



Early Learning Council – Administrative Rule Final ADOPTION

Title/OAR #: Preschool Promise Program / 581-019-0036 to 581-019-0049
Date: April 19, 2016
Staff/Office: Lisa Pinheiro, Policy Specialist; Gwyn Bachtle, Preschool Promise Program Coordinator

Temporary Rule New Rule Amend Existing Rule Repeal Rule
Hearing Date: _____ Hearings Officer Report Attached
Prompted by: State law changes Federal law changes Other

Action Requested:
 Adoption of Temporary Rule
 Adoption of Final Rule

PROPOSED/AMENDED RULE RECOMMENDATION OPTIONS:

See attached document for proposed rule language.

BACKGROUND: The Early Learning Division is currently engaged in work to implement the Preschool Promise program enacted by the Legislature in 2015. Part of implementation will include promulgation of Oregon Administrative Rules to govern the program.

The purpose of the administrative rules is to define key terms, describe eligibility criteria, and to assist Hubs and preschool providers in the implementation and operation of Preschool Promise program services. The rules describe the standards for the establishment and operation of preschool services under the Preschool Promise program.

TIMELINE OF KEY ACTIVITIES & PUBLIC ENGAGEMENT:

The Child Care and Education Committee (CCEC), serving as the Council’s Rules Advisory Committee, held a number of discussions regarding policy and administrative rules for the program. In addition, the Council formed an Ad Hoc Advisory Committee to provide input and feedback to Division staff in implementation of the program.

The Early Learning Council and Division’s implementation planning has also been guided by robust and extensive community and stakeholder engagement. Early Learning Division staff solicited and received input through community engagement sessions held throughout Oregon and with diverse communities.

Several consistent themes emerged: parents as partners, culturally and linguistically responsive engagement, highly trained child care and education professionals who are



representative of the cultural and linguistic diversity of Oregon and the need for more accessible education and training opportunities.

In addition, the Division received comments during the public comment period. Some reflect concerns about the ability of the current early childhood workforce to meet the program's educational requirements. Some comments suggest linking educational requirements to the Oregon Registry Steps 8-10 is better representative of the knowledge and experience of the existing workforce. The CCEC, in its consideration of the Administrative Rules, examined the possibility of considering the Oregon Registry steps to account for a BA degree. The enabling legislation, however, explicitly requires a BA, leaving the Council without other options.

The Child Care and Education Committee considered draft rule language at its March 10 meeting. The Early Learning Council held a "first reading" of proposed recommended rule language advanced by the Child Care and Education Committee on March 16, 2016.

At the Council's first reading of the draft rules on March 16, Council members discussed the statutory cap on administrative expenses incurred by Early Learning Hubs and the hydraulic effect that can occur as additional funding streams are provided and utilized. While this issue cannot necessarily be controlled through administrative rule, Division staff suggest clarifying, through rule, that Hubs may choose the purpose or use of the funds to be either coordination activities or administrative activities.

ALIGNMENT WITH RULES PRINCIPLES:

1. *Standards and rules aim to ensure that children are in safe environments that promote healthy physical, social, emotional and cognitive development and support high quality interactions among families and providers.*

Preschool Promise program providers will be accountable for meeting minimum health and safety requirements through licensing, as well as engagement and participation in the QRIS, and professional development plans.

2. *Standards and rules support and encourage diversity and equity; promoting equal access, especially for children from targeted populations.*

Preschool Promise is established to expand opportunities for affordable high-quality, culturally-relevant preschool options for families experiencing poverty and families of color.

3. *Standards and rules are based on research, knowledge of child development, and best practices.*

The Preschool Promise Program implementation establishes a sound foundational program reflecting best practices which are based on research and knowledge of child development.



4. *Standards and rules provide a foundation for high quality early learning and licensing rules serve as the first step of Oregon's Quality Rating and Improvement System.*

Committee focus was utilization of existing systems such as licensing to ensure health and safety, the QRIS to support achieving quality in programs, and the Oregon Registry to support and document professional development.

5. *In conducting its responsibilities for rule promulgation and revision, ELC is moving beyond a culture of compliance to one of continuous improvement.*

The Committee focused on utilization of existing systems to ensure and monitor minimum health and safety as well as support and advance quality in programs rather than create new systems or requirements in rule.

6. *ELC believes parents and children are primary stakeholders for all of its rules and will actively engage families and other impacted persons and organizations in rule promulgation and/or revision to ensure community/cultural norms are taken into consideration/reflected in rule.*

The Child Care and Education Committee workgroup that developed the recommended rule language consists of parents and providers

7. *ELC will aim for consistency across sets of rules over which it has authority, and will align rules with broader state goals and those of related agencies to the extent possible.*

As Preschool Promise is a new program, the CCEC considered rule language through the lens of other child care and education program rules including rules on health and safety, staff:child ratios, and teacher and provider qualifications.

ISSUES/CONCERNS THAT SURFACED DURING RULE WORK:

The Committee aimed to balance the appropriateness of establishing general program requirements through administrative rule language against providing specificity in contracts.

FISCAL IMPACT: The legislature provided funds for the program. Funds will be provided to the Early Learning Hubs to coordinate Preschool Promise services.

STAFF RECOMMENDATION:

- Adopt Temporary administrative rule
- Adopt Final administrative rule
- Repeal Rule
- No recommendation at this time



Comments:

