

Enrolled House Bill 3435

Sponsored by Representative REYNOLDS (at the request of Early Learning Division of Department of Education)

CHAPTER

AN ACT

Relating to early learning; creating new provisions; amending ORS 289.005, 305.720, 305.747, 326.425, 327.274, 329.160, 329.165, 329.172, 329.175, 329.183, 329.185, 329.195, 329.200, 329A.030, 336.211, 336.213, 336.214, 343.455, 343.499, 343.507, 417.728, 634.700, 680.020 and 680.026; repealing ORS 329.153 and 329.170; and declaring an emergency.

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

SECTION 1. ORS 329.175 is amended to read:

329.175. (1) **As used in this section:**

(a) **“Oregon Prenatal to Kindergarten Program” means the program for which the Early Learning Division allocates, awards and monitors state funds to provide comprehensive health, education and social services to children and their parents or other key family members, at any time beginning with prenatal care and continuing until the children enter kindergarten, in order to maximize the potential of those children prior to kindergarten entry.**

(b) **“Providers under the Oregon Prenatal to Kindergarten Program” means entities that use grants received under the Oregon Prenatal to Kindergarten Program to provide services through the program, in compliance with requirements prescribed by the Early Learning Council and the Early Learning Division.**

[(1)] (2) The Early Learning Division shall administer the [*Oregon prekindergarten program*] **Oregon Prenatal to Kindergarten Program** to assist eligible children with comprehensive services including educational, social, health and nutritional development to enhance their chances for success in school and life. Eligible children, upon request of a parent or guardian, [*shall be admitted to approved Oregon prekindergartens*] **may be admitted to receive services from providers under the Oregon Prenatal to Kindergarten Program** to the extent that the Legislative Assembly provides funds.

[(2)(a)] (3)(a) In administering the [*Oregon prekindergarten program*] **Oregon Prenatal to Kindergarten Program**, the Early Learning Division shall adopt a funding formula and methodology that will ensure that [*Oregon prekindergartens*] **providers under the Oregon Prenatal to Kindergarten Program** offer high-quality services, **including prenatal care and other services**, to eligible children and their families.

(b) **Until the children enter kindergarten**, services may be provided under this section to pregnant women and families with children [*under the age of five years old*] who are not participating in a federal, state or local program providing comprehensive services and who qualify for eligibility under the federal Head Start program.

[3(a)] **(4)(a)** Nonsectarian organizations, including school districts and Head Start grantees, are eligible to compete for funds to *establish an Oregon prekindergarten* **become providers under the Oregon Prenatal to Kindergarten Program.**

(b)(A) *[Grant recipients]* **Providers under the Oregon Prenatal to Kindergarten Program** shall serve children eligible according to federal Head Start guidelines and other children who meet criteria of eligibility adopted by rule by the Early Learning Council.

(B) *[Grant recipients]* **Providers under the Oregon Prenatal to Kindergarten Program** may serve children not described in subparagraph (A) of this paragraph, but not more than 20 percent of the total enrollment with a *[grant recipient]* **provider** shall consist of children who do not meet federal Head Start guidelines.

(c) School districts may contract with other governmental or nongovernmental nonsectarian organizations to conduct a portion of the **Oregon Prenatal to Kindergarten Program.**

(d) *[Funds appropriated for the program shall be used to establish and maintain new or expanded Oregon prekindergartens and may not be used to supplant federally supported Head Start programs. Oregon prekindergartens also]* **Providers under the Oregon Prenatal to Kindergarten Program** may accept gifts, grants and other funds for the purposes of this section.

[4] **(5)** Applicants shall identify how they will serve the target population and provide all components as specified in the federal Head Start performance standards and guidelines, including staff qualifications and training, facilities and equipment, transportation and fiscal management.

[5] **(6)** Applicants shall identify how they will provide, at a minimum, the annual number of instructional hours required under performance guidelines and standards of the federal Head Start programs.

[6] **(7)** *[Oregon prekindergartens]* **Providers under the Oregon Prenatal to Kindergarten Program** shall provide lead teachers and teaching assistants with a salary that meets the minimum salary requirements established by the Early Learning Council.

[7] **(8)** *[Oregon prekindergartens]* **Providers under the Oregon Prenatal to Kindergarten Program** must demonstrate an ability to maximize all available federal, state and local funds.

[8] **(9)** *[Oregon prekindergartens]* **Providers under the Oregon Prenatal to Kindergarten Program** shall coordinate with each other and with federal Head Start programs to ensure efficient delivery of services and prevent overlap. *[Oregon prekindergartens]* **Providers** shall also work with local organizations such as local education associations serving young children and make the maximum use of local resources.

[9] **(10)** *[Oregon prekindergartens]* **Providers under the Oregon Prenatal to Kindergarten Program** shall coordinate services with other services provided through the Oregon Early Learning System. The coordination of services must be consistent with federal and state law.

[10(a)] **(11)(a)** The governing body of a recipient of grant funds under this section shall be subject to ORS 192.610 to 192.690 but is subject to ORS 192.311 to 192.478 only:

(A) With respect to records created at a meeting of the governing body, minutes of a meeting of a governing body or records presented at a meeting of the governing body; or

(B) As otherwise provided by law other than this subsection.

(b) As used in this subsection, “governing body” means a board or other entity of two or more persons who are authorized to make decisions with respect to a recipient or who are authorized to advise or make recommendations to a governing body of the recipient.

SECTION 2. ORS 329.175, as amended by section 27, chapter 631, Oregon Laws 2021, is amended to read:

329.175. (1) **As used in this section:**

(a) **“Oregon Prenatal to Kindergarten Program”** means the program for which the Department of Early Learning and Care allocates, awards and monitors state funds to provide comprehensive health, education and social services to children and their parents or other key family members, at any time beginning with prenatal care and continuing until the children enter kindergarten, in order to maximize the potential of those children prior to kindergarten entry.

(b) “Providers under the Oregon Prenatal to Kindergarten Program” means entities that use grants received under the Oregon Prenatal to Kindergarten Program to provide services through the program, in compliance with requirements prescribed by the Early Learning Council and the Department of Early Learning and Care.

[(1)] (2) The Department of Early Learning and Care shall administer the [Oregon prekindergarten program] **Oregon Prenatal to Kindergarten Program** to assist eligible children with comprehensive services including educational, social, health and nutritional development to enhance their chances for success in school and life. Eligible children, upon request of a parent or guardian, [shall be admitted to approved Oregon prekindergartens] **may be admitted to receive services from providers under the Oregon Prenatal to Kindergarten Program** to the extent that the Legislative Assembly provides funds.

[(2)(a)] (3)(a) In administering the [Oregon prekindergarten program] **Oregon Prenatal to Kindergarten Program**, the department shall adopt a funding formula and methodology that will ensure that [Oregon prekindergartens] **providers under the Oregon Prenatal to Kindergarten Program** offer high-quality services, **including prenatal care and other services**, to eligible children and their families.

(b) **Until the children enter kindergarten**, services may be provided under this section to pregnant women and families with children [under the age of five years old] who are not participating in a federal, state or local program providing comprehensive services and who qualify for eligibility under the federal Head Start program.

[(3)(a)] (4)(a) Nonsectarian organizations, including school districts and Head Start grantees, are eligible to compete for funds to [establish an Oregon prekindergarten] **become providers under the Oregon Prenatal to Kindergarten Program**.

(b)(A) [Grant recipients] **Providers under the Oregon Prenatal to Kindergarten Program** shall serve children eligible according to federal Head Start guidelines and other children who meet criteria of eligibility adopted by rule by the Early Learning Council.

(B) [Grant recipients] **Providers under the Oregon Prenatal to Kindergarten Program** may serve children not described in subparagraph (A) of this paragraph, but not more than 20 percent of the total enrollment with a [grant recipient] **provider** shall consist of children who do not meet federal Head Start guidelines.

(c) School districts may contract with other governmental or nongovernmental nonsectarian organizations to conduct a portion of the **Oregon Prenatal to Kindergarten Program**.

(d) [Funds appropriated for the program shall be used to establish and maintain new or expanded Oregon prekindergartens and may not be used to supplant federally supported Head Start programs. Oregon prekindergartens also] **Providers under the Oregon Prenatal to Kindergarten Program** may accept gifts, grants and other funds for the purposes of this section.

[(4)] (5) Applicants shall identify how they will serve the target population and provide all components as specified in the federal Head Start performance standards and guidelines, including staff qualifications and training, facilities and equipment, transportation and fiscal management.

[(5)] (6) Applicants shall identify how they will provide, at a minimum, the annual number of instructional hours required under performance guidelines and standards of the federal Head Start programs.

[(6)] (7) [Oregon prekindergartens] **Providers under the Oregon Prenatal to Kindergarten Program** shall provide lead teachers and teaching assistants with a salary that meets the minimum salary requirements established by the Early Learning Council.

[(7)] (8) [Oregon prekindergartens] **Providers under the Oregon Prenatal to Kindergarten Program** must demonstrate an ability to maximize all available federal, state and local funds.

[(8)] (9) [Oregon prekindergartens] **Providers under the Oregon Prenatal to Kindergarten Program** shall coordinate with each other and with federal Head Start programs to ensure efficient delivery of services and prevent overlap. [Oregon prekindergartens] **Providers** shall also work with local organizations such as local education associations serving young children and make the maximum use of local resources.

[9] (10) [Oregon prekindergartens] **Providers under the Oregon Prenatal to Kindergarten Program** shall coordinate services with other services provided through the Oregon Early Learning System. The coordination of services must be consistent with federal and state law.

[(10)(a)] (11)(a) The governing body of a recipient of grant funds under this section shall be subject to ORS 192.610 to 192.690 but is subject to ORS 192.311 to 192.478 only:

(A) With respect to records created at a meeting of the governing body, minutes of a meeting of a governing body or records presented at a meeting of the governing body; or

(B) As otherwise provided by law other than this subsection.

(b) As used in this subsection, “governing body” means a board or other entity of two or more persons who are authorized to make decisions with respect to a recipient or who are authorized to advise or make recommendations to a governing body of the recipient.

SECTION 3. ORS 289.005 is amended to read:

289.005. (1) As used in this chapter, unless the context requires otherwise:

(a) “Authority” means the Oregon Facilities Authority created by this chapter.

(b) “Bonds” or “revenue bonds” means revenue bonds, as defined in ORS 286A.001.

(c) “Cost” means the cost of:

(A) Construction, acquisition, alteration, enlargement, reconstruction and remodeling of a project, including all lands, structures, real or personal property, rights, rights of way, air rights, franchises, easements and interests acquired or used for or in connection with a project;

(B) Demolition or removal of buildings or structures on land as acquired, including the cost of acquiring lands to which the buildings or structures may be moved;

(C) All machinery and equipment;

(D) Financing charges, interest prior to, during and for a period after completion of construction and acquisition, reasonably required amounts to make the project operational, provisions for reserves for principal and interest and for extensions, enlargements, additions, replacements, renovations and improvements;

(E) Architectural, actuarial engineering, financial and legal services, plans specifications, studies, surveys, estimates of costs and of revenues, administrative expenses, expenses necessary or incident to determining the feasibility or practicability of constructing the project;

(F) Management, operation or funding of a qualified program; and

(G) Other expenses that are necessary or incident to a project, the financing of the project or the placing of the project in operation.

