

Early Learning Council Meeting Materials

August 2, 2017

9:00am-2:30pm

Times are approximate

Consent Agenda

- Best Beginnings Committee Report
- *Child Care & Education – Rules Update, No Report*
- Equity Implementation Committee Report
- *Measuring Success – No Meeting, No Report*
- Spark Ad Hoc Committee Report

Early Learning Council Best Beginnings Committee Report

Committee Charge: Advise the Early Learning Council on the issues, challenges, successes and priorities related to serving at risk families who are pregnant and/or have children age of 3 years old or under. Areas of responsibility include, but not limited to:

- Increasing access to home-based services
- Identifying state level policy changes that support family well-being and stability
- Increasing focus on critical aspects of development and attachment for children aged 0-3 and their families
- Finalizing and implementing a statewide screening tool and assessment protocol for family risk factors
- Developing best practice referral pathway for 0-3 services statewide

Committee Membership: Chair Martha Brooks, Vice Chair Elena Rivera, James Barta, Cindy Bond, Jessica Britt, Christy Cox, Donalda Dodson, Beth Green, Marguerite Kenagy, Lindsey Manfrin, Janet Dougherty-Smith.

Report:

During the July 25th Best Beginnings Committee meeting, the following Maternal, Infant and Early Childhood Home Visiting (MIECHV) updates were shared:

- MIECHV leads are awaiting information about the latest funding application. The funds have been approved and will be used for FY 19. No interruption in services is anticipated.
- The work of the federal Innovation grant is starting to take off. All aspects of the project focus on the enhancement of the workforce, including an assessment of the needs of the current workforce, improving reflective practice capacity, and implementing the Adverse Childhood Experiences (ACEs) toolkit developed in the region several years ago. Announcements regarding how to be engaged is forthcoming.
- Given HRSA's requirement that state funded MIECHV programs have an advisory committee, MIECHV leads presented a draft charter for review. Membership for the MIECHV Advisory Committee (MAC) is driven and defined by HRSA through the MIECHV Funding Opportunity Announcement (FOA). Further, the content of the charter is borrowed largely from HRSA language required for interagency Memoranda of Understanding (MOUs). This committee existed several years ago as the State Home Visiting Committee.

ELD Staff also presented the following updates on the Healthy Families Oregon program:

- HFO Central Admin is currently in the beginning stages of a strategic planning process that will guide work from 2018 – 2023. BB members were provided with a list of questions for Hub Directors, Program Providers, Program Participants and BB Members. Staff requested feedback from BB members on these questions that will be translated and provided to each group (HUB Directors, program providers, program families and BB members). Responses will help HFO Central Admin and the HFO

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Advisory Committee (BB is the Advisory Committee) set goals within the six functional areas of the HFO Multi-site system. Anticipated completion date for the Strategic Plan is no later than March 2018.

- Staff updated BB on the status of HFO Central Admin Site Visit Report responses to HFA Panel for accreditation. The responses are in the process of being reviewed and must be submitted to the assigned HFA Implementation Specialist by August 7th. Three of eight scheduled HFA site visits have been completed. 2 more will begin on July 31st. The final three will take place in August.
- HFA recently released revised program standards, requiring staff to update the HFO Program Policy and Procedure Manual. The BB HFO Subcommittee will meet in August to review suggested changes, with plans to present any changes to the full BB Committee in September.

Staff provided an overview of the Infant Toddler Assessment work currently underway. The purpose of the assessment is to gather data and information to better understand and strengthen Oregon's infant toddler systems across sectors. Initial data collection has incorporated feedback across sectors and is complete. The project is now moving to the next phase of work, which involves engaging community stakeholders and collecting additional feedback before data analysis occurs.

Staff updated BB on progress and status of the Vista Logic (VL) Data System for MIECHV (THEO) and HFO. Health department staff overseeing THEO development reported that the contract with VL has been signed and the data system is slated to be ready to go by January, 2018. Staff are working on identifying funding streams to support the development of essential components of the system and plan on using MIECHV funds to support ongoing maintenance. ELD staff reported that a statement of work is currently being finalized. The plan for migrating to the new system will occur in two phases: phase one involves using the platform developed for MIECHV (THEO); phase two involves developing and implementing additional functionality for the statewide HFO system. At this time, HFO does not have a data system. Data and information is being collected primarily through spreadsheets.

The Chair discussed re-activating the professional development workgroup and asked BB members to let staff know of their interest in participating. An email will go out asking members if they want to serve on this workgroup. Once the BB members are identified, other members will be added to the workgroup. This is a large area of interest to BB and other partners and providers.

Out comes of the legislative session were discussed and shared by members of the committee.

Under the Chair's report a discussion was held on meeting times and frequency for 2018. It was determined that we will keep an in person meeting every other month with a 3 hour and sometimes 3 ½ hour meeting time. Times will be scheduled for shorter meetings in the off months that will most likely be virtual and will only be used if necessary business needs to come before the committee. Members felt that with all of the other BB work, they would like to stay with the same schedule if possible for meeting frequency, but understood the need for more if things needed their attention.



Also under the Chair's report was the need to update BB Governing rules. Her time frame for completion is hopefully by Sept.

Chair Brooks' also updated the committee on the status of progress on the HFO Match rule change. She let them know that the two representatives for the rule change were Marguerite Kenagy and Chair Brooks. The ECEC Committee met last week and have referred the rule change over to the ELC. It is expected they will take their final vote at the next ECL meeting.

All those present held a Roundtable discussion, sharing what is going on in their communities and areas of expertise.

Key Issues Discussed & Uncovered:

- Discussions illuminated the potential to think more systematically about the VL system, as some Hubs currently use the VL platform.
- As we roll out the VL system, consideration needs to be made about whether programs are HIPAA or FERPA compliant and any potential impacts.

