Preschool Promise

Rules Review for CCEC Discussion DRAFT March 10, 2016

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| Rule Section | Possible/Recommended Language | Explanation |
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| 581-019-0036  Purpose | The purpose of these 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. These rules describe the standards for the establishment and operation of preschool services under the Preschool Promise program. | . |
| 581-019-0037  Definitions | The following definitions apply to Oregon Administrative Rules 581-019-0036 through 581-019-0049.  “Child Care provider” means a person or entity that provides care, supervision, and guidance on a regular basis of a child, unaccompanied by a parent, guardian, or custodian, during a part of the 24 hours of the day, with or without compensation.  “Division” means the Early Learning Division of the Department of Education.  “Early Learning Hub” means an entity designated under ORS 417.827 and contracted by the Early Learning Council to coordinate, fund and monitor early learning services in a specific region within the state.  “Quality Rating and Improvement System” means the system established through ORS 329A.261 which establishes a set of progressively higher standards used to evaluate the quality of an early learning and development program and to support program improvement.  “Preschool” means those programs which provide comprehensive health, education, and social services in order to maximize the potential of three- and four-year-old children.  “Preschool Promise” means the preschool program administered by the Early Learning Division as directed under ORS 329.172.  “Preschool Provider” means an eligible participant contracted by the Early Learning Hub to provide preschool services under the Preschool Promise program. |  |
| 581-019-XXXX  Child and Family Eligibility Criteria | Child eligibility will be verified by the provider using a form provided by the Division.  Family income is at or below 200 percent of the Federal Poverty Level in effect at the time eligibility is determined.  Children must be at least three years of age on or before September 1 of their entrance year and not eligible for kindergarten as determined by the State Board of Education by rule. | *Meaning the FPL in existence at the time of enrollment. Attempting to indicate that the percentage is calculated based on the CURRENT FPL.*  *State Board of Education establishes instructional hours for Kindergarten by rule.* |
| 581-019-XXXX  Hub Selection Process; Fund disbursement | Hubs will be selected through the public procurement process as provided in ORS Chapter 279A and 279B.  Funding for Preschool Promise Program will be directed through Early Learning Hubs and allocated through a process determined by the Early Learning Council. | *Oregon public procurement laws (Oregon Contracting code).* |
| 581-019-XXXX  Use of Funds by Hubs | Funds received by the Hub for the Preschool Promise Program may be used only in support of the program and provide funding to preschool providers for the purposes of administering the Preschool Promise program.  Of the funds distributed, the Early Learning Division may establish a maximum percentage allowable for administrative overhead and a maximum percentage allowable for building provider capacity to meet Preschool Promise program standards.  Hubs must have established appropriate internal fiscal controls and generally accepted accounting procedures to ensure the proper disbursement, separation of funding source, as appropriate, and accounting for all funds provided. |  |
| 581-019-XXXX  Eligibility Criteria for Preschool Promise Program Providers | The following entities shall be eligible for funding:  A Head Start program;  An Oregon Prekindergarten program ;  A child care provider;  A relief nursery, as defined in Oregon Administrative Rule.  A private preschool;  A public school;  A public charter school;  An education service district, or;  A community-based organization. | *Restates legislation, and further defines some of the eligible providers.*  *Relief nursery defined – refers to definition in administrative rules for relief nurseries. I did not cite the OAR as RN rules are scheduled for future CCEC and ELC action.* |
| 581-019-XXXX  Provider / Hub Contracts | Prior to enrolling a child under the program, a preschool provider shall enter into a contract with the Hub. The contract shall include, but is not limited to, the following provisions:  Term of the contract;  Description of services;  Facility and program standards;  Provider responsibilities;  Payment for services; and  Compliance with appropriate state and federal regulations. | *trying to balance the need to articulate what ELD expects in a Hub/Provider contract while recognizing they will be sub-contracting the services.*  *If not these elements, which elements do we want included in the Hub Provider contract, and, are other elements required?* |