(d) “Cultural institution” means a public or nonprofit institution within this state which engages in the cultural, intellectual, scientific, environmental, educational or artistic enrichment of the people of this state. “Cultural institution” includes, without limitation, aquaria, botanical societies, historical societies, land conservation organizations, libraries, museums, performing arts associations or societies, scientific societies, wildlife conservation organizations and zoological societies. “Cultural institution” does not mean any school or any institution primarily engaged in religious or sectarian activities.

(e) “Health care institution” means a public or nonprofit organization within this state that provides health care and related services, including but not limited to the provision of inpatient and outpatient care, diagnostic or therapeutic services, laboratory services, medicinal drugs, nursing care, assisted living, elderly care and housing, including retirement communities, and equipment used or useful for the provision of health care and related services.

(f) “Housing institution” means a public or nonprofit organization within this state that provides decent, affordable housing to [low income] **low-income** persons.

(g) “Institution” means a cultural institution, a health care institution, a housing institution, an institution for higher education, an institution for prekindergarten through grade 12 education, a school for persons with disabilities or another nonprofit.

(h) “Institution for higher education” means a public or nonprofit educational institution within this state authorized by law to provide a program of education beyond the high school level, including community colleges and associate degree granting institutions. “Institution for higher edu-

cation” does not mean any school or any institution primarily engaged in religious or sectarian activities.

(i) “Institution for prekindergarten through grade 12 education” means [*an Oregon prekindergarten as defined in ORS 329.170*] **a provider under the Oregon Prenatal to Kindergarten Program as defined in ORS 329.175**, a public educational institution within this state authorized by law to provide a program of education for kindergarten through grade 12 or a nonprofit educational institution within this state that provides a program of education for prekindergarten through grade 12 as a private school. “Institution for prekindergarten through grade 12 education” does not mean a school or institution primarily engaged in religious or sectarian activities.

(j) “Nonprofit” means an institution, organization or entity within this state exempt from taxation under section 501(c)(3) of the Internal Revenue Code as defined in ORS 314.011.

(k)(A) “Project” means the financing or refinancing of the costs, including, without limitation, acquisition, construction, enlargement, remodeling, renovation, improvement, furnishing and equipping, of the following:

(i) In the case of a participating institution that is an institution for higher education, an institution for prekindergarten through grade 12 education or a school for persons with disabilities, a structure, within this state or outside this state, that is suitable for use as a dormitory or other multiunit housing facility for students, faculty, officers or employees, or a dining hall, student union, administration building, academic building, library, laboratory, research facility, classroom, athletic facility, health care facility, maintenance, storage or utility facility and other structures or facilities, within this state or outside this state, that are related to any of the structures required or used for the instruction of students, the conducting of research or the operation of an institution for higher education, an institution for prekindergarten through grade 12 education or a school for persons with disabilities. A project defined in this sub-subparagraph includes landscaping, site preparation, furniture, equipment and machinery and other similar items necessary or convenient for the operation of a particular facility or structure in the manner for which its use is intended and also includes any furnishings, equipment, machinery and other similar items necessary or convenient for the operation of an institution of higher education, an institution for prekindergarten through grade 12 education or a school for persons with disabilities, whether or not the items are related to a particular facility or structure financed under this chapter.

(ii) In the case of a participating institution that is a housing institution, a structure, within this state or outside this state, that is suitable for use as housing, including residences or multiunit housing facilities, administration buildings, maintenance, storage or utility facilities and other structures or facilities, within this state or outside this state, that are related to any of the structures required or used for the operation of the housing, including parking and other facilities or structures essential or convenient for the orderly provision of the housing. A project defined in this sub-subparagraph includes landscaping, site preparation, furniture, equipment and machinery and other similar items necessary or convenient for the particular housing facility or structure in the manner for which its use is intended and also includes any furnishings, equipment, machinery and other similar items necessary or convenient for the provision of housing, whether or not the items are related to a particular facility or structure financed under this chapter.

(iii) In the case of a participating institution that is a cultural institution, a structure, within this state or outside this state, that is suitable for the institution’s purposes, whether or not to be used to provide educational services, or research resources, including use as or in connection with an administrative facility, aquarium, assembly hall, auditorium, botanical garden, exhibition hall, gallery, greenhouse, library, museum, scientific laboratory, theater or zoological facility. A project defined in this sub-subparagraph includes supporting facilities, landscaping, site preparation, furniture, equipment, machinery and other similar items necessary or convenient for the operation of a cultural institution, whether or not the items are related to a particular facility or structure financed under this chapter, including books, works of art or other items for display or exhibition.

(iv) In the case of a participating institution that is a health care institution, a structure, within this state or outside this state, that is suitable for the institution's purposes, including hospital facilities, inpatient and outpatient clinics, doctors' offices, administration buildings, parking, maintenance, storage or utility facilities, nursing care or assisted living facilities, elderly care and housing facilities, including retirement communities, and other structures or facilities, within this state or outside this state, that are related to any of the structures required or used for the operation of the health care institution, including other facilities or structures essential or convenient for the orderly provision of the health care. A project defined in this sub-subparagraph includes landscaping, site preparation, furniture, equipment and machinery and other similar items necessary or convenient for the particular health care facility or structure in the manner for which its use is intended and also includes any working capital, furnishings, equipment, machinery and other similar items necessary or convenient for the provision of health care, whether or not the items are related to a particular facility or structure financed under this chapter.

(v) In the case of a participating institution that is a nonprofit not otherwise specified in this paragraph, a structure, within this state or outside this state, that is suitable for the institution's purposes, including facilities or structures essential or convenient for the orderly operations of the nonprofit. A project defined in this sub-subparagraph includes acquisition of interests in land, landscaping, site preparation, furniture, equipment and machinery and other similar items necessary or convenient for the nonprofit, whether or not the items are related to a particular facility or structure financed under this chapter, including borrowings needed to alleviate interim cash flow deficits of the nonprofit.

(vi) In the case of a participating institution, costs to manage, operate or fund a qualified program or costs to alleviate interim cash flow deficits of the institution.

(B) "Project" also includes any combination of one or more of the projects undertaken jointly by one or more participating institutions with each other or with other parties.

(C) "Project" does not include the financing or refinancing of the costs of a facility used or to be used for sectarian instruction or as a place of religious worship or any facility which is used or to be used primarily in connection with any part of the program of a school or department of divinity for any religious denomination.

(L) "Qualified program" means a financing program, or other activities, of a participating institution that is eligible for financing through the issuance of revenue bonds the interest on which is:

(A) Excluded from gross income for federal income tax purposes; or

(B) Eligible for a federal tax credit or subsidy under the Internal Revenue Code.

(m) "School for persons with disabilities" means a public or nonprofit primary, secondary or post-secondary school within this state or outside this state that serves students at least 70 percent of whom are persons with disabilities as determined by one or more appropriate education, rehabilitation, medical or mental health authorities, is accredited by a recognized accrediting body and is determined by the authority to be a major resource of benefit to persons with disabilities. "School for persons with disabilities" does not mean any school or any institution primarily engaged in religious or sectarian activities.

(2) As used in subsection (1) of this section in relation to an institution, "within this state" means that the institution:

(a) Maintains its headquarters, principal office or primary place of business in the State of Oregon;

(b) Owns or operates one or more facilities in the State of Oregon at which it conducts operations in furtherance of its institutional mission; or

(c) Is owned or controlled by, or affiliated under common ownership with, an institution described in paragraph (a) or (b) of this subsection.

(3) As used in subsection (1) of this section in relation to a project, "within this state" means that:

(a) A structure to be financed will be located in the State of Oregon; or

(b) A structure to be financed will be financed for the primary benefit of an institution within this state.

SECTION 4. ORS 326.425, as amended by section 18, chapter 631, Oregon Laws 2021, is amended to read:

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

(2) The council is established to coordinate a unified and aligned system of early learning services for the purposes of ensuring that:

- (a) Children enter school ready to learn; and
- (b) Families are healthy, stable and attached.

(3) The Early Learning Council shall accomplish the purposes described in subsection (2) of this section by:

(a) Designating a committee to serve as the state advisory council for purposes of:

(A) The federal Head Start Act, as provided by ORS 417.796.

(B) Providing advice on matters related to the [*Oregon prekindergarten program*] **Oregon Prenatal to Kindergarten Program.**

(b) Coordinating an integrated system that aligns the delivery of early learning services.

(c) Coordinating the Oregon Early Learning System created by ORS 417.727.

(4) The council consists of members appointed as provided by subsections (5) and (6) of this section.

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

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

- (A) Ensure that each congressional district of this state is represented;
- (B) Ensure that at least one member represents the tribes of this state;
- (C) Ensure that at least one member represents the workforces for child care and early learning;
- (D) Ensure that each member meets the following qualifications:

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

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

(iii) Contributes to the council's expertise, knowledge and experience in early childhood development, early childhood care, early childhood education, family financial stability, populations disproportionately burdened by poor education outcomes and outcome-based best practices; and

(E) Solicit recommendations from the Speaker of the House of Representatives for at least two members and from the President of the Senate for at least two members.

(6) In addition to the members appointed under subsection (5) of this section, the Governor shall appoint nonvoting, ex officio members who represent relevant state agencies.

(7) The activities of the council shall be directed and supervised by the Early Learning System Director.

(8) In accordance with applicable provisions of ORS chapter 183, the council may adopt rules necessary for the administration of the laws that the council is charged with administering. When adopting rules related to child care, the council must appoint an advisory committee in accordance with ORS 183.333 that includes representatives of child care providers that are licensed or not licensed, as appropriate.

SECTION 5. ORS 327.274, as amended by section 29, chapter 27, Oregon Laws 2022, is amended to read:

327.274. (1) The Department of Education and the Early Learning Division shall use moneys in the Early Learning Account to provide funding for early learning programs in a manner consistent with a statewide early learning system plan overseen by the Early Learning Council. Early learning programs that may receive moneys from the Early Learning Account include:

- (a) Early childhood special education or early intervention services, as provided by ORS 343.475;
- (b) Relief nurseries;

(c) Programs funded by the Early Childhood Equity Fund;
(d) The [*Oregon prekindergarten program*] **Oregon Prenatal to Kindergarten Program** and other public **early learning and** preschool programs established under ORS 329.170 to 329.200, by increasing:

(A) The total number of spaces for children served by the programs; or

(B) Existing spaces for full-day programs from half-day programs; **and**

(e) Professional development for early childhood educators.]; *and*]

[(f) *Early Head Start programs.*]

(2) In addition to the uses identified in subsection (1) of this section, moneys in the Early Learning Account may be used for:

(a) Staffing needs of the Early Learning Division for the purpose of implementing this section.

(b) Costs incurred by the division in conducting the biennial evaluation of programs that receive grants under ORS 417.782.

(3) The State Board of Education and the Early Learning Council shall adopt rules necessary for the distribution of moneys under this section.