Upcoming Key Decisions:

- Determine next steps for infant toddler work group.
- Present to ELC for approval- Charter/Rules for MIECHV Advisory Committee. The Committee voted to send the MIECHV Advisory Charter/Rules to the ELC for approval. They will send these with all other revisions to the Best Beginnings and Healthy Families Oregon changes most likely in September rather than separately. The Committee did add two member classifications to the list.
- Determination of next steps for the HV metrics and Family Support Questionnaire developed in response to the Budget Note. Most of this work is in a holding situation awaiting the data systems in both OHA (THEO) and HFO.
- BB will start work on revising their Charter and Operating Rules. Once this is completed, these documents will be presented to the ELC along with the MIECHV Charter.

The next meeting will be held September 21, 2017.

Staffed by: Nakeshia Knight-Coyle, Erin Deahn, Elisabeth Underwood – ELC
Cate Wilcox, Benjamin Hazelton - OHA



Early Learning Council ELC Committee Report

Committee Charge:

ELC Charge to Equity Implementation Committee

The Equity Implementation Committee is chartered to educate and provide leadership for the Early Learning Council (ELC) on the issues, challenges, successes and priorities related to implementing the [equity recommendations](#) for children and families furthest from opportunity, originally adopted by the Council on March 18, 2015. They are chartered to create an evidence-based, data driven plan relating to aligning early learning policy and practice with the equity lens, with a focus on culturally responsive practice, operating systems and data/resource allocation. The committee will assist the ELC in understanding equity issues from a data programmatic and social standpoint to support the ELC in:

1. Actualize issues of disparity in setting policy for the early learning system.
2. Recognize the value that diversity brings to the early learning environment and acknowledging the benefits of self-worth, empathy and success that it brings to all children.
3. Champion closure of development, opportunity and achievement gaps for young children and their families.

Committee Membership:

Eva Rippeteau, Chair; Cade Burnette; Carmen Ellis; Joyce Harris; Kelly Poe; Lennie Bjornsen; Lynne Saxton; Nicole Briggs; Carmen Urbina; Patricia Alvarado; Rashelle Chase; Richard Hines Norwood; Sadie Feibel Holmes; Sue Miller

Report:

The Equity Implementation committee (EIC) met on July 18th to discuss: SPARK revisions and review strategic planning questions for Heathy Families Oregon.

Key Issues Discussed & Uncovered:

Spark Revisions: (Presenters: Donalda Dodson and Meredith Russell)

The Ad Hoc Spark Advisory Committee used the principles from the Early Learning Council. They have crossed that with the goals of the Spark Charter to be sure they are addressing those principles.

The Spark revisions utilize continuous quality improvement as the foundation. Quality is the guider – not activities. They have found that there are diverse cultures, languages, and experience, so rather than just use an academic measurement we are looking at those as well. Additionally, this process must support staff that reflects these populations.



Spark Work Plan Document: (Presenter: Meredith Russell)

Meredith gave an overview of the Spark work plan. Currently we are looking at the rating process for Spark. They have reviewed the second draft of the standards, and are continuing to do community engagement. They will be taking changes to EIC, CCEC, and Best Beginnings.

The ELC promotes equity in access and allocation of resources to and cultural responsiveness for populations furthest from opportunity.

How are resources allocated to produce the most equitable outcomes for children and families furthest from opportunity?

Have you considered families and children from the following communities? African American, Latino, API, Native, Rural/Economic Disparity?

The ELC is committed to continuous improvement.

Is continuous improvement supported throughout systems and services?

Do providers/caregivers/educators have competencies, supports and financial resources for best outcomes for children and families?

Do providers/caregivers/educators have equitable access?

The ELC operates in the best interest of children and their families and recognizes family as a child's first teacher.

Have you considered the family norms and values?

Have you considered non-dominant cultures?

Have you applied the Equity Lens?

This is a guiding framework for the feedback. The committee always keeps parent engagement in mind as we are looking at these. It is not just about the provider, but also how it affects the families.

Domains and Standards Framework (Draft) June 2017:

They shared a one page document summarizing the 3-Star, 4-Star, and 5-Star standards.

They asked the committee for feedback on the sections "Inclusion of Children, Families, and Cultures" and "Educator Qualifications".

- EIC member: stated she appreciates how this document shows the progression as you go through the standards.
- EIC member: stated that it seems to allow a new provider to see the future growth that could be achieved.
- EIC member: stated that she appreciates the work the Spark Committee has done thus far. The current system is not supporting equity at all, so this is appreciated.
- EIC member: stated that she appreciates the clarity as it moves from 3-Star to 5-Star standards.
- EIC member: stated that these standards look like action. One concern is how easy is it for someone to check the box but not implement these standards. Response: There will be a review process of the individual applying.

Reconceptualization of tiers:

3-Star will be understandable and measure a basic, achievable level of quality.

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4-Star rating will build on 3-Star and be focused on adult child interactions.

5-Star rating will be a more complete comprehensive level of quality that builds upon 3 and 4 star.

Hybrid system – Points and minimum thresholds:

Programs will earn points for each standard. Each tier will have a combined passing score. Programs must achieve a minimum score for each standard, plus a passing tier score to achieve star ratings.

Programs will be rated at the level that they choose.

- EIC member: asked if there were any set standards for each tier that must be passed before moving to the next tier. Response: the Spark Committee is exploring this very complex issue.

What Qualifications Count in Spark?

How do we make the educator qualifications more equitable? Educational Attainment; Experience; Professional Development Planning; Professional Development; and Language Support. Meredith discussed each category.

