

SB 427 STAFF MEASURE SUMMARY**Carrier:** Rep. Scharf**House Committee On Early Childhood and Human Services****Action Date:** 03/20/23**Action:** Do Pass.**Vote:** 9-1-0-0**Yeas:** 9 - Andersen, Cramer, Hartman, Hieb, Nelson, Neron, Nguyen H, Reynolds, Scharf**Nays:** 1 - Elmer**Fiscal:** No fiscal impact**Revenue:** No revenue impact**Prepared By:** Matthew Perreault, LPRO Analyst**Meeting Dates:** 3/15, 3/20**WHAT THE MEASURE DOES:**

Amends statutory provisions relating to Early Learning Account to continuously appropriate funds to the Oregon Department of Education (ODE) for early childhood special education or early intervention services; and to the Department of Early Learning and Care (DELIC) for specified purposes. Requires DELIC to disburse and expend moneys consistently with intended purposes but allows DELIC to disburse moneys in manner it determines is most consistent if purpose is not specified. Allows DELIC and Department of Human Services (DHS) to form interagency agreement and delegate responsibilities to each other. Allows DELIC to enter into agreements governing its records and to maintain a data system accessible to DHS, ODE, or any other state agency. Restricts DELIC's procurement authority to those items related to the authority of the Department or the Early Learning Council. Allows Early Learning System Director to delegate any duty, function, or power to a subordinate employee. Declares emergency, effective July 1, 2023.

ISSUES DISCUSSED:

- Background on House Bill 3073 (2021)
- Necessity of continuity of services during agency transition
- Responsibility of ODE in accessing funds for early intervention and early childhood special education

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

The Early Learning Division of the Oregon Department of Education (ODE) was established by passage of House Bill 3234 in 2013. That measure transferred certain duties previously assigned to the Early Learning Council to the Division. Since that time, the Division has served to govern and manage most of the state's early child care and education programs and services. House Bill 3073 (2021) made the Early Learning Division into an independent state agency called the Department of Early Learning and Care (DELIC). House Bill 4005 (2022) extended the date by which the transition to independence would take place to July 1, 2023.

The Early Learning Account was established as part of House Bill 3427 (2019), also called the Student Success Act, to provide a funding source for early learning programs. While most early learning programs will transfer to DELIC in the upcoming biennium, the federal Individuals with Disabilities Education Act (IDEA) requires early intervention and early childhood special education (EI/ECSE), as part of a Free and Appropriate Public Education (FAPE), to be administered solely by a state education agency, which is ODE. EI/ECSE provides free screenings, evaluations, and services for children aged 0-5 who may qualify for special education in order to promote development in social-emotional, language and communication, adaptive, cognitive, and motor skills.

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Senate Bill 427 modifies provisions of the legislation that created DELC and clarifies that both DELC and ODE may access the Early Learning Account for specific purposes.