SECTION 6. ORS 327.274, as amended by section 21, chapter 631, Oregon Laws 2021, and section 30, chapter 27, Oregon Laws 2022, is amended to read:

327.274. (1) The Department of Early Learning and Care shall use moneys in the Early Learning Account to provide funding for early learning programs in a manner consistent with a statewide early learning system plan overseen by the Early Learning Council. Early learning programs that may receive moneys from the Early Learning Account include:

(a) Early childhood special education or early intervention services, as provided by ORS 343.475;

(b) Relief nurseries;

(c) Programs funded by the Early Childhood Equity Fund;

(d) The [*Oregon prekindergarten program*] **Oregon Prenatal to Kindergarten Program** and other public **early learning and** preschool programs established under ORS 329.170 to 329.200, by increasing:

(A) The total number of spaces for children served by the programs; or

(B) Existing spaces for full-day programs from half-day programs; **and**

(e) Professional development for early childhood educators.]; *and*]

[(f) *Early Head Start programs.*]

(2) In addition to the uses identified in subsection (1) of this section, moneys in the Early Learning Account may be used for:

(a) Staffing needs of the Department of Early Learning and Care for the purpose of implementing this section.

(b) Costs incurred by the department in conducting the biennial evaluation of programs that receive grants under ORS 417.782.

(3) The Early Learning Council shall adopt rules necessary for the distribution of moneys under this section.

SECTION 7. ORS 329.160 is amended to read:

329.160. It is the policy of this state to implement programs for early childhood education, for parenting education including instruction about prenatal care, for child-parent centers and for [*extended Oregon prekindergarten programs*] **the Oregon Prenatal to Kindergarten Program**. The [*Oregon prekindergarten program*] **Oregon Prenatal to Kindergarten Program** shall be operated in coordination with the federal Head Start program in order to avoid duplication of services and so as to ensure maximum use of resources. The state shall continue funding [*Oregon prekindergarten programs*] **the Oregon Prenatal to Kindergarten Program** with a goal to have full funding for all eligible children.

SECTION 8. ORS 329.165 is amended to read:

329.165. (1) The Early Learning Council shall develop a long-range plan for serving eligible children and their families and shall report to each odd-numbered year regular session of the Legislative Assembly on the funds necessary to implement the long-range plan, including but not limited

to regular programming costs, salary enhancements and program improvement grants. The council shall determine the rate of increase in funding for programs necessary each biennium to provide service to all children eligible for the [*Oregon prekindergarten program*] **Oregon Prenatal to Kindergarten Program**.

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

SECTION 9. ORS 329.165, as amended by section 24, chapter 631, Oregon Laws 2021, is amended to read:

329.165. (1) The Department of Early Learning and Care, in consultation with the Early Learning Council, shall develop a long-range plan for serving eligible children and their families and shall report to each odd-numbered year regular session of the Legislative Assembly on the funds necessary to implement the long-range plan, including but not limited to programming costs, salary enhancements, infrastructure and other continuous quality improvement costs. The department shall determine the rate of increase in funding for programs necessary each biennium to provide service to all children eligible for the [*Oregon prekindergarten program*] **Oregon Prenatal to Kindergarten Program**.

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

SECTION 10. 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 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. 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.

(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 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 provider under the Oregon Prenatal to Kindergarten Program**, 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*] **Oregon Prenatal to Kindergarten 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 11. ORS 329.172, as amended by section 26, chapter 631, Oregon Laws 2021, is amended to read:

329.172. (1)(a) The Preschool Promise Program is established. The Department of Early Learning and Care 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 Department of **Early Learning and Care** 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 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. 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 department for approval based on rules adopted by the Early Learning Council.

(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 department to be awarded grants or contracts to be a preschool provider 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 department.

(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 provider under the Oregon Prenatal to Kindergarten Program**, 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 an ability to meet quality standards adopted by the Early Learning Council, including:

(A) Participating in the quality recognition and improvement system for early childhood programs as established by ORS 329A.261.

(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 department, 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 department 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 department 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 as established by rule by the Early Learning Council.

(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*] **Oregon Prenatal to Kindergarten 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 department in administering this section, the Early Learning Council shall:

(a) Identify resources necessary for the department 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 department 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 department 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 Department of **Early Learning and Care** shall coordinate with the Department of Education and other state agencies in support of the Preschool Promise Program.
- (11) The Department of **Early Learning and Care** shall prescribe the form and timeline for applications to participate in the Preschool Promise Program.

SECTION 12. ORS 329.185 is amended to read:

329.185. When the federal Head Start program provides funding for programs for eligible children at or greater than the 1990-1991 per child level, eligibility for the [*state funded Oregon prekindergarten program*] **state-funded Oregon Prenatal to Kindergarten Program** shall be expanded to include programs for children whose family income exceeds the federal Head Start limits or who are in an underserved or unserved age category. After determining the increase in income limits or age level that would make children most in need of state programs eligible for them, the Early Learning Division may direct expenditure of any unexpended or unobligated funds appropriated for the biennium for eligible children to be expended for the additional children considered to be most in need. In the following biennium, the Early Learning Division shall include the cost of any added program for the children most in need in its biennial budget.

SECTION 13. ORS 329.185, as amended by section 30, chapter 631, Oregon Laws 2021, is amended to read:

329.185. When the federal Head Start program provides funding for programs for eligible children at or greater than the 1990-1991 per child level, eligibility for the [*state funded Oregon prekindergarten program*] **state-funded Oregon Prenatal to Kindergarten Program** shall be expanded to include programs for children whose family income exceeds the federal Head Start limits or who are in an underserved or unserved age category. After determining the increase in income limits or age level that would make children most in need of state programs eligible for them, the Department of Early Learning and Care may direct expenditure of any unexpended or unobligated funds appropriated for the biennium for eligible children to be expended for the additional children considered to be most in need. In the following biennium, the department shall include the cost of any added program for the children most in need in its biennial budget.

SECTION 14. ORS 329.195 is amended to read:

329.195. (1)(a) The Early Learning Council shall adopt rules for the establishment of the [*Oregon prekindergarten program*] **Oregon Prenatal to Kindergarten Program**.

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

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

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

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

(c) Federal Head Start program guidelines shall be considered as guidelines for the [*Oregon prekindergarten program*] **Oregon Prenatal to Kindergarten Program**.

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

(2) In developing rules for the [*Oregon prekindergarten program*] **Oregon Prenatal to Kindergarten Program**, the council shall consider such factors as coordination with existing programs, the preparation necessary for instructors, qualifications of instructors, training of staff, adequate space and equipment and special transportation needs.

(3) The Early Learning Division shall review **received** applications for **entities to become providers under the Oregon Prenatal to Kindergarten Program** [*the Oregon prekindergarten program received and designate those programs as eligible to commence operation by July 1 of each year*]. When approving [*grant*] applications, to the extent practicable, the council shall distribute funds regionally based on percentages of unmet needs for the county or region.

SECTION 15. ORS 329.195, as amended by section 31, chapter 631, Oregon Laws 2021, is amended to read:

329.195. (1)(a) The Early Learning Council shall adopt rules for the establishment of the [*Oregon prekindergarten program*] **Oregon Prenatal to Kindergarten Program**.

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

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

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

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

(c) Federal Head Start program guidelines shall be considered as guidelines for the [*Oregon prekindergarten program*] **Oregon Prenatal to Kindergarten Program**.

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

(2) In developing rules for the [*Oregon prekindergarten program*] **Oregon Prenatal to Kindergarten Program**, the council shall consider such factors as coordination with existing programs, the preparation necessary for instructors, qualifications of instructors, training of staff, adequate space and equipment and special transportation needs.

(3) The Department of Early Learning and Care shall review **received** applications for **entities to become providers under the Oregon Prenatal to Kindergarten Program** [*the Oregon prekindergarten program received and designate those programs as eligible to commence operation by July 1 of each year*]. When approving [*grant*] applications, to the extent practicable, the department shall distribute funds regionally based on percentages of unmet needs for the county or region.

SECTION 16. ORS 329.200 is amended to read:

329.200. (1) The Early Learning Division shall report to the Legislative Assembly on the merits of continuing and expanding the [*Oregon prekindergarten program*] **Oregon Prenatal to Kindergarten Program** or instituting other means of providing early childhood development assistance.

(2) The division's report shall include specific recommendations on at least the following issues:

(a) The relationship of the state-funded [*Oregon prekindergarten program*] **Oregon Prenatal to Kindergarten Program** with the common school system;

(b) The types of children and their needs that the program should serve;

(c) The appropriate level of state support for implementing the program for all eligible children, including related projects to prepare instructors and provide facilities, equipment and transportation;

(d) The state administrative structure necessary to implement the program; and

(e) Licensing or endorsement of early childhood teachers.

(3) The division shall examine, monitor and assess the effectiveness of the [*Oregon prekindergarten program*] **Oregon Prenatal to Kindergarten Program** and make biennial reports to the Legislative Assembly on the effectiveness of the program.

SECTION 17. ORS 329.200, as amended by section 32, chapter 631, Oregon Laws 2021, is amended to read:

329.200. (1) The Department of Early Learning and Care shall report to the Legislative Assembly on the merits of continuing and expanding the [*Oregon prekindergarten program*] **Oregon Prenatal to Kindergarten Program** or instituting other means of providing early childhood development assistance.

(2) The department's report shall include specific recommendations on at least the following issues:

(a) The relationship of the state-funded [*Oregon prekindergarten program*] **Oregon Prenatal to Kindergarten Program** with the common school system;

(b) The types of children and their needs that the program should serve;

(c) The appropriate level of state support for implementing the program for all eligible children, including related projects to prepare instructors and provide facilities, equipment and transportation;

(d) The state administrative structure necessary to implement the program; and

(e) Licensing or endorsement of early childhood teachers.

(3) The department shall examine, monitor and assess the effectiveness of the [*Oregon prekindergarten program*] **Oregon Prenatal to Kindergarten Program** and make biennial reports to the Legislative Assembly on the effectiveness of the program.

SECTION 18. ORS 329A.030, as amended by section 1, chapter 90, Oregon Laws 2022, is amended to read:

329A.030. (1) The Office of Child Care shall establish a Central Background Registry and may maintain information in the registry through electronic records systems.

(2)(a) A subject individual shall apply to and must be enrolled in the Central Background Registry as part of the individual's application to operate a program or serve in a position described in subsection (10) of this section.

(b) An individual who has been the subject of a founded or substantiated report of child abuse shall apply to and must be enrolled in the Central Background Registry prior to providing any of the types of care identified in ORS 329A.250 (4)(b)(A), (G) or (H) if:

(A) The child abuse occurred on or after January 1, 2017, and involved a child who died or suffered serious physical injury, as defined in ORS 161.015; or

(B) The child abuse occurred on or after September 1, 2019, and involved any child for whom the individual was providing child care, as defined in ORS 329A.250 (4), or care identified in ORS 329A.250 (4)(b)(A), (C), (F), (G), (H) or (I).

(c) Notwithstanding paragraph (a) of this subsection, an individual described in paragraph (b)(B) of this subsection is not required to enroll in the Central Background Registry if more than seven years has elapsed since the date of the child abuse determination.

(3)(a) Upon receiving an application for enrollment in the Central Background Registry, the office shall complete:

(A) A criminal records check under ORS 181A.195;

(B) A criminal records check of other registries or databases in accordance with rules adopted by the Early Learning Council;

(C) A child abuse and neglect records check in accordance with rules adopted by the council; and

(D) A foster care certification check and an adult protective services check in accordance with rules adopted by the council.

