

Board Action Summary

AGENDA ITEM:

Summary of Recommended Board Action

ACTION: Adoption of a Process for Approving Preschool Promise waiver requests. The Early Learning Council will review and adopt a process for approving Preschool Promise waiver requests.

ISSUE:

HB 3380 directs the Early Learning Council to administer waivers. HB 3380 allows for Preschool Promise providers to receive a waiver(s) for some of the requirements outlined in the bill. The bill states that a waiver may be granted if a program is “maintaining progress toward quality; is anticipated for the first years of the preschool program only; and is granted for only one year at a time.”

BACKGROUND:

At their January 28th meeting, the Early Learning Council was introduced to the waiver process and based on that discussion Early Learning Division staff developed a set of options to provide oversight to the waiver process that were presented and discussed at the February 25th meeting. The recommendations also include a set of principles for the ELC to consider to guide the waiver approval process.

ACTION PRECEDING RECOMMENDED BOARD ADOPTION:

The Preschool Promise Ad Hoc Advisory Committee provided input on the waiver process at their November and December meetings. The Child Care and Education Committee considered principles for waiver requests at its February and March meetings.

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TO: Early Learning Council
FROM: Gwyn Bachtle, Preschool Promise Program Coordinator
RE: Establishing method for council oversight of Waivers
DATE: March 16, 2016

What does the ELC need to Decide?

HB 3380 directs the Early Learning Council to administer temporary waivers for a defined set of standards listed in the bill, in order to give *Preschool Promise* providers time to meet those standards. As part of their waiver request, programs will also need to submit Quality Improvement Plans that describe how they will achieve the standard they that are temporarily asking to waive. The Council needs to decide how to provide oversight to the waiver process. At their February meeting, the Council discussed various waiver processes and the principles by which waiver requests and Quality Improvement Plans will be evaluated. The Child Care and Education Committee considered waiver approval principles at its February and March meetings and those recommendations are included in this memo for the Council's consideration. Based on the discussion at February's Council meeting, Early Learning Division staff has refined the options and included additional details.

The Early Learning Council has the authority to revisit and revise the manner in which the council provides oversight in the future. After the first year of *Preschool Promise*, the Early Learning Council will have much more information about the types of waivers requested and providers' success on completing improvement plans to meet quality standards. Based on that information, the Early Learning Council may choose to modify the method in which the council provides oversight to waiver administration.

Considerations for Option Selection

At the February meeting, the Council requested that waiver oversight provides a balance between context, transparency, and confidentiality. To support this request, details related to the type of information that will be provided in reports and the proposed Waiver Principles are included in this memo. The role of the Hub, Waiver Committee and Early Learning Council are expanded from the last meeting, and the table now includes suggested frequency schedules for reports and actions.

The Council asked staff to examine options for protecting confidentiality of providers during Council deliberations and approval of waiver requests, including the option of deciding waiver requests during an Executive Session and redacting provider specific information such as name from the evaluation materials.

ELD staff followed up with Cindy Hunt, Government and Legal Affairs Manager for the Oregon Department of Education and have determined that to stay consistent with public meeting law waiver decisions may not be made during an Executive Session. Executive Sessions are limited by statute to a limited set of circumstances that do not cover this situation. Staff also learned that any redacted personal information would have to be made available to the public on request. Based on this information, provider confidentiality cannot be protected if the Council makes approval decisions at their meetings.

The options presented in the following tables provide the Early Learning Council with varying degrees of involvement at different steps in the waiver approval process. The main consideration is whether the Early Learning Council will be the approving body for all waiver requests (Option #1) or if the Council will delegate that authority to the Waiver Committee (Option #2 and #3). Options #1 and #2 include Council membership on the Waiver Committee. Again, based on the information on open meetings discussed above, staff does not believe that Option #1 will be able to address the confidentiality concerns raised by the Early Learning Council.

Proposed Waiver Approval Process: Role of Provider, Hub, Waiver Committee & ELC

| Option #1 | Option #2 | Option #3 |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|
| ELC Role <ul style="list-style-type: none"> Review recommendation from Waiver Committee Approve individual Requests as deemed appropriate by defined Principles. | ELC Role <ul style="list-style-type: none"> Acceptance of Summary Reports represents ELC approval. | ELC Role <ul style="list-style-type: none"> Same as Option #2 |
| Waiver Committee Composition <ul style="list-style-type: none"> ELD Staff ELC Members | Waiver Committee Composition <ul style="list-style-type: none"> Same as Option #1 | Waiver Committee Composition <ul style="list-style-type: none"> ELD Staff only |
| Role of Waiver Committee | Role of Waiver Committee | Role of Waiver Committee |

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| <ul style="list-style-type: none"> • Review all Waiver Request applications (monthly). • Prepare Waiver Approval recommendations for the ELC. • ELC Members present reports to ELC. • Monitor progress and completion of QIP. • Prepare Progress Report for ELC (twice annually). | <ul style="list-style-type: none"> • Review all Waiver Request applications (monthly). • Approve requests as deemed appropriate by defined Principles. • Prepare Summary Report for ELC (quarterly). • ELC Member(s) presents report to ELC. • Monitor progress and completion of QIP. • Prepare Progress Report for ELC (twice annually). | <ul style="list-style-type: none"> • Review all Waiver Request Applications (monthly). • Approve requests as deemed appropriate by defined Principles. • Prepare summary report for ELC (quarterly). • ELD Staff presents reports to ELC. • Monitor progress and completion of QIP. • Prepare Progress Report for ELC (twice annually). |
| <p>Role of Hub</p> <ul style="list-style-type: none"> • The Hub and Provider prepare Waiver Request applications. Hub provides technical assistance to Provider. • The completed Request is submitted to the ELD and forwarded to the Waiver Committee. • The Hub will monitor progress and verify completion of Quality Improvement Plans (QIP). • The Hub will submit progress reports to the Waiver Committee. | <p>Role of Hub</p> <ul style="list-style-type: none"> • Same as Option #1 | <p>Role of Hub</p> <ul style="list-style-type: none"> • Same as Option #1 |

Waiver Request Application Packet includes the following information:

- Identifies provider
- Type of provider
- Hub Region
- Standard for which the waiver is being requested
- Current status of provider in relation to standard
- Quality Improvement Plan (QIP)
- Timelines for improvement are appropriate
- Resources requested to implement QIP

Waiver and Quality Improvement Plan Monitoring:

- Provider submits documents that indicate appropriate progress or completion of QIP as per specified timelines.
- On site visits by Hub may be required to verify QIP has been completed.
- Hubs submit Progress Report to Waiver Committee (quarterly).

Waiver Approval Recommendation and Summary Report to the ELC will include:

- Type of Provider
- Hub Region
- Standard for which the waiver is being requested
- Current status of provider in relation to standard
- Indication that QIP and associated timelines are appropriate
- Resources allocated

Progress Report to ELC will include:

- Type of Provider
- Hub Region
- Progress and/or Completion of QIP
- Resources used

Proposed Waiver Principles considered by the CCEC to support Waiver Request Approval:

- If only programs that can currently meet all of the standards were allowed to be *Preschool Promise* providers, many of the programs best able to serve focused populations would be excluded. A major purpose of the waiver process is to give programs best able to serve focused populations the time and resources to meet *Preschool Promise* standards.
- A strong Quality Improvement Plan should demonstrate the provider's ability to meet program standards, with the exception of education requirements, within a year. Plans for meeting personnel qualifications may take more than year, but must demonstrate evidence of progress toward meeting the requirement.
- Quality Improvement Plans should leverage existing resources, including the Oregon Center for Career Development, The Research Institute and the CCRR system.