- EIC member: stated she would like to see culturally responsive practices and materials added to the qualifications. Example of wordage could be, “Demonstration of use of culturally responsive practices, curriculum, and materials.”
- EIC member: stated she completely supports the need to list culturally responsive.
- EIC member: stated she didn’t want to see a multi- language provider retained just to meet the standard when there really isn’t a need in their facility. Suggest some type of survey to ensure that multi-language individuals are not working in a predominantly white facility.

Learning and Development Domain:

Meredith reviewed the document and asked if we have enough in the section, “activities and materials reflect the enrolled families’ culture and language in the program and community.” She also wanted to review the section on, “Inclusion of Children, Families, and Cultures.”

Asked for feedback on the items covered. Discussion held regarding providers and the new cultural shift.

Discussion held on the statement that educational attainment is the most heavily weighted. Meredith stated that all the discussion and comments have been very helpful.

- Two EIC members: agreed that this document should help the most vulnerable and disadvantaged.
- EIC member: asked how can you incorporate this feedback in the document, specifically the academic qualifications weighted heavily. Response: there has been quite a bit of research done on this topic that shows the importance of education. Possibly we can meet with Lillian to work through some of these comments.
- EIC member: concerned that the standards may hurt providers in Eastern Oregon significantly. Feels they are not attainable.

Meredith will submit our comments to the SPARK Ad Hoc committee for further review and discussion. The committee also requested a follow-up presentation after the SPARK Ad Hoc committee consider their comments and questions.



Healthy Families Oregon Strategic Plan – Draft Questions for Parent Participants:

(Presenter: Erin Deahn)

Erin asked for feedback on the questions. This document will be translated, and can be completed on line or paper.

- EIC member: asked Erin what her desired outcome would be through the use of this document. Response: To collect data on parent participant's overall perception of HFO; include parent voice in an update of the HFO mission statement; and collect data from parents on any improvements to services and communication that are needed, using questions not already asked on HFO evaluation parent questionnaires.

The information obtained will help determine how we move forward here at ELD for the next five years.

- EIC member: asked how will the parents receive this survey? Would it go out with the home visiting staff? Response: Yes the home visiting staff will be the primary method.

Timeline for final version will be approximately the middle of August. Plan to give the families a month to respond to survey – approximately by the end of September.

EIC reviewed and discussed the draft questions.

- EIC member: asked if Erin would forward these questions, so they may be sent out to committee. Response: Will send them to Lillian to forward to EIC members. EIC members can then send their questions or suggestions to Lillian.
- EIC member: suggested that the language be reorganized in question 5 – to ask parent to share what they are using for positive guidance and praise for their child(ren).

Healthy Families Oregon Central Administration Strategic Plan - Questions for Hub Directors:

Discussed the purpose and questions in the document. Erin explained that we are one of only six states that have a HFO administration staff to assist the local programs. Therefore, we are held to another set of standards and must have a Strategic plan to guide our support to the local programs. This is just a portion of what we are using to collect data.

- EIC member: suggested in question 1 – you could make it a progression instead of select all.
- EIC member: suggested in question 3 – the choices are not worded correctly to achieve the results you are seeking. Suggest: more involvement, less involvement, or stay the same.
- EIC member: suggested in question 2 – the choices might be worded differently to reflect the level of satisfaction. Suggest: dissatisfied, very satisfied, etc.

Healthy Families Oregon Central Administration Strategic Plan - Questions for Providers 7/12/17:

This document would go to agency directors that oversee HFO programs, home visitors, eligibility screeners, HFO supervisors, and program managers. Erin shared the purpose and questions in the document.

- EIC member: suggested in question 2 – remove the words “I feel.”

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- EIC member: suggested in question 8 – improve access to equity services.
- EIC member: suggested in question 8 – list different services that could be improved.
- EIC member: suggested in question 8 – expand wording.
- EIC member: suggested in question 13 and 15 – remove the word “feel.”

Year End Review: (Presenter: Lillian Green)

New year of work begins in September meeting.

In 2017 we made a shift in how things were brought to the committee. Over the past year we have provided feedback on:

- Spark Revisions
- Child care rules development
- Early Learning Guidelines
- Infant toddler self-assessment
- Hubs work and metrics

Feedback on the EIC has been very positive.

- EIC member: suggested that Lillian prepare a one page document that will capture the work the EIC has done.
- EIC member: suggested that the final document be sent to organizations that support us.
- EIC member: suggested that the final document will be sent to committee EIC members – and they can forward it to their supporters.

Upcoming Key Decisions:

- Finalization of the Committee work plan.
- Review and provide feedback on:
 - Relief Nursery rules (CCEC)
 - Spark revisions (Spark Ad Hoc)
 - Professional development alignment with ELD & OHA
 - Child Care Rules: staff qualifications & training (CCEC)

Staffed by:

ELD - Lillian M. Green, ELD Equity Director



Early Learning Council Spark Ad Hoc Committee Report 7-2017

Committee Charge: Advise the Early Learning Council on the issues, challenges, successes and priorities related to revising the Spark/QRIS standards, processes and supports.

Committee Membership: Renea Wood, Autumn David, Kristin Klotter, Lisa Grotting, Pam Greenough Corrie, Sabrina Ersland, Mina Smith, Chelsea Reinhart, Betty Steel, Robin Hill-Dunbar, Maria Fernandez, Eva Manderson, Susan Hamann, Cheryle Myers, Cristina Montes, Marina Merrill, Donalda Dodson, and Kali Thorne Ladd

Report:

The Spark Ad Hoc committee met on July 21, 2017. The topics included revisiting the educator qualifications and the rating concept after feedback from the committee at previous meetings. The committee also discussed the concept of rolling out revisions to the field as beneficial changes are agreed upon. The committee finalized a set of recommendations for the revision teams moving forward on the above concepts.