(b) In addition to the information that the office is required to check under paragraph (a) of this subsection, the office may consider any other information obtained by the office that the office, by rule, determines is relevant to enrollment in the Central Background Registry.

(4)(a) The office shall enroll the individual in the Central Background Registry if the individual:
(A) Is determined to have no criminal, child abuse and neglect, negative adult protective services or negative foster home certification history, or to have dealt with the issues and provided adequate evidence of suitability for the registry;

(B) Has paid the applicable fee established pursuant to ORS 329A.275; and

(C) Has complied with the rules of the Early Learning Council adopted pursuant to this section.

(b) Notwithstanding subsection (3) of this section and paragraph (a) of this subsection, the office may enroll an individual in the registry if the Department of Human Services has completed a background check on the individual and the individual has received approval from the department for purposes of providing child care.

(5)(a) Notwithstanding subsections (3) and (4) of this section, the office may not enroll an individual in the Central Background Registry if:

(A) The individual has a disqualifying condition as defined in rules adopted by the council; or

(B) The individual is an exempt prohibited individual, as provided by ORS 329A.252.

(b) If an individual prohibited from enrolling in the registry as provided by this subsection is enrolled in the registry, the office shall remove the individual from the registry.

(6)(a) The office may conditionally enroll an individual in the Central Background Registry pending the results of a nationwide criminal records check through the Federal Bureau of Investigation if the individual has successfully completed the criminal records check and the child abuse and neglect records check in this state and in the state of the individual's residence, if other than Oregon.

(b) The office may enroll an individual in the registry subject to limitations identified in rules adopted by the council.

(7) An enrollment in the Central Background Registry may be renewed upon application to the office, payment of the fee established pursuant to ORS 329A.275 and compliance with rules adopted by the Early Learning Council pursuant to this section. However, an individual who is determined to be ineligible for enrollment in the registry after the date of initial enrollment shall be removed or suspended from the registry by the office.

(8)(a) A child care facility, preschool recorded program or school-age recorded program may not hire or employ an individual if the individual is not enrolled in the Central Background Registry.

(b) Notwithstanding paragraph (a) of this subsection, a child care facility, preschool recorded program or school-age recorded program may employ on a probationary basis an individual who is conditionally enrolled in the Central Background Registry.

(9) The Early Learning Council may adopt any rules necessary to carry out the purposes of this section, including but not limited to rules regarding expiration and renewal periods and limitations related to the subject individual's enrollment in the Central Background Registry.

(10) As used in this section, "subject individual" means a subject individual as defined by the Early Learning Council by rule, an individual subject to subsection (2)(b) of this section or a person who applies to be:

(a) The operator or an employee of a child care or treatment program;

(b) The operator or an employee of [*an Oregon prekindergarten program*] **a provider under the Oregon Prenatal to Kindergarten Program** under ORS 329.170 to 329.200;

(c) The operator or an employee of a federal Head Start program regulated by the United States Department of Health and Human Services;

(d) An individual in a child care facility, preschool recorded program or school-age recorded program who may have unsupervised contact with children as identified by the office;

(e) A contractor or an employee of the contractor who provides early childhood special education or early intervention services pursuant to ORS 343.455 to 343.534;

(f) A child care provider who is required to be enrolled in the Central Background Registry by any state agency;

(g) A contractor, employee or volunteer of a metropolitan service district organized under ORS chapter 268 who may have unsupervised contact with children and who is required to be enrolled in the Central Background Registry by the metropolitan service district;

(h) A provider of respite services, as defined in ORS 418.205, for parents pursuant to a properly executed power of attorney under ORS 109.056 who is providing respite services as a volunteer with a private agency or organization that facilitates the provision of such respite services;

(i) The operator or an employee of an early learning program as defined in rules adopted by the council; or

(j) The operator or an employee of a preschool recorded program or a school-age recorded program.

(11)(a) Information provided to a metropolitan service district organized under ORS chapter 268 about the enrollment status of the persons described in subsection (10)(g) of this section shall be subject to a reciprocal agreement with the metropolitan service district. The agreement must provide for the recovery of administrative, including direct and indirect, costs incurred by the office from participation in the agreement. Any moneys collected under this paragraph shall be deposited in the Child Care Fund established under ORS 329A.010.

(b) Information provided to a private agency or organization facilitating the provision of respite services, as defined in ORS 418.205, for parents pursuant to a properly executed power of attorney under ORS 109.056 about the enrollment status of the persons described in subsection (10)(h) of this section shall be subject to an agreement with the private agency or organization. The agreement must provide for the recovery of administrative, including direct and indirect, costs incurred by the office from participation in the agreement. Any moneys collected under this paragraph shall be deposited in the Child Care Fund established under ORS 329A.010.

(c) Information provided to a private agency or organization about the enrollment status of the persons described in subsection (10)(i) of this section shall be subject to an agreement with the private agency or organization. The agreement must provide for the recovery of administrative, including direct and indirect, costs incurred by the office from participation in the agreement. Any moneys collected under this paragraph shall be deposited in the Child Care Fund established under ORS 329A.010.

SECTION 19. ORS 329A.030, as amended by section 26, chapter 27, Oregon Laws 2022, and section 1, chapter 90, Oregon Laws 2022, is amended to read:

329A.030. (1) The Office of Child Care shall establish a Central Background Registry and may maintain information in the registry through electronic records systems.

(2)(a) A subject individual described in subsection (10)(a), (c) or (d) of this section shall apply to and must be enrolled in the Central Background Registry prior to the provision of care.

(b) An individual who has been the subject of a founded or substantiated report of child abuse shall apply to and must be enrolled in the Central Background Registry prior to providing any of the types of care identified in ORS 329A.250 (4)(b)(A), (G) or (H) if:

(A) The child abuse occurred on or after January 1, 2017, and involved a child who died or suffered serious physical injury, as defined in ORS 161.015; or

(B) The child abuse occurred on or after September 1, 2019, and involved any child for whom the individual was providing child care, as defined in ORS 329A.250 (4), or care identified in ORS 329A.250 (4)(b)(A), (C), (F), (G), (H) or (I).

(c) Notwithstanding paragraph (a) of this subsection, an individual described in paragraph (b)(B) of this subsection is not required to enroll in the Central Background Registry if more than seven years has elapsed since the date of the child abuse determination.

(3)(a) Upon receiving an application for enrollment in the Central Background Registry, the office shall complete:

(A) A criminal records check under ORS 181A.195;

(B) A criminal records check of other registries or databases in accordance with rules adopted by the Early Learning Council;

(C) A child abuse and neglect records check in accordance with rules adopted by the council; and

(D) A foster care certification check and an adult protective services check in accordance with rules adopted by the council.

(b) In addition to the information that the office is required to check under paragraph (a) of this subsection, the office may consider any other information obtained by the office that the office, by rule, determines is relevant to enrollment in the Central Background Registry.

(4) The office shall enroll the individual in the Central Background Registry if the individual:

(a) Is determined to have no criminal, child abuse and neglect, negative adult protective services or negative foster home certification history, or to have dealt with the issues and provided adequate evidence of suitability for the registry;

(b) Has paid the applicable fee established pursuant to ORS 329A.275; and

(c) Has complied with the rules of the Early Learning Council adopted pursuant to this section.

(5)(a) Notwithstanding subsections (3) and (4) of this section, the office may not enroll an individual in the Central Background Registry if:

(A) The individual has a disqualifying condition as defined in rules adopted by the council; or

(B) The individual is an exempt prohibited individual, as provided by ORS 329A.252.

(b) If an individual prohibited from enrolling in the registry as provided by this subsection is enrolled in the registry, the office shall remove the individual from the registry.

(6)(a) The office may conditionally enroll an individual in the Central Background Registry pending the results of a nationwide criminal records check through the Federal Bureau of Investigation if the individual has successfully completed the criminal records check and the child abuse and neglect records check in this state and in the state of the individual's residence, if other than Oregon.

(b) The office may enroll an individual in the registry subject to limitations identified in rules adopted by the council.

(7) An enrollment in the Central Background Registry may be renewed upon application to the office, payment of the fee established pursuant to ORS 329A.275 and compliance with rules adopted by the Early Learning Council pursuant to this section. However, an individual who is determined to be ineligible for enrollment in the registry after the date of initial enrollment shall be removed or suspended from the registry by the office.

(8)(a) A child care facility, preschool recorded program or school-age recorded program may not hire or employ an individual if the individual is not enrolled in the Central Background Registry.

(b) Notwithstanding paragraph (a) of this subsection, a child care facility, preschool recorded program or school-age recorded program may employ on a probationary basis an individual who is conditionally enrolled in the Central Background Registry.

(9) The Early Learning Council may adopt any rules necessary to carry out the purposes of this section, including but not limited to rules regarding expiration and renewal periods and limitations related to the subject individual's enrollment in the Central Background Registry.

(10) As used in this section, "subject individual" means:

(a) A subject individual as defined by the Early Learning Council by rule;

(b) An individual subject to subsection (2)(b) of this section;

(c) A person who applies to be:

(A) The operator or an employee of a child care or treatment program;

(B) The operator or an employee of [*an Oregon prekindergarten program*] **a provider under the Oregon Prenatal to Kindergarten Program** under ORS 329.170 to 329.200;

(C) The operator or an employee of a federal Head Start program regulated by the United States Department of Health and Human Services;

(D) An individual in a child care facility, preschool recorded program or school-age recorded program who may have unsupervised contact with children, as determined by the council by rule;

(E) A contractor or an employee of the contractor who provides early childhood special education or early intervention services pursuant to ORS 343.455 to 343.534;

(F) A child care provider who is required to be enrolled in the Central Background Registry by any state agency;

(G) A contractor, employee or volunteer of a metropolitan service district organized under ORS chapter 268 who may have unsupervised contact with children and who is required to be enrolled in the Central Background Registry by the metropolitan service district;

(H) A provider of respite services, as defined in ORS 418.205, for parents pursuant to a properly executed power of attorney under ORS 109.056 who is providing respite services as a volunteer with a private agency or organization that facilitates the provision of such respite services;

(I) The operator or an employee of an early learning program as defined in rules adopted by the council; or

(J) The operator or an employee of a preschool recorded program or a school-age recorded program; or

(d)(A) An individual who operates a subsidized care facility;

(B) An individual who has attained 18 years of age and resides in a subsidized care facility; or

(C) An individual in a subsidized care facility who has attained 18 years of age and who may have unsupervised contact with children, as determined by the council by rule.

(11)(a) Information provided to a metropolitan service district organized under ORS chapter 268 about the enrollment status of the persons described in subsection (10)(c)(G) of this section shall be subject to a reciprocal agreement with the metropolitan service district. The agreement must provide for the recovery of administrative, including direct and indirect, costs incurred by the office from participation in the agreement. Any moneys collected under this paragraph shall be deposited in the Child Care Fund established under ORS 329A.010.

