B) The Department of Education;**

28       **“(C) The Department of Human Services;**

29       **“(D) The Oregon Council on Developmental Disabilities;**

30       **“(E) The Oregon Health Authority;**

1       **“(F) A school district;**  
2       **“(G) An education service district;**  
3       **“(H) A community college operated under ORS chapter 341; and**  
4       **“(I) A public university listed in ORS 352.002.**  
5       **“(c) ‘Rulemaking body’ means:**  
6       **“(A) For the Early Learning Division, the Early Learning Council;**  
7       **“(B) For the Department of Education, the State Board of Educa-**  
8       **tion;**  
9       **“(C) For the Department of Human Services, the Department of**  
10      **Human Services;**  
11      **“(D) For the Oregon Council on Developmental Disabilities, the**  
12      **Oregon Council on Developmental Disabilities;**  
13      **“(E) For the Oregon Health Authority, the Oregon Health Author-**  
14      **ity;**  
15      **“(F) For a school district, the State Board of Education;**  
16      **“(G) For an education service district, the State Board of Educa-**  
17      **tion;**  
18      **“(H) For a community college operated under ORS chapter 341, the**  
19      **Higher Education Coordinating Commission; and**  
20      **“(I) For a public university listed in ORS 352.002, the Higher Edu-**  
21      **cation Coordinating Commission.**  
22      **“(2) An early childhood care and education program that receives**  
23      **state public funds from a public body for the operation of the program**  
24      **or for services provided in relation to the program may not suspend**  
25      **or expel any child in the program.**  
26      **“(3) Except as otherwise provided by state or federal law, an early**  
27      **childhood care and education program that violates the prohibition on**  
28      **suspensions and expulsions as described in subsection (2) of this sec-**  
29      **tion shall cease to be eligible to receive state public funds from a**  
30      **public body for the program or for services provided in relation to the**

1 **program.**

2 **“(4)(a) Each rulemaking body shall adopt rules and policies neces-**  
3 **sary for the administration of this section, including providing for:**

4 **“(A) A waiver of the prohibition on suspensions and expulsions as**  
5 **described in subsection (2) of this section. The rules must provide that**  
6 **a waiver:**

7 **“(i) Except as provided by sub-subparagraph (ii) of this subpara-**  
8 **graph, will be provided when the public body determines that the early**  
9 **childhood care and education program attempted to access technical**  
10 **assistance provided by the Early Learning Division but was not pro-**  
11 **vided with appropriate or timely technical assistance.**

12 **“(ii) Will not be provided in a manner that allows for discrimination**  
13 **based on race or disability or that allows for any other violation of**  
14 **state or federal law.**

15 **“(B) A method for resolving disputes between parents and providers**  
16 **related to suspensions and expulsions, while taking into consideration**  
17 **the best placement of the child.**

18 **“(b) To the extent practicable and for the purpose of providing**  
19 **consistency among early childhood care and education programs, rules**  
20 **and policies adopted under this section shall take into consideration**  
21 **rules and policies adopted by the Early Learning Council under this**  
22 **section.**

23 **“SECTION 4. (1) Section 3 of this 2021 Act becomes operative on**  
24 **July 1, 2026.**

25 **“(2) Notwithstanding the operative date set forth in subsection (1)**  
26 **of this section, a rulemaking body identified in section 3 (1)(c) of this**  
27 **2021 Act and a public body identified in section 3 (1)(b) of this 2021 Act**  
28 **may take any action before the operative date set forth in subsection**  
29 **(1) of this section that is necessary to enable the bodies to exercise,**  
30 **on and after the operative date set forth in subsection (1) of this sec-**

1 tion, all of the duties, functions and powers conferred on the bodies  
2 by section 3 of this 2021 Act.

3 **“SECTION 5. This 2021 Act being necessary for the immediate  
4 preservation of the public peace, health and safety, an emergency is  
5 declared to exist, and this 2021 Act takes effect July 1, 2021.”.**

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