Key Issues Discussed & Uncovered:

The committee discussed that the concept of “rolling revisions” could be confusing to the field. However, the committee provided some guiding principles for changes that could be implemented for early adoption.

The guiding principles for early adoption included:

- The change reduces workload or duplication for providers
- The change “opens doors” for Spark participation
- The changes are a “large chunk” vs small detailed changes
- The change is clear cut and understandable to the field
- The change is incremental rather than continuous
- The change is equitable and accessible to all languages/populations simultaneously

In addition, the committee recommended that the revision process consider how to honor the “early adopters” who engaged in the QRIS field test, including programs that were rated successfully and those that were not successful in achieving their desired rating. The committee also recommended that guidance is provided for programs regarding the changes that are coming (e.g. similar to the “Top 5” document provided during the field test to help programs get started in their quality improvement).

Regarding educator qualifications, the committee expressed support for the proposed changes in the educator qualifications based upon the previous recommendations that support staff be included at all star levels. The revised concept is that the domain of Personnel Qualifications award points for experience, educational attainment of educators, language ability, professional development planning and professional development progress of all staff. Staff are identified by the program and educational attainment (e.g. Oregon Registry step level) is not included until the 5 star level to prioritize quality improvement and mitigate equity and access issues. Most significantly, the PQ domain will be asset based: Rather than specific thresholds required, programs will earn additional points for any of the assets listed above. The committee was interested to see how the points will be awarded once the rating concept is finalized later in the process.



Early Learning Council Spark Ad Hoc Committee Report 7-2017

Finally, the committee supported a set of guiding principles for the revision teams to use for implementing the rating concept. There was robust discussion and understanding that weighting is complex and can be at the evidence, standard, domain, or minimum/meet threshold for a star level. The guiding principles are as follows:

The establishment of weighting and minimums will:

- Support equity and not focus on writing skills
- Be data driven and based in best practice including rigor of evidence
- Consider system validity and measurability of standards and evidence
- Recognize the uniqueness and strengths of programs
- Support simplicity and non-duplication for programs
- Create transparency for programs, consumers, and families to identify families' goals, priorities, and best fit
- Be flexible for providers to have some choice around evidence to submit

Upcoming Key Decisions:

The committee will be providing feedback on support and incentives for providers at the next meeting.

Staffed by: Shawna Rodrigues, Early Learning Division



Oregon Conflict of Interest Policy

Actual Conflict of Interest ORS 244.020(1)

Any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which **would** be to the private financial benefit or detriment of the person or the person's relative or any business with which the person or a relative of the person is associated.

The financial effect of the action would occur with certainty.

Potential Conflict of Interest ORS 244.020(12)

Any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which **could** be to the private financial benefit or detriment of the person or the person's relative, or a business with which the person or the person's relative is associated.

The financial effect of the action would be uncertain.

Conflict of Interest Exceptions ORS 244.020(12)(a)-(c)

Exceptions to the Conflict of Interest policy would occur if the pecuniary benefit or detriment arises out of the following:

- a) An interest or membership in a particular business, industry, occupation or other class required by law as a prerequisite to the holding by the person of the office or position.
- b) Any action in the person's official capacity which would affect to the same degree a class consisting of all inhabitants of the state, or a smaller class consisting of an industry, occupation or other group including one of which or in which the person, or the person's relative or business with which the person or the person's relative is associated, is a member or is engaged (i.e. all inhabitants of the state, or an industry, occupation or other identifiable group).
- c) Membership in or membership on the board of directors of a 501(c)(3) nonprofit corporation.

Determining Conflicts of Interest

To determine whether a conflict exists, first ask:

"Can the result of my official action, decision or recommendation financially affect myself, a relative, or a business with which either are associated?"

If YES, next ask:

"Do any of the exceptions apply?"

If NO, determine whether you are met with an Actual or Potential Conflict of Interest:

"Is the resulting financial effect certain or uncertain to occur?"

Action When Conflicts of Interest Arise ORS 244.120(2)

Both Actual and Potential Conflicts require:

- Public announcement, on each occasion, before taking action on the matter.
- If an **Actual** Conflict of Interest, refrain from participating in discussion, debate or voting on the issue out of which the actual conflict arises.
 - **Exception:** If the vote is necessary to meet quorum needed to take official action, the public official with an actual conflict may vote, but must still refrain from any discussion or debate on the issue.

Board Action Summary

AGENDA ITEM: Legislative Session Debrief

Summary of Recommended Board Action

ACTION: No Action – Information Only

ISSUE: On July 7, 2017 the 79th Legislative Assembly adjourned, ending a fiscally challenging session.

Despite the challenging budgetary environment, the legislature maintained its commitment to protecting investments in early learning. The Governor's budget called for maintaining all early learning programs, as well as a new \$8 million investment in early learning professional development. While the legislature maintained funding for most of the early learning programs at current service levels (CSL), there was an overall General Fund cut to ELD administered programs of \$2.5 million (1.0 %). The legislature was unable to make new investments in early learning professional development. While the legislature did not make a new investment in early learning professional development, it did recognize for the first time in statute the importance of this workforce.

The legislature also passed a number of policy bills that will support the work of the Early Learning Division. These bills represent either adjustments to current policy initiatives (such as Preschool Promise or Early Learning Hubs) or technical fixes to existing statutes, rather than creating new policy directions or initiatives.