(b) Information provided to a private agency or organization facilitating the provision of respite services, as defined in ORS 418.205, for parents pursuant to a properly executed power of attorney under ORS 109.056 about the enrollment status of the persons described in subsection (10)(c)(H) of this section shall be subject to an agreement with the private agency or organization. The agreement must provide for the recovery of administrative, including direct and indirect, costs incurred by the office from participation in the agreement. Any moneys collected under this paragraph shall be deposited in the Child Care Fund established under ORS 329A.010.

(c) Information provided to a private agency or organization about the enrollment status of the persons described in subsection (10)(c)(I) of this section shall be subject to an agreement with the private agency or organization. The agreement must provide for the recovery of administrative, including direct and indirect, costs incurred by the office from participation in the agreement. Any moneys collected under this paragraph shall be deposited in the Child Care Fund established under ORS 329A.010.

SECTION 20. ORS 336.211 is amended to read:

336.211. (1) As used in this section:

(a) "Education provider" means:

(A) An entity that *[offers a program that is recognized as an Oregon prekindergarten program]* **is a provider under the Oregon Prenatal to Kindergarten Program** under ORS 329.170 to 329.200.

(B) A school district board.

(b) "Eye examination" means an eye examination that:

(A) Is conducted by a person licensed by the Oregon Board of Optometry under ORS 683.010 to 683.340 or a person licensed by the Oregon Medical Board under ORS chapter 677 and trained in eye surgery and eye disease; and

(B) Involves any diagnosis of the eye and any measurement or assistance of the powers or range of vision of the eye.

(c) "Vision screening" means an eye screening test to identify potential vision health problems that is conducted by a person who is:

(A) Licensed by the Oregon Board of Optometry under ORS 683.010 to 683.340;

(B) Licensed by the Oregon Medical Board under ORS chapter 677 and trained in eye surgery and eye disease;

(C) A health care practitioner acting in accordance with rules adopted by the State Board of Education; or

(D) A school nurse, an employee of an education provider or a person or nonprofit entity designated by the Department of Education to provide vision screening to students who is acting in accordance with rules adopted by the State Board of Education.

(2)(a) Except as provided in subsection (3) of this section, each education provider shall require a student who is seven years of age or younger and who is beginning an educational program with the education provider for the first time to submit certification that the student received:

(A) A vision screening or an eye examination; and

(B) Any further examinations or necessary treatments of the eye or assistance of the powers or range of vision of the eye.

(b) The certification required by this subsection must be provided no later than 120 days after the student begins the educational program.

(3) A student is not required to submit certification as required under subsection (2) of this section if the student provides a statement from the parent or guardian of the student that:

(a) The student submitted certification to a prior education provider; or

(b) The vision screening or eye examination is contrary to the religious beliefs of the student or the parent or guardian of the student.

(4) Each education provider shall:

(a) Ensure that the requirements of this section are met. Failure by a student to meet the requirements of this section may not result in a program's or school's prohibiting the student from attending the program or school, but may result in withholding report cards or similar actions.

(b) File in the student's vision health record any certifications and any results of a vision screening or an eye examination known by the education provider.

(c) Provide the parent or guardian of each student with information about the vision screenings and eye examinations, and information about further examinations or necessary treatments.

(5)(a) Upon application of a person that provides students with vision screenings, the Department of Education shall reimburse the person for any necessary expenses incurred by the person in the provision of the vision screenings.

(b) A person may receive reimbursement under this subsection for the provision of a vision screening to any student of an education provider, regardless of whether the student has complied with subsection (2) or (3) of this section. Nothing in this paragraph removes the requirement that a student must comply with subsection (2) or (3) of this section.

(c) Reimbursements made under this subsection:

(A) May not exceed \$3.20 per vision screening per student per school year.

(B) Must be paid from the Vision Health Account established under ORS 336.212.

(C) May not exceed amounts available in the Vision Health Account.

(6)(a) The State Board of Education, in consultation with the Oregon Health Policy Board, shall adopt by rule any standards for the implementation of this section.

(b) The State Board of Education shall adopt rules that:

(A) Prescribe the process by which a person or nonprofit entity is designated by the Department of Education to provide vision screenings; and

(B) Establish the process for providing reimbursements under subsection (5) of this section, including the prioritization of persons to receive a reimbursement if the total amount available for reimbursements exceeds the total amount requested for reimbursements.

SECTION 21. ORS 336.213 is amended to read:

336.213. (1) As used in this section:

(a) "Dental screening" means a dental screening test to identify potential dental health problems that is conducted by:

(A) A dentist licensed under ORS chapter 679;

- (B) A dental hygienist licensed under ORS 680.010 to 680.205;
- (C) A health care practitioner who is acting in accordance with rules adopted by the State Board of Education; or
- (D) A person who:
 - (i) Is one of the following:
 - (I) An employee of an education provider; or
 - (II) Trained in accordance with guidelines established by the dental director appointed by the Oregon Health Authority; and
 - (ii) Is acting in accordance with rules adopted by the State Board of Education in collaboration with the dental director appointed by the Oregon Health Authority.
- (b) "Education provider" means:
 - (A) An entity that *[offers a program that is recognized as an Oregon prekindergarten program]* **is a provider under the Oregon Prenatal to Kindergarten Program** under ORS 329.170 to 329.200.
 - (B) A school district board.

(2)(a) Except as provided in subsection (3) of this section, each education provider shall require a student who is seven years of age or younger and who is beginning an educational program with the education provider for the first time to submit certification that the student received a dental screening within the previous 12 months.

- (b) The certification required by this subsection:
 - (A) Must be provided no later than 120 days after the student begins the educational program.
 - (B) May be provided by a person identified in subsection (1)(a) of this section who conducts the dental screening at a location not associated with the education provider or who conducts regular dental screenings of the student.

(3) A student is not required to submit certification as required under subsection (2) of this section if the student provides a statement from the parent or guardian of the student that:

- (a) The student submitted certification to a prior education provider;
- (b) The dental screening is contrary to the religious beliefs of the student or the parent or guardian of the student; or
- (c) The dental screening is a burden, as defined by the State Board of Education by rule, for the student or the parent or guardian of the student.

(4) Each education provider shall:

- (a) File in the student's dental health record any certifications and any results of a dental screening known by the education provider.

- (b) Provide the parent or guardian of each student with information about:
 - (A) The dental screenings;
 - (B) Further examinations or necessary treatments; and
 - (C) Preventive care, including fluoride varnish, sealants and daily brushing and flossing.

(5) The dental director appointed by the Oregon Health Authority shall develop standardized information described in subsection (4)(b) of this section for distribution by education providers.

(6)(a) No later than October 1 each year, each school district shall submit to the Department of Education a report that identifies the percentage of students who failed to submit the certification required under this section for the previous school year.

(b) No later than December 1 each year, the department shall summarize the reports received under paragraph (a) of this subsection and submit the summary to the interim legislative committees on education and to the dental director appointed by the Oregon Health Authority.

(7) The State Board of Education, in consultation with the Oregon Health Policy Board and the Oregon Board of Dentistry, shall adopt by rule any standards for the implementation of this section.

SECTION 22. ORS 336.214 is amended to read:

336.214. (1) As used in this section:

- (a) "Dental screening" has the meaning given that term in ORS 336.213.

(b) "Prekindergarten program" means [a program that is recognized as an Oregon prekindergarten program] **an entity that is a provider under the Oregon Prenatal to Kindergarten Program** under ORS 329.170 to 329.200.

(2) A school district or prekindergarten program that causes a dental screening to be conducted of all of the students in one or more classrooms or in one or more grades where the students are 14 years of age or younger must provide the students or the parents or guardians of the students an opportunity to request not to participate in the dental screening.

(3) At least two weeks before a school district or prekindergarten program causes to be conducted a dental screening of all of the students in one or more classrooms or in one or more grades where the students are 14 years of age or younger, the school district or prekindergarten program must provide written notice of the dental screening to each student for whom the dental screening will be conducted.

(4) The notice required by subsection (3) of this section must:

(a) Explain that either a student or a parent or guardian of a student has the right to request in writing that the student not participate in the dental screening;

(b) Explain that, on the day of the dental screening, a student or a parent or guardian of a student may request, orally or in writing, that the student not participate in the screening;

(c) Explain who will administer the dental screening and who will have access to the results of screening; and

(d) Meet any other requirements established by the State Board of Education by rule.

(5) This section does not authorize a school district or a prekindergarten program to cause a dental screening to be conducted on an individual student who is 14 years of age or younger without first receiving the written consent of a parent or guardian of the student if the dental screening is not conducted as part of a dental screening of all students in one or more classrooms or one or more grades.

SECTION 23. ORS 343.455 is amended to read:

343.455. (1) [*Oregon prekindertentens, as defined in ORS 329.170,*] **Providers under the Oregon Prenatal to Kindergarten Program, as defined in ORS 329.175,** shall be responsible for providing early childhood special education as defined in ORS 343.035 (5).

(2) Not less than 10 percent of the population of children served [*in Oregon prekindertentens*] **by a provider under the Oregon Prenatal to Kindergarten Program** shall be children who are eligible to receive early childhood special education.

SECTION 24. ORS 343.499 is amended to read:

343.499. (1)(a) There is created the State Interagency Coordinating Council.

(b) The Governor shall appoint members of the council from a list of eligible appointees from this state that is provided by the council and agencies described in subsection (2) of this section and shall ensure that the membership of the council reasonably represents the racial, ethnic, linguistic and geographic population of this state.

(c) The Governor shall designate one member of the council to serve as the chairperson, or if the Governor chooses not to name a chairperson, the council may elect one of its members to serve as chairperson.

(d) Notwithstanding paragraph (c) of this subsection, any member of the council who represents the Department of Education may not serve as the chairperson of the council.

(2) The membership of the council shall be composed as follows:

(a) At least 20 percent of the council members shall be parents of children with a disability who are 12 years of age or younger at the time the council member is appointed. When appointing council members under this paragraph, the Governor shall ensure that:

(A) At least 50 percent of the council members are parents of a child with a disability who is five years of age or younger at the time the council member is appointed;

(B) At least 20 percent of the council members:

(i) Are parents of a child with a disability who is three years of age or younger at the time the council member is appointed; and

(ii) Have knowledge of, or experience with, programs or services for infants or toddlers with a disability; and

(C) The council members represent the racial, ethnic and linguistic diversity of children in this state who are five years of age or younger.

(b) At least 20 percent of the council members shall be public or private providers of early intervention and early childhood special education services.

(c) At least one council member shall be from a program responsible for preparing early intervention and early childhood special education educators.

(d) At least one council member shall be from a Head Start *[or Early Head Start]* program **or from a provider under the Oregon Prenatal to Kindergarten Program.**

(e) At least one council member shall be from a home-based child care program.

(f) At least one council member shall be from a center-based child care program.

(g) At least one council member shall be from the committee that serves as the state advisory council, as described in ORS 326.425 (3).

(h) At least one council member shall be a member of the State Advisory Council for Special Education created under ORS 343.287.

(i) At least one council member shall be from each state agency involved in the provision of, or payment for, early intervention and early childhood special education services to infants and toddlers with a disability and their families.

(j) At least one council member shall be from each state agency responsible for providing pre-school services to children with a disability.

(k) At least one council member shall be from each state agency responsible for children's mental health.

(L) At least two council members shall be from the Department of Human Services with expertise in foster care or self-sufficiency programs.