| 581-019-XXXX  Minimum Requirements | To be eligible to provide preschool services under the Preschool Promise Program, a preschool provider must:  Provide the annual number of instructional hours required for full day kindergarten as determined by the State Board of Education by rule**.**  Meet quality standards, including:  Attaining one of the top two ratings of the quality rating and improvement system for early childhood programs.  Adopting culturally responsive teaching methods and practices.  Providing highly trained lead preschool teachers who have at least a bachelor’s degree in early childhood education or a field related to early childhood education.  The requirements of this subparagraph may be satisfied by lead preschool teachers who do not have a bachelor’s degree but who have submitted a plan to attain a bachelor’s degree and are demonstrating progress on that plan.  The educational plan provided for in this paragraph shall be submitted on a form and in a manner provided by the Division.  Providing lead preschool teachers with a salary that meets the minimum salary requirements established by the Early Learning Council.  Providing at least one assistant teacher 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.  Participates in an ongoing monitoring and program evaluation system that is used for continuous program improvement as established by the Division. | *Restates legislation and elaborates where necessary.*  *State Board of Education establishes instructional hours for Kindergarten by rule.* |
| 581-019-XXXX  Minimum Salary requirements for Lead Preschool Teacher | The Early Learning Council shall establish a methodology to determine a target and minimum salary for Lead Preschool Teachers. |  |
| 581-019-XXXX  Use of funds by Preschool Provider | Approved providers shall use funds to supplement, not to supplant, public funds from any other source that are used to serve otherwise eligible students, including, but not limited to federal, state or local public funds.  Funds may not be used to pay for expenses incurred for children who:  Pay tuition for the preschool program and whose family income at the time of enrollment exceeds 200 percent of federal poverty guidelines in effect at the time of enrollment.  Are funded by the Oregon prekindergarten program, a Head Start program or another source of funding. | *From RFA Q&A: “Approved providers shall use funds to supplement, not to supplant, public funds from any other source that are used to serve otherwise eligible students, including, but not limited to, local funds, or Federal or State Head Start funds.”*  *Restates legislation* |
| 581-019-XXXX  Program Monitoring and Evaluation | Programs will be monitored and evaluated on program improvement using asystem established by the Division. |  |
| 581-019-XXXX  Waiver Application Process | A preschool provider may request a waiver of the requirements of ORS 329.172(4) and 581-019-XXXX.  The preschool provider shall make the request to the Hub. The Hub shall submit the provider request to the Early Learning Council on a form and in a manner provided by the Early Learning Division.  The Council will review all waiver requests.  Waivers under this section are allowable for the first years of the program only and are valid for the time period specified by the Council.  Waiver requests must be accompanied by a quality improvement plan for approval by the Early Learning Council. The quality improvement plan will provide information including, but not limited to, how the program will meet the requirement for which a waiver is requested and a timeline for completing that plan.  The Early Learning Council may withdraw approval of a waiver at any time, if deemed necessary to ensure the health, safety and well-being of children in the program.  A waiver granted for any of the requirements does not negate the need for a waiver for other requirements. The granting of waiver shall not set a precedent. Each request shall be evaluated on its own merits. | *Because the provider contracts with the Hub and the Hub is responsible for coordinating the program(s) in their region, the waiver requests will come to the Council through the Hub.*  *To protect the health and safety of children / families in the program(s).*  *Each of the program requirements are separate and distinct from one another.* |
| 581-019-XXXX  Reporting | Hubs shall ensure that all information and data demonstrating providers are meeting requirements are made available to the Division upon request, and in a manner provided by the Division. | *General reporting. Specific required information can be called out in contract.* |
| 581-019-XXXX  Suspected Abuse | Any provider or program staff subject to ORS 419B.005 to 419B.016 having reasonable cause to believe that any child with whom the provider or program staff comes into contact in his or her official capacity has suffered abuse or neglect, shall report or cause a report to be made in the manner required in ORS 419B.005 to 419B.015. | *Mandatory Reporting* |