CONTACT: Lisa Pinheiro, Early Learning Policy Analyst, ELD

2017 Legislative Summary



2017 Legislative and Budget Climate

On July 7, 2017 the 79th Legislative Assembly adjourned, ending a fiscally challenging session. Faced with a \$1.4 billion budget deficit for the 2017-19 biennium beginning July 1, 2017, the legislature passed a number of bills including [cost containment strategies](#) inclusive of increased legislative oversight of state employee classifications, hiring and vacancies, as well as containment of health care costs for public employees. Lawmakers were unable to reach agreement to pass legislation on tax reform and long term cost containment.

Reduced federal funding for Medicaid is a significant factor contributing to Oregon's budget deficit. The legislature successfully passed **HB 2391** to impose increased assessments on health insurers, the Public Employees Benefit Board and managed care organizations. The bill increases an existing hospital tax and adds a new tax to health insurance plans raising approximately \$550 million. The hospital and insurance tax will help fund Oregon's Medicaid program which covers more than one million Oregonians, 40 percent of them children from low-income households.

Despite the challenging budgetary environment, the legislature maintained its commitment to protecting investments in early learning. The Governor's budget called for maintaining all early learning programs, as well as a new \$8 million investment in early learning professional development. While the legislature maintained funding for most of the early learning programs at current service levels (CSL), there was an overall General Fund cut to ELD administered programs of \$2.5 million (1.0 %). The legislature was unable to make new investments in early learning professional development. While the legislature did not make a new investment in early learning professional development, it did recognize for the first time in statute the importance of this workforce.

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Early Learning Division Budget, SB 5516

The legislature passed SB 5516, the Oregon Department of Education budget bill which includes the budget for the Early Learning Division. The proposed cuts to early learning that were part of the Co-chairs target reduction list were significantly lessened or eliminated in SB 5516. The Co-chairs target list included a 10% cut to Healthy Families Oregon (HFO) and Preschool Promise; 20% cut to Early Learning Hubs and Kindergarten Partnership Innovation Fund (KPI); and, significant cuts to funding for the Focused Child Care Networks. SB 5516 fully restores funding to HFO and Preschool Promise, as well as maintains full funding for OPK and Relief Nurseries. The cut to Hubs was reduced to 11.1% and to KPI 4.1%. Funding for Focused Child Care Networks was cut \$283,723.

- ❖ Oregon PreKindergarten/Early Head Start: funded at Current Service Level (CSL) at \$152.3 million
- ❖ Healthy Families Oregon: funded at CSL, \$24.8 million
- ❖ Relief Nurseries: funded at CSL, \$8.9 million
- ❖ Preschool Promise: funded at CSL, \$35.7 million
- ❖ Kindergarten Partnership Innovation Fund: Funded at \$9 million representing a 4.1% reduction from CSL
- ❖ Focused Child Care Networks: funded at \$2 million representing a 12% reduction from CSL
- ❖ Early Learning Hubs: funded at \$14.9 million representing an 11% reduction
- ❖ Employment Related Day Care: Reduced by \$11.7 million. This impacts approximately 650 slots, though the legislature maintained funds to continue provider quality incentive payments
- ❖ Early Intervention/Early Childhood Special Education: \$175 million representing a 3.51% increase from CSL

SB 5516 included funding for 18 positions (18.0 FTE) in the Office of Child Care in order to implement the new Child Care Development Fund regulations.

Policy Bills

The formation of the new House Committee on [Early Childhood and Family Supports](#) created a venue to give specific attention to the importance of early child development. Multiple informational hearings were held on a variety of topics ranging from home visiting, Preschool Promise, child care, Employment Related Day Care, and the work of the Early Learning Hubs. The attached table provides a list of legislative presentations and web links to the hearing recordings. The Early Childhood and Family Supports committee will continue work on early childhood and family supports policy throughout the 2017-19 interim.

Office of Child Care

OCC supports families through a statewide child care system that promotes safe, quality, and accessible child care. Licensing staff in nine field offices are responsible for inspecting child care facilities, assessing complaints against facilities, and providing technical assistance to child care providers. OCC licenses approximately 1,300 Certified Child Care Centers; over 750 Certified Family Child Care Homes; and 2,070 Registered Family Child Care homes.

Oregon law requires the Office of Child Care (OCC) to establish a Central Background Registry, conduct background checks and enroll qualified subject individuals (ORS 329A.030). An individual must apply to and be enrolled in the Central Background Registry (CBR) as part of the individual's application to operate or work in a child care education facility or program, or for individuals who volunteer or who may have unsupervised contact with children. Current law establishes a two year enrollment period and requires criminal background checks for renewal. Enrollment in the CBR is ascribed to the individual therefore the individual does not have to go through additional background checks if he or she begins working in another facility or program.

Oregon statutes designate the Office of Child Care (OCC) as the state agency responsible for administering funds received by the State of Oregon pursuant to the federal Child Care and Development Block Grant Act (ORS 329A.010).

A significant legislative focus for the Division was to ensure passage of bills to allow the Division to implement the new federal Child Care and Development Block Grant regulations.

The Child Care and Development Block Grant Act of 2014 imposed new background check requirements for child care providers. These requirements include FBI criminal background and fingerprint checks of all child care staff members including staff members who do not directly care for children though may have unsupervised access to children. The act designates the required registries and databases states must search, specifies disqualifying crimes¹ and requires fingerprinting every five years. The act also imposed new requirements to publicly disseminate information on child care facilities, to provide a consumer-friendly website for parents, providers and the general public and outlines website requirements for dissemination of information.