(m) At least one council member shall be from the Office of Child Care with expertise in the Child Care and Development Fund.

(n) At least one council member shall be a representative of the Department of Education with expertise in the coordination of education of homeless children and youth.

(o) At least one council member shall be from the Department of Consumer and Business Services with expertise in state regulation of private health insurance.

(p) At least one council member shall be from the Oregon Health Authority with expertise in Medicaid and the Children's Health Insurance Program.

(q) At least one council member shall be a representative from a tribal agency responsible for supporting young children with developmental delays and disabilities, from a tribal council or otherwise representing one or more tribes.

(3) An individual appointed to represent a state agency under subsection (2) of this section must have sufficient authority to engage in making and implementing policy on behalf of the agency. The Governor may appoint a council member to represent more than one program or specialty listed in subsection (2) of this section.

(4) In addition to the council members appointed under subsection (2) of this section:

(a) The Governor may appoint any other council members not listed in subsection (2) of this section.

(b) The President of the Senate shall appoint one member from among members of the Senate to serve as a nonvoting council member.

(c) The Speaker of the House of Representatives shall appoint one member from among members of the House of Representatives to serve as a nonvoting council member.

(5) The State Interagency Coordinating Council shall:

(a) Advise the Superintendent of Public Instruction, the State Board of Education, the Early Learning System Director and the Early Learning Council on unmet needs in the early childhood special education and early intervention programs for children with a disability, review and comment publicly on any rules proposed by the State Board of Education and the distribution of funds

for the programs and assist the state in developing and reporting data on and evaluations of the programs and services.

(b) Advise and assist the represented public agencies regarding the services and programs they provide to children with a disability and their families, including public comments on any proposed rules affecting the target population and the distribution of funds for such services, and assist each agency in developing services that reflect the overall goals for the target population as adopted by the council.

(c) Advise the Department of Education, the Early Learning Division and other state agencies on the development and implementation of the policies that constitute the statewide system.

(d) Advise all appropriate public agencies on achieving the full participation, coordination and cooperation for implementation of a statewide system that includes but is not limited to:

(A) Seeking information from service providers, service coordinators, parents and others about any federal, state or local policies that impede timely service delivery; and

(B) Taking steps to ensure that any policy problems identified under subparagraph (A) of this paragraph are resolved.

(e) Advise the Superintendent of Public Instruction and the Early Learning System Director on identifying the sources of fiscal and other support for early intervention and early childhood special education services, assigning financial responsibility to the appropriate agencies and ensuring that the provisions of interagency agreements under ORS 343.511 are carried out.

(f) Review and comment on each agency's services and policies regarding services for infants, toddlers and preschool children with a disability, or infants, toddlers and preschool children who are at risk of developing disabling conditions, and their families to the maximum extent possible to [assure] **ensure** cost-effective and efficient use of resources.

(g) Advise the Department of Education and the Early Learning Division on the preparation of applications and amendments thereto.

(h) Advise the Superintendent of Public Instruction and the Early Learning System Director regarding transitions of children with a disability, including transitions to kindergarten.

(i) Prepare and submit an annual report to the Governor, the Deputy Superintendent of Public Instruction, the Early Learning System Director, the Early Learning Council, the State Board of Education, the Legislative Assembly and the United States Secretary of Education on the status of early intervention and early childhood special education services provided within this state.

(6) The council may advise appropriate agencies about integration of services for preschool children with a disability and at-risk preschool children.

(7) Terms of office for council members shall be three years, except that:

(a) The representative from the State Advisory Council for Special Education shall serve a one-year term; and

(b) The representatives from other state agencies and the representatives from the Legislative Assembly shall serve indefinite terms.

(8) Subject to approval by the Governor, the council may use federal funds appropriated for this purpose and available to the council to:

(a) Conduct hearings and forums;

(b) Reimburse nonagency council members under ORS 292.495 for attending council meetings, for performing council duties, and for necessary expenses, including child care for parent members;

(c) Pay compensation to a council member if the member is not employed or if the member must forfeit wages from other employment when performing official council business;

(d) Hire staff; and

(e) Obtain the services of such professional, technical and clerical personnel as may be necessary to carry out its functions.

(9) Except as provided in subsection (8) of this section, council members shall serve without compensation.

(10) The Department of Education shall provide clerical and administrative support, including staff, to the council to carry out the performance of the council's function as described in this section.

(11) The council shall meet at least quarterly. The meetings shall be announced publicly and, to the extent appropriate, be open and accessible to the general public.

(12) No member of the council shall cast a vote on any matter that would provide direct financial benefit to that member or otherwise give the appearance of a conflict of interest under state law.

SECTION 25. ORS 343.499, as amended by section 47, chapter 631, Oregon Laws 2021, is amended to read:

343.499. (1)(a) There is created the State Interagency Coordinating Council.

(b) The Governor shall appoint members of the council from a list of eligible appointees from this state that is provided by the council and agencies described in subsection (2) of this section and shall ensure that the membership of the council reasonably represents the racial, ethnic, linguistic and geographic population of this state.

(c) The Governor shall designate one member of the council to serve as the chairperson, or if the Governor chooses not to name a chairperson, the council may elect one of its members to serve as chairperson.

(d) Notwithstanding paragraph (c) of this subsection, any member of the council who represents the Department of Education may not serve as the chairperson of the council.

(2) The membership of the council shall be composed as follows:

(a) At least 20 percent of the council members shall be parents of children with a disability who are 12 years of age or younger at the time the council member is appointed. When appointing council members under this paragraph, the Governor shall ensure that:

(A) At least 50 percent of the council members are parents of a child with a disability who is five years of age or younger at the time the council member is appointed;

(B) At least 20 percent of the council members:

(i) Are parents of a child with a disability who is three years of age or younger at the time the council member is appointed; and

(ii) Have knowledge of, or experience with, programs or services for infants or toddlers with a disability; and

(C) The council members represent the racial, ethnic and linguistic diversity of children in this state who are five years of age or younger.

(b) At least 20 percent of the council members shall be public or private providers of early intervention and early childhood special education services.

(c) At least one council member shall be from a program responsible for preparing early intervention and early childhood special education educators.

(d) At least one council member shall be from a Head Start *[or Early Head Start]* program **or from a provider under the Oregon Prenatal to Kindergarten Program.**

(e) At least one council member shall be from a home-based child care program.

(f) At least one council member shall be from a center-based child care program.

(g) At least one council member shall be from the committee that serves as the state advisory council, as described in ORS 326.425 (3).

(h) At least one council member shall be a member of the State Advisory Council for Special Education created under ORS 343.287.

(i) At least one council member shall be from each state agency involved in the provision of, or payment for, early intervention and early childhood special education services to infants and toddlers with a disability and their families.

(j) At least one council member shall be from each state agency responsible for providing pre-school services to children with a disability.

(k) At least one council member shall be from each state agency responsible for children's mental health.

(L) At least two council members shall be from the Department of Human Services with expertise in foster care or self-sufficiency programs.

(m) At least one council member shall be from the Department of Early Learning and Care with expertise in the Child Care and Development Fund.

(n) At least one council member shall be a representative of the Department of Education with expertise in the coordination of education of homeless children and youth.

(o) At least one council member shall be from the Department of Consumer and Business Services with expertise in state regulation of private health insurance.

(p) At least one council member shall be from the Oregon Health Authority with expertise in Medicaid and the Children's Health Insurance Program.

(q) At least one council member shall be a representative from a tribal agency responsible for supporting young children with developmental delays and disabilities, from a tribal council or otherwise representing one or more tribes.

(3) An individual appointed to represent a state agency under subsection (2) of this section must have sufficient authority to engage in making and implementing policy on behalf of the agency. The Governor may appoint a council member to represent more than one program or specialty listed in subsection (2) of this section.

(4) In addition to the council members appointed under subsection (2) of this section:

(a) The Governor may appoint any other council members not listed in subsection (2) of this section.

(b) The President of the Senate shall appoint one member from among members of the Senate to serve as a nonvoting council member.

(c) The Speaker of the House of Representatives shall appoint one member from among members of the House of Representatives to serve as a nonvoting council member.

(5) The State Interagency Coordinating Council shall:

(a) Advise the Superintendent of Public Instruction, the State Board of Education, the Early Learning System Director and the Early Learning Council on unmet needs in the early childhood special education and early intervention programs for children with a disability, review and comment publicly on any rules proposed by the State Board of Education and the distribution of funds for the programs and assist the state in developing and reporting data on and evaluations of the programs and services.

(b) Advise and assist the represented public agencies regarding the services and programs they provide to children with a disability and their families, including public comments on any proposed rules affecting the target population and the distribution of funds for such services, and assist each agency in developing services that reflect the overall goals for the target population as adopted by the council.

(c) Advise the Department of Education, the Department of Early Learning and Care and other state agencies on the development and implementation of the policies that constitute the statewide system.

(d) Advise all appropriate public agencies on achieving the full participation, coordination and cooperation for implementation of a statewide system that includes but is not limited to:

(A) Seeking information from service providers, service coordinators, parents and others about any federal, state or local policies that impede timely service delivery; and

(B) Taking steps to ensure that any policy problems identified under subparagraph (A) of this paragraph are resolved.

(e) Advise the Superintendent of Public Instruction and the Early Learning System Director on identifying the sources of fiscal and other support for early intervention and early childhood special education services, assigning financial responsibility to the appropriate agencies and ensuring that the provisions of interagency agreements under ORS 343.511 are carried out.

(f) Review and comment on each agency's services and policies regarding services for infants, toddlers and preschool children with a disability, or infants, toddlers and preschool children who

are at risk of developing disabling conditions, and their families to the maximum extent possible to [assure] **ensure** cost-effective and efficient use of resources.

(g) Advise the Department of Education and the Department of Early Learning and Care on the preparation of applications and amendments thereto.

(h) Advise the Superintendent of Public Instruction and the Early Learning System Director regarding transitions of children with a disability, including transitions to kindergarten.

(i) Prepare and submit an annual report to the Governor, the Deputy Superintendent of Public Instruction, the Early Learning System Director, the Early Learning Council, the State Board of Education, the Legislative Assembly and the United States Secretary of Education on the status of early intervention and early childhood special education services provided within this state.

(6) The council may advise appropriate agencies about integration of services for preschool children with a disability and at-risk preschool children.

(7) Terms of office for council members shall be three years, except that:

(a) The representative from the State Advisory Council for Special Education shall serve a one-year term; and

(b) The representatives from other state agencies and the representatives from the Legislative Assembly shall serve indefinite terms.

(8) Subject to approval by the Governor, the council may use federal funds appropriated for this purpose and available to the council to:

(a) Conduct hearings and forums;

(b) Reimburse nonagency council members under ORS 292.495 for attending council meetings, for performing council duties, and for necessary expenses, including child care for parent members;

(c) Pay compensation to a council member if the member is not employed or if the member must forfeit wages from other employment when performing official council business;

(d) Hire staff; and

(e) Obtain the services of such professional, technical and clerical personnel as may be necessary to carry out its functions.

(9) Except as provided in subsection (8) of this section, council members shall serve without compensation.

(10) The Department of Education shall provide clerical and administrative support, including staff, to the council to carry out the performance of the council's function as described in this section.