The new federal requirements for background checks include:

- ❖ Checks of state criminal and sex offender registries or repositories
- ❖ Checks of state-based child abuse and neglect registries and databases in the state where the subject individual resides and each state where the subject individual resided during the preceding five years
- ❖ A search of the National Crime Information Center database
- ❖ A Federal Bureau of Investigation fingerprint check
- ❖ A check of the National Sex Offender Registry

Currently, the Office of Child Care (OCC) conducts background checks in the Law Enforcement Data System (LEDS) through the Oregon State Police on all subject individuals in licensed child care. The query includes the Oregon sex offender registry and a child protective services database check. Annually, the OCC runs approximately 28,000 background checks. LEDS scans are conducted quarterly on all 63,000 individuals in the database. Approximately 14.5 percent of individuals applying for enrollment in the CBR are currently required to complete the FBI fingerprint checks. With the implementation of the new CCDF rules, the requirement for FBI background and fingerprint check will now apply to all individuals enrolled in the CBR.

The new federal requirements result in an increase in the number of individuals subject to fingerprinted criminal background checks through the FBI. While OCC collects fees from individuals for the background checks, those fees are passed on to the Oregon State Police (OSP) to pay for the OSP background checks and FBI fingerprint checks. Administrative costs to process background checks will be paid for out of federal CCDF funds. The legislature approved 18 positions (18.0 FTE) for the additional workload anticipated by the increased number and scope of the background checks (SB 5516).

HB 2259 and HB 2260

HB 2259 and HB 2260 were introduced by the Governor at the request of the Division to provide statutory authority to implement the new requirements of the Child Care Development Block Grant Act of 2014.

¹ Federal list of criminal convictions that automatically disqualify an individual from providing child care.

HB 2259 and HB 2260 provides the Division with clear and explicit statutory authority to conduct background checks through the new federally required databases, to maintain information on providers through electronic records and to share confidential information with other public entities when necessary to support and protect the health, safety and welfare of children. In addition, the bills also provide OCC authority to maintain the confidentiality of individuals filing complaints with the OCC.

HB 2259

- Provides authorization for the OCC to conduct required criminal records checks in accordance with federal law
- Allows the OCC to fingerprint subject individuals upon initial and renewal applications, and conduct background checks through the databases and registries required under federal law
- Removes the two year Central Background Registry expiration and renewal requirement from statute and authorizes the Early Learning Council to set expiration and renewal through administrative rule
- Authorizes the Early Learning Council to define the databases and registries by rule. Establishing the databases and registries in rule will provide flexibility in meeting and maintaining compliance with federal requirements
- Prohibits the OCC from enrolling an individual who has a disqualifying condition. Disqualifying conditions shall be identified in administrative rule to conform to the federal list of criminal convictions that automatically disqualify an individual from providing child care.

The enrollment period of the CBR (2 years in Oregon statute) was inconsistent with federal requirements for fingerprinting subject individuals every five years. Authorizing the Early Learning Council to set expiration and renewal through administrative rule will allow better alignment with federal requirements and, over the long run, will reduce the expense to the state and providers by not needing to process fingerprint background checks every two years. To ensure the safety of children in child care settings, OCC will continue current practice of running quarterly criminal background checks through the law enforcement data system (LEDS).

HB 2259 also gives the ELC authority to define in rule individuals who may enroll in the CBR. This gives the Early Learning Council the ability to allow individuals, such as staff of early learning programs that don't meet the legal definition of child care, to access and utilize the CBR for its programming needs.

Implementation Activities:

Council: Immediate rule revisions will be necessary

Division: Immediate rule revisions will be necessary

Chapter TBD (2017 Laws), Effective date: Upon Governor's Signature.

HB 2260

- Requires the OCC to maintain a website and disseminate information required under federal law
- Specifies that the name, address and other identifying information about a complainant may not be disclosed
- Allows the OCC to maintain records electronically for the Central Background Registry
- Provides general authority to the OCC to maintain information about child care providers and facilities through electronic records systems

- Specifies that the OCC may share information with other public entities about investigations and inspections to support the health and safety of children in child care

The Division, through its new website and the Early Learning Information System (ELIS) currently under development, will be well situated to implement the provisions of HB 2260 and the new CCDBG requirements. ELIS is a facilities-level database funded by the federal Race to the Top Early Learning Challenge grant. ELIS is scheduled to come on line fall 2017 and will allow the Division to link child care licensing, Spark (QRIS) and professional development information, and will facilitate the publication of up-to-date compliance information on the DIVISION website.

Implementation Activities:

Council: Immediate rule revisions will be necessary

Division: Immediate rule revisions will be necessary. Continue work on ELIS

Chapter TBD (2017 Laws), Effective date: Upon Governor's Signature.

HB 3068

HB 3068 updates statutes that govern the Child Care Resource and Referral System (CCRR).

The Division oversees a network of 12 child care resource and referral agencies that:

- ❖ Support, train and conduct professional development for child care providers
- ❖ Support families seeking child care
- ❖ Collect data on providers and training achieved
- ❖ Support and lead providers in attaining quality rating and improvement system ratings

The last two years have seen major changes to the system. To most effectively support families in need of quality child care and the quality of early learning providers, the Division sponsored two work groups to develop a model to ensure families are able to find and enroll in services they need and to create a professional development system to meet the needs of the diverse early learning workforce. Each work group met five times over a three-month period and followed a common process to develop recommendations that identified short- and long-term outcomes and identified key strategies essential to enhance programs. The recent changes to the CCRR system emerged from the work groups' recommendations.

To allow CCRRs to focus their strengths and expertise in professional development for the early learning workforce and support and lead providers in attaining quality rating and improvement system ratings, the Division partnered with 211Info to provide parent child care referrals.

HB 3068 brings the CCRR statutes up to date with these changes and streamlines some of the statutory language.

HB 3068 revises statutes governing the administration of the Child Care Resource and Referral system.

- Defines the "Child Care Resource and Referral system" to provide supports for parents, guardians, and child care professionals widening the range of entities the Division can partner with for specific child care resource and referral services
- Directs the Division to implement the Child Care Resource and Referral System, including establishing eligibility requirements, responsibilities of resource and referral entities to provide

training and technical assistance to existing and prospective providers, referrals for parents and guardians and recruitment of qualified individuals to meet the child care needs of the community.

Implementation Activities:

Council: Rulemaking tentatively scheduled for spring 2018

Division: Communication of rule revisions to CCRR Directors, AFSCME/SEIU, Grantees, Contractors, Hubs; Procurement & Contracting

Chapter 187 (2017 Oregon Laws), Effective date: January 1, 2018

HB 3066

HB 3066 updates statutes that govern the Child Care Contribution Tax Credit program.

In 2003, the legislature enacted the Oregon Child Care Contribution Tax Credit. By making a contribution to the program, taxpayers receive an Oregon state tax credit of 50 cents for each dollar contributed. Any individual or company with an Oregon tax liability can contribute by either making a cash or stock contribution.

Proceeds from the contributions were used in demonstration projects from 2004 - 2009. These projects identified valuable strategies to improve the quality of child care environments and inform public policy on the need for child care subsidies.

Today, funds are used to support two statewide programs to increase financial supports and quality improvement for child care businesses throughout Oregon. Education awards, ranging from \$100 to \$500, are distributed to child care providers who are actively pursuing professional development and are based on the professional development level (step) within the Oregon Registry². Financial supports are provided to licensed facilities that are meeting quality rating and improvement standards.

HB 3066 provides technical fixes to the statutes governing administration of the tax credit. The bill removed erroneous statutory language and added language that reflects the strategies identified through the demonstration projects.

Implementation Activities:

Council: Rulemaking tentatively scheduled for spring 2018

Division: External stakeholder communication of statute and rule revisions

Chapter 186 (2017 Oregon Laws), Effective Date: October 6, 2017.

Early Learning Hubs

Early Learning Hubs were established in 2013 in HB 2013. Early Learning Hubs are community-based entities that work to create local systems focused on early childhood education and family stability. Core responsibilities of Early Learning Hubs are to find children experiencing greatest

² Oregon's professional development training and education database for the childhood care and education workforce.

disparities, identifying their needs, working across sectors to connect them to services and accounting for outcomes collectively.

In 2015, the legislature enacted SB 213 which required the Early Learning Council to submit an annual legislative report regarding the implementation and status of Early Learning Hubs and to conduct an evaluation to assess the efficacy of the Hubs. That evaluation report is due February 2019.

HB 2956

During the 2017 session, Representative Gene Whisnant (R-District 53, Sunriver) and other legislators were concerned that since the Hub system was relatively new, the evaluation required in SB 213 (2015) should be timelier and sought to accelerate the evaluation and report. HB 2956 originally required a biennial Hub evaluation and report due March 15, 2018 with subsequent reporting by March 15 of each odd numbered year. The Division worked with Rep. Whisnant to amend the bill to better align the March 2018 reporting requirement proposed in HB 2956 with the Hub *implementation and status report* due annually in September (SB 213).

As adopted by the legislature, **HB 2956** repealed the annual Hub *implementation status report* and requires the Early Learning Council to conduct a biennial evaluation of Early Learning Hubs and submit a report to the interim legislative committees no later than March 15 of each odd-numbered year with a progress and status report of the Hub evaluation due March 15, 2018.

The Division has contracted with Education Northwest for the external evaluation of the Early Learning Hub system and they should be on-track to deliver their first report by the required date. The final report is due to the Legislature by February 1, 2019.

Implementation Activities:

Council: *No specific activities identified.*

Division: *The Division will be required to submit a status report to the Legislature in March 2018.*

Chapter 399, (2017 Laws): *Effective date June 20, 2017*

Relief Nurseries

During the fall and winter of 2016-17, the Division, the Oregon Association of Relief Nurseries (OARN) and Relief Nursery directors were in discussions around the roles and responsibilities of the state, of relief nurseries and of OARN. These discussions were initiated by the Division to address these issues in the context of administrative rulemaking. The issues discussed were: the state's responsibility to develop the funding formula for distribution of state funds, the appropriate legal role of OARN in certifying relief nurseries, and the entity responsible for defining and determining contracted services and how that determination reflected or related to the proprietary Relief Nursery model.

OARN had originally intended to seek legislation in the 2017 session to remove state asset forfeiture funds they receive from the calculation for the local match requirement. **SB 314**, introduced by Senator Jackie Winters (R-District 10, Salem) and Representative Nancy Nathanson (D- District 13, Eugene) went through a couple of revisions. At one point the bill was amended to address larger governance issues, including the role of OARN in Relief Nursery certification. That version of the bill, however, raised a number of constitutional issues, specifically delegation of authority, that were deemed to be vulnerable to court challenges. OARN sought additional amendments and, through a workgroup convened by

Representative John Lively (D, District 12 – Springfield), Chair of the House Early Childhood and Family Supports Committee, the bill was further amended to:

- Describe service requirements of Relief Nursery programs
- Describe how funding to support Relief Nursery programs may be used including the use of state funds for start-up costs
- Require Relief Nursery programs to participate in a statewide independent evaluation conducted by the Oregon Association of Relief Nurseries
- Exclude state asset forfeiture proceeds distributed to Relief Nursery programs from the calculation of amount of required for matching community financial support.

Implementation Activities:

Council: Rule revisions, originally initiated in summer of 2016, will resume September 2017. The draft rule set, as of April 2017, is consistent with SB 314, but will require revisiting some elements of the bill to ensure consistency and interpretation. OARN continues to have concerns with some of the draft rule language, including who determines the formula for distributing legislatively allocated funds among the Relief Nurseries, and these issues will be discussed as part of the rule-making process.