(11) The council shall meet at least quarterly. The meetings shall be announced publicly and, to the extent appropriate, be open and accessible to the general public.

(12) No member of the council shall cast a vote on any matter that would provide direct financial benefit to that member or otherwise give the appearance of a conflict of interest under state law.

SECTION 26. ORS 343.507 is amended to read:

343.507. (1) Each contractor for early childhood special education and early intervention services shall assist in the development of a local early intervention interagency advisory council in every county within the contractor's service area.

(2) Each local early intervention interagency advisory council shall include as members at least 20 percent parents of preschool children with disabilities, 20 percent providers of early childhood special education and early intervention services or other services to preschool children with disabilities, a representative of the Early Learning Council and representatives from public and private agencies that serve young children and their families, including but not limited to Head Start **programs** and [*Oregon prekindergartens*] **providers under the Oregon Prenatal to Kindergarten Program**, community child care, the Office of Child Care, local school districts, education service districts, Department of Education regional special education programs, community mental health programs, community developmental disabilities programs, Department of Human Services health programs, child welfare programs and public assistance programs, Indian education agencies, migrant programs serving young children and community colleges.

(3) Each local early intervention interagency advisory council shall select its own chairperson and vice chairperson and fix the duties of its officers.

(4) The Department of Education shall establish procedures pursuant to rules of the State Board of Education for seeking and considering local council advice regarding the selection of contractors, coordination of services and procedures for local resolution of disputes.

SECTION 27. ORS 417.728 is amended to read:

417.728. (1) The Early Learning Council is responsible for leading cross-sector strategic planning that establishes the goals, objectives and strategies necessary for a statewide early learning system.

(2) The purpose of the statewide early learning system is to make progress toward ensuring that:

(a) Children enter school ready to learn;

(b) Children are raised in families that are healthy, stable and attached; and

(c) Early learning is available and provided in a manner that is aligned, coordinated and family centered.

(3) The statewide early learning system shall include the following components:

(a) A process to identify as early as possible children and families who would benefit from early learning services, including the required use of standardized screening and referral procedures used throughout the statewide early learning system;

(b) A plan to support the identified needs of the child and family that coordinates case management personnel and the delivery of services to the child and family; and

(c) Services to support children who are zero through six years of age and their families who give their express written consent, including:

(A) Screening, assessment and home visiting services pursuant to ORS 417.795;

(B) Specialized or targeted home visiting services;

(C) Community-based services such as relief nurseries, family support programs and parent education programs;

(D) Affordable, quality child care, as defined by the Early Learning Council;

(E) Preschool and other early education services;

(F) Health services for children and pregnant women;

(G) Mental health services;

(H) Alcohol and drug treatment programs that meet the standards promulgated by the Oregon Health Authority pursuant to ORS 430.357;

(I) Developmental disability services; and

(J) Other state and local services.

(4) In establishing the definition of affordable, quality child care under subsection (3)(c)(D) of this section, the Early Learning Council shall consult with child care providers and early childhood educators. The definition established by the council shall support parental choice of child care provider and shall consider differences in settings and services, including but not limited to child care for school-aged children, part-time care, odd-hour and respite care and factors of cultural appropriateness and competence.

(5) The Early Learning Council shall:

(a) Consolidate administrative functions relating to the statewide early learning system, to the extent practicable, including but not limited to training and technical assistance, planning and budgeting.

(b) Adopt policies to establish training and technical assistance programs to ensure that personnel have skills in appropriate areas, including screening, family assessment, competency-based home visiting skills, cultural and gender differences and other areas as needed.

(c) Identify research-based age-appropriate and culturally and gender appropriate screening and assessment tools that would be used as appropriate in programs and services of the statewide early learning system.

(d) Develop a plan for the implementation of a common data system for voluntary early childhood programs.

(e) Coordinate existing and new early childhood programs to provide a range of community-based supports.

(f) Establish a common set of quality assurance standards to guide local implementation of all elements of the statewide early learning system, including voluntary universal screening and assessment, home visiting, staffing, evaluation and community-based services.

(g) Ensure that all plans for voluntary early childhood services are coordinated and consistent with federal and state law, including but not limited to plans for [*Oregon prekindergarten programs*] **the Oregon Prenatal to Kindergarten Program**, federal Head Start programs, early childhood special education services, early intervention services and public health services.

(h) Identify how the statewide early learning system for children who are zero through six years of age will link with systems of support for older children and their families.

(i) During January of each odd-numbered year, report to the Governor and the Legislative Assembly on the statewide early learning system.

(6) The State Board of Education, the Employment Department, the Department of Human Services and the Oregon Health Authority when adopting rules to administer voluntary early childhood programs under their individual authority shall adopt rules:

(a) That are consistent with the requirements of the statewide early learning system created under this section; and

(b) With the direction of the Early Learning Council.

(7) Information gathered in conjunction with the voluntary comprehensive screening and assessment of children and their families may be used only for the following purposes:

(a) Providing services to children and families who give their express written consent;

(b) Providing statistical data that are not personally identifiable;

(c) Accomplishing other purposes for which the family has given express written consent; and

(d) Meeting the requirements of mandatory state and federal disclosure laws.

SECTION 28. ORS 634.700 is amended to read:

634.700. As used in ORS 634.700 to 634.750:

(1) "Campus" means the buildings, other structures, playgrounds, athletic fields and parking lots of a school and any other areas on the school property that are accessed by students on a regular basis.

(2) "Governing body" means a board of directors, agency or other body or person having policymaking and general oversight responsibility for a community college district, education service district, school district, other unit of education governance, private school or other educational entity.

(3) "Integrated pest management plan" means a proactive strategy that:

(a) Focuses on the long-term prevention or suppression of pest problems through economically sound measures that:

(A) Protect the health and safety of students, staff and faculty;

(B) Protect the integrity of campus buildings and grounds;

(C) Maintain a productive learning environment; and

(D) Protect local ecosystem health;

(b) Focuses on the prevention of pest problems by working to reduce or eliminate conditions of property construction, operation and maintenance that promote or allow for the establishment, feeding, breeding and proliferation of pest populations or other conditions that are conducive to pests or that create harborage for pests;

(c) Incorporates the use of sanitation, structural remediation or habitat manipulation or of mechanical, biological and chemical pest control measures that present a reduced risk or have a low impact and, for the purpose of mitigating a declared pest emergency, the application of pesticides that are not low-impact pesticides;

(d) Includes regular monitoring and inspections to detect pests, pest damage and unsanctioned pesticide usage;

(e) Evaluates the need for pest control by identifying acceptable pest population density levels;

- (f) Monitors and evaluates the effectiveness of pest control measures;
 - (g) Excludes the application of pesticides on a routine schedule for purely preventive purposes, other than applications of pesticides designed to attract or be consumed by pests;
 - (h) Excludes the application of pesticides for purely aesthetic purposes;
 - (i) Includes school staff education about sanitation, monitoring and inspection and about pest control measures;
 - (j) Gives preference to the use of nonchemical pest control measures;
 - (k) Allows the use of low-impact pesticides if nonchemical pest control measures are ineffective;
- and
- (L) Allows the application of a pesticide that is not a low-impact pesticide only to mitigate a declared pest emergency or if the application is by, or at the direction or order of, a public health official.

(4) "Low-impact pesticide" means a product that does not contain a pesticide product or active ingredient described in ORS 634.705 (5).

(5) "Pest" means:

- (a) An insect or other arthropod;
- (b) A weed, moss, slime or mildew or a plant disease caused by a fungus, bacterium or virus;
- (c) A nematode, snail, slug, rodent or predatory animal;
- (d) A bacterium, spore, virus, fungus or other microorganism that is harmful to human health;

or

(e) Other forms of plant or animal life that may infest or be detrimental to vegetation, humans, animals, structures, managed landscapes or other human environments.

(6) "Pest emergency" means an urgent need to eliminate or mitigate a pest situation that threatens:

- (a) The health or safety of students, staff, faculty members or members of the public using the campus; or
- (b) The structural integrity of campus facilities.

(7) "Registration number" means the pesticide registration number assigned by the United States Environmental Protection Agency.

(8) "School" means:

(a) *[A facility operating an Oregon prekindergarten or]* A federal Head Start program **or a provider under the Oregon Prenatal to Kindergarten Program;**

(b) A public or private educational institution offering education in all or part of kindergarten through grade 12;

(c) An education service district as defined in ORS 334.003;

(d) A community college as defined in ORS 341.005, for the community college's own buildings and ground maintenance;

(e) The Oregon School for the Deaf; and

(f) A regional residential academy operated by the Oregon Youth Authority.

SECTION 29. ORS 680.020, as amended by section 6, chapter 62, Oregon Laws 2022, is amended to read:

680.020. (1) It is unlawful for any person not otherwise authorized by law to practice dental hygiene or purport to be a dental hygienist without a valid license to practice dental hygiene issued by the Oregon Board of Dentistry.

(2) Subsection (1) of this section does not apply to:

(a) Dental hygienists licensed in another state making a clinical presentation sponsored by a bona fide dental or dental hygiene society or association or an accredited dental or dental hygiene education program approved by the board.

(b) Bona fide students of dental hygiene who engage in clinical studies during the period of their enrollment and as a part of the course of study in an Oregon dental hygiene education program. The program must be accredited by the Commission on Dental Accreditation of the American Dental Association, or its successor agency, and approved by the board. The clinical study may be con-

ducted on the premises of the program or in a clinical setting located off the premises. The facility, the instructional staff and the course of study at the off-premises location must meet minimum requirements prescribed by the rules of the board, and the clinical study at the off-premises location must be performed under the indirect supervision of a member of the faculty.

(c) Bona fide students of dental hygiene who engage in community-based or clinical studies as an elective or required rotation in a clinical setting located in Oregon during the period of their enrollment and as a part of the course of study in a dental hygiene education program located outside of Oregon. The program must be accredited by the Commission on Dental Accreditation of the American Dental Association or its successor agency. The community-based or clinical studies must:

(A) Meet minimum requirements prescribed by the rules of the board; and

(B) Be performed under the indirect supervision of a member of the faculty of the Oregon Health and Science University School of Dentistry or another Oregon institution with an accredited dental hygiene education program approved by the board.

(d) Students of dental hygiene or graduates of dental hygiene programs who engage in clinical studies as part of a course of study or continuing education course offered by an institution with a dental or dental hygiene program. The program must be accredited by the Commission on Dental Accreditation of the American Dental Association or its successor agency.

(e) Candidates who are preparing for licensure examination to practice dental hygiene and whose application has been accepted by the board or its agent, if the clinical preparation is conducted in a clinic located on premises approved for that purpose by the board and if the procedures are limited to examination only.

(f) Dental hygienists practicing in the discharge of official duties as employees of the United States Government and any of its agencies.

(g) Instructors of dental hygiene, whether full- or part-time, while exclusively engaged in teaching activities and while employed in accredited dental hygiene educational programs.

(h) Dental hygienists who are employed by public health agencies and who are not engaged in direct delivery of clinical dental hygiene services to patients.

(i) Counselors and health assistants who have been trained in the application of fluoride varnishes to the teeth of children and who apply fluoride varnishes only to the teeth of children enrolled in or receiving services from the Women, Infants and Children Program, the [*Oregon prekindergarten program*] **Oregon Prenatal to Kindergarten Program** or a federal Head Start grant program.

(j) Persons acting in accordance with rules adopted by the State Board of Education under ORS 336.213 to provide dental screenings to students.

(k) Dental hygienists licensed in another state or United States territory and practicing in this state under section 1, chapter 62, Oregon Laws 2022.

SECTION 30. ORS 680.026 is amended to read:

680.026. Counselors and health assistants who have been trained in the application of fluoride varnishes to the teeth of children may apply fluoride varnishes to the teeth of children enrolled in or receiving services or benefits from the Women, Infants and Children Program, the [*Oregon prekindergarten program*] **Oregon Prenatal to Kindergarten Program** or a federal Head Start grant program.

SECTION 31. ORS 329.183 is amended to read:

329.183. (1) The [*Prekindergarten*] **Oregon Prenatal to Kindergarten Program Trust Fund** is established as a fund in the State Treasury, separate and distinct from the General Fund. Interest earned by the trust fund shall be credited to the trust fund. The primary purposes of the trust fund are to:

(a) Assist eligible children with comprehensive services, including educational, social, health and nutritional development, to enhance their chances for success in school and life;

(b) Provide scholarships awarded to current and prospective early childhood care and education professionals, as described in ORS 329.181; and

(c) Provide grants to institutions of higher education to develop high-quality degree programs for early childhood care and education professionals, as described in ORS 329.181.

(2) For the purposes identified in subsection (1) of this section, the trust fund is continuously appropriated to the Early Learning Division.

(3) The division may solicit and accept money in the form of gifts, contributions and grants to be deposited in the trust fund. Except as provided in ORS 329.185, the acceptance of federal grants for purposes of ORS 329.170 to 329.200 does not commit state funds nor place an obligation upon the Legislative Assembly to continue the purposes for which the federal funds are made available.

(4) The trust fund may be included, if otherwise qualified, on a schedule of the Oregon individual income tax return for checkoff pursuant to application made to the Oregon Charitable Checkoff Commission under ORS 305.690 to 305.753 by the division.

SECTION 32. ORS 329.183, as amended by section 29, chapter 631, Oregon Laws 2021, is amended to read:

329.183. (1) The [*Prekindergarten*] **Oregon Prenatal to Kindergarten** Program Trust Fund is established as a fund in the State Treasury, separate and distinct from the General Fund. Interest earned by the trust fund shall be credited to the trust fund. The primary purposes of the trust fund are to:

(a) Assist eligible children with comprehensive services, including educational, social, health and nutritional development, to enhance their chances for success in school and life;

(b) Provide scholarships awarded to current and prospective early childhood care and education professionals, as described in ORS 329.181; and

(c) Provide grants to institutions of higher education to develop high-quality degree programs for early childhood care and education professionals, as described in ORS 329.181.

(2) For the purposes identified in subsection (1) of this section, the trust fund is continuously appropriated to the Department of Early Learning and Care.

(3) The department may solicit and accept money in the form of gifts, contributions and grants to be deposited in the trust fund. Except as provided in ORS 329.185, the acceptance of federal grants for purposes of ORS 329.170 to 329.200 does not commit state funds nor place an obligation upon the Legislative Assembly to continue the purposes for which the federal funds are made available.

(4) The trust fund may be included, if otherwise qualified, on a schedule of the Oregon individual income tax return for checkoff pursuant to application made to the Oregon Charitable Checkoff Commission under ORS 305.690 to 305.753 by the department.

SECTION 33. ORS 305.720 is amended to read:

305.720. Subject to ORS 305.745, an entity qualifies to receive contributions by means of checkoff if the entity:

(1) Supports private charitable causes or engages in public activities that are consistent with policies and programs of the state and:

(a) Checkoff resources are used to augment existing programs or provide new funding to related activities of proven value;

(b) Checkoff funds are not to be used to meet the administrative expenses of the entity;

(c) Programs funded by checkoff resources result in substantial and direct benefits to the human and natural resources of the state that the Oregon Charitable Checkoff Commission determines are unlikely to occur under existing public and private programs; and

(d) Unless the entity is a governmental entity, after checkoff resources are received by the entity, the entity shows a pattern over several years of increasing its total revenues from other than checkoff sources or reaches the level where no more than 50 percent of its revenues are from checkoff sources.

(2) Is qualified to receive contributions that are tax deductible under the following:

(a) Section 170 of the Internal Revenue Code (relating to contributions and gifts to charitable and governmental entities).

(b) Section 501(k) of the Internal Revenue Code (relating to contributions to certain organizations providing child care).

(c) Section 7871 of the Internal Revenue Code (relating to contributions to Indian tribal governments).

(d) Any other federal law allowing a deduction from federal individual income tax for charitable contributions to an entity classified by rule of the Department of Revenue as being an entity belonging to the general class described in paragraphs (a) to (c) of this subsection.

(3) Is:

(a) An Oregon Veterans' Home, as defined in ORS 408.362, the Nongame Wildlife Fund, the Alzheimer's Disease Research Fund, the Oregon Military Emergency Financial Assistance Fund, the Oregon Department of Veterans' Affairs Veterans Suicide Prevention and Outreach Program Fund, the [Prekindergarten] **Oregon Prenatal to Kindergarten** Program Trust Fund, the Oregon Volunteer Firefighters Association, but only if contributions are dedicated to the direct costs of firefighter training or to the assistance of a firefighter, or a firefighter's immediate family, who has experienced hardship resulting from the death, injury or illness of the firefighter, or the subaccount described in ORS 305.747 (4)(f) for contributions dedicated to the prevention of child abuse and neglect;

(b) A nonprofit organization described in section 501(c)(3) of the Internal Revenue Code with a gross income of at least \$1 million for the year prior to application; or

(c) The central office for a group of affiliated nonprofit organizations with a collective gross income of at least \$1 million in the year prior to the year of application.

(4) Collects 10,000 or more signatures from electors of this state attesting that the electors support the entity qualifying for inclusion on a schedule of the Oregon individual income tax return.

(5) Makes application within the time and in the manner prescribed by ORS 305.725.

(6) Files a financial report, and other information, with the commission as described under ORS 305.730.

SECTION 34. ORS 305.747 is amended to read:

305.747. (1) Amounts equal to the amounts checked off under ORS 305.745 shall be remitted by the Department of Revenue to the State Treasurer who shall deposit the amounts in a suspense account established under ORS 293.445.

(2)(a) Of the amounts remitted and deposited under subsection (1) of this section, a portion is continuously appropriated for use in reimbursing the General Fund for costs paid or incurred by the Oregon Charitable Checkoff Commission in administering the checkoff programs established under ORS 305.690 to 305.753. No more than one percent of the moneys generated by the checkoff programs per fiscal year ending June 30, 1990, or per any fiscal year thereafter, is appropriated under this paragraph.

(b) Of the amounts remitted and deposited under subsection (1) of this section, a portion is continuously appropriated for use in reimbursing the General Fund for costs paid or incurred by the department in administering the checkoff program established under ORS 305.690 to 305.753. The department shall adopt by rule a formula or other method of determining the cost of administering each checkoff program. Each program shall be charged the cost of administration not to exceed 10 percent of the amount received in checkoff contributions.

(c) Moneys appropriated under this subsection shall be transferred to the General Fund on a quarterly basis.

(3) The records of the department shall reflect the amount that the department has credited to each entity less administrative expenses. Subject to ORS 305.745 (3), the amount credited to each entity shall be equal to the amount checked off for that entity under ORS 305.745 less administrative expenses. The net amount of moneys credited to an entity shall be transferred by the department to the entity, as specified by law, on a periodic basis, or is continuously appropriated to the department for payment to the entity and the department shall pay and remit the net amount credited to the entity, without interest, to the entity on a periodic basis. The department shall adopt rules governing the transferring or remitting of checkoff moneys to the entities for which the amounts

were checked off. The rules shall specify the time, no less often than quarterly, that the moneys are to be transferred or remitted to the entities by the department.

(4) Moneys contributed in accordance with ORS 305.690 to 305.753 shall be deposited as follows:

(a) In the Oregon Veterans Home Account established in ORS 408.368, if contributed to an Oregon Veterans' Home, as defined in ORS 408.362.

(b) In the Oregon Department of Veterans' Affairs Veterans Suicide Prevention and Outreach Program Fund established in ORS 406.083, if contributed to the Oregon Department of Veterans' Affairs Veterans Suicide Prevention and Outreach Program.

(c) In the Nongame Wildlife Fund established in ORS 496.385, if contributed to the Nongame Wildlife Fund.

(d) In the Alzheimer's Disease Research Fund established in ORS 431A.650, if contributed to the Alzheimer's Disease Research Fund.

(e) In the Oregon Military Emergency Financial Assistance Fund established in ORS 396.364, if contributed to the Oregon Military Emergency Financial Assistance Program.

(f) In the subaccount established pursuant to section 36 (2), chapter 1084, Oregon Laws 1999, or a successor subaccount, account or fund, an amount as credited to the subaccount or its successor, if contributed to assist in child abuse and neglect prevention.

(g) In the [*Prekindergarten*] **Oregon Prenatal to Kindergarten** Program Trust Fund established in ORS 329.183, if contributed for the purposes of the [*Prekindergarten*] **Oregon Prenatal to Kindergarten** Program Trust Fund.

(5)(a) The department shall be responsible for the expenditure of all commission funds and the Director of the Department of Revenue shall sign all vouchers for obligations incurred or for expenditures authorized by the commission.

(b) The director, on behalf of the commission, shall execute all agreements, contracts or other documents entered into or approved by the commission.

(c) Subject to any applicable provisions of the State Personnel Relations Law and the approval of the commission, the department may employ or remove executive, technical and expert assistants and other employees as needed and fix their compensation. However, executive, technical and expert assistants shall be in the unclassified service for purposes of the State Personnel Relations Law.

SECTION 35. ORS 329.153 and 329.170 are repealed.

SECTION 36. (1) The amendments to ORS 329.175 by section 1 of this 2023 Act are intended to change the term "Oregon prekindergarten program" to the "Oregon Prenatal to Kindergarten Program."

(2) For the purpose of harmonizing and clarifying statutory law, the Legislative Counsel may substitute for words designating the "Oregon prekindergarten program," wherever they occur in statutory law, other words designating the "Oregon Prenatal to Kindergarten Program."

SECTION 37. (1) The amendments to ORS 329.183 by section 31 of this 2023 Act are intended to change the name of the "Prekindergarten Program Trust Fund" to the "Oregon Prenatal to Kindergarten Program Trust Fund."

(2) For the purpose of harmonizing and clarifying statutory law, the Legislative Counsel may substitute for words designating the "Prekindergarten Program Trust Fund," wherever they occur in statutory law, other words designating the "Oregon Prenatal to Kindergarten Program Trust Fund."

SECTION 38. This 2023 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect on its passage.

Passed by House April 11, 2023

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Timothy G. Sekerak, Chief Clerk of House

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Dan Rayfield, Speaker of House

Passed by Senate June 22, 2023

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Rob Wagner, President of Senate

Received by Governor:

.....M,....., 2023

Approved:

.....M,....., 2023

.....
Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M,....., 2023

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Secretary of State