Division: Continue rulemaking activities with the CCEC.

Chapter TBD (2017 Laws), Effective date: December 2017

OPK and Preschool Promise

Following passage and implementation of HB 3380 in 2015, both community partners and Early Learning Council members raised concerns about the education and salary requirements of the bill. HB 3380 (2015) required that to be eligible to be a Preschool Promise provider, a provider must have lead preschool teachers who have at least a bachelor's degree in early childhood education or a field related to early childhood education, and must pay lead preschool teachers a salary that meets the minimum salary requirements established by the Early Learning Council. In addition to the minimum salary requirements, HB 3380 called on the Early Learning Council to set target salary requirements for Preschool Promise teachers that are comparable to those of kindergarten teachers. The Early Learning Council established both a minimum salary target and a minimum salary requirement in May 2016. The minimum salary requirement for a teacher with a CDA was 50 percent of the target salary for a teacher with a BA. The minimum salary requirement for a teacher with a BA was 70 percent of the BA target salary.

The designation of salary targets was instrumental in developing the cost model and in determining the amount of funds provided to Preschool Promise programs. That cost model was formulated based on school district salaries within a hub region.

Other concerns were raised that the education and salary requirements result in barriers that prevent some early learning providers from meeting the education requirements, low compensation and high turnover among preschool teachers and staff, and pay disparities within and across preschool programs. Furthermore, despite the ability of providers to request a waiver for the lead teacher educational requirements, concerns remained regarding the potential consequence that early learning professionals

of color and with language skills other than English might be disproportionately impacted, such as limited or non-existing access to educational pathways. Given these concerns, House Speaker Tina Kotek (D- District 44, N/NE Portland) called stakeholders together to address these issues. Those discussions resulted in introduction of HB 2013.

HB 2013 allows for different professional development pathways and alternative credentials and training to a bachelor's degree in early childhood education. The bill establishes that lead Preschool Promise teachers:

- Have at least a bachelor's degree in a field not related to early childhood education if the teacher has completed coursework equivalent to a major in early childhood education and has sufficient training in early childhood education
- Have an associate's degree with additional training or certification in early childhood education or a field related to early childhood education, or
- Have alternative credentials to indicate the teacher is highly trained

The bill also addressed target salary requirements required in HB 3380. Rather than establishing target salary "requirements", the Early Learning Council is now required to establish target salary "guidelines". The Division is required to conduct compensation and professional development evaluations to determine how teacher and staff compensation and professional development contribute a well-qualified, stable and high quality early learning workforce. The Division is to report on the status of the evaluations no later than February 1, 2018 with a final report to be submitted no later than October 15, 2018.

Implementation Activities:

Council: Establish through rulemaking: coursework equivalent to a major in early childhood education; "sufficient training" and education fields that qualify as "related to early childhood education"; additional family eligibility criteria beyond income considerations only, for enrollment in Preschool Promise programs (optional); minimum salary requirements and target salary guidelines for lead preschool teachers.

Division: Provide guidelines and technical assistance to preschool promise programs to address salary disparities among preschool teachers and preschool staff; conduct required evaluations and submit status report February 2018 and final report October 2018.

Chapter 280 (2017 Laws), Effective date June 14, 2017

HB 3106

After children were enrolled in Preschool Promise in the fall of 2015, additional concerns were raised that OPK program enrollment had been negatively impacted. Division staff convened meetings with Early Learning Hubs and OPK programs in December 2016 to address these concerns. Over the next several months, staff continued to facilitate discussions between the Hubs and OPK programs to work through these issues. However, the Oregon Head Start Association (OHSA) wanted statutory language addressing the need for stronger coordination between programs. In March 2017, HB 3106 was advanced by the OHSA.

HB 3106 requires the Early Learning Hubs to convene annual meetings between Oregon Prekindergarten and Preschool Promise programs to coordinate the enrollment of children in preschool programs. The bill further authorizes the Early Learning Council to adopt rules that allow for the provision of a half-day

program or a full-day program, or a combination, to meet community needs as determined by the Early Learning Council based on community assessments. OPK is currently only funded as a part day program. This will be an opportunity for the Early Learning Council to phase in alignment with federal Head Start performance standards on duration of instructional time to shift Head Start programs towards a full day model. Originally, HB 3106 modified the family income eligibility thresholds for enrollment in Preschool Promise. The bill was later amended to remove those income threshold provisions.

Implementation Activities:

Council: Potential rulemaking, TBD.

Division: Guidance to Early Learning Hubs; Guidance to OPK and Preschool Promise programs.

Hubs: Schedule and conduct annual coordinating meetings with OPK and Preschool Promise programs.

Chapter 140 (2017 Laws), Effective date January 1, 2018.

Professional Development for the Early Learning Workforce

SB 182

The Early Learning Council and the Division identified professional development opportunities and support for the early learning workforce as its top legislative priority for the 2017 session. To that end, the Division submitted both a legislative concept and a budget request to create or build upon systems to meet the unique and diverse needs of the early learning workforce. The Governor's Budget included targeted funds for early learning professional development. The Chief Education Office incorporated the Division's legislative concept into a larger and broader legislative proposal on educator advancement.

While the budget request was not approved by the legislature, it did pass SB 182 which establishes the Educator Advancement Council with duties related to distributing resources for professional learning supports for educators. The bill also sets in motion the planning and development of local educator networks which will identify professional learning needs of the educators in the network area. The bill contains provisions specifically directed at the early learning workforce. Early learning professionals will contribute and serve on local educator networks in recognition of the need to align and connect the supports for the early learning workforce with those of K-12. SB 182 also expresses legislative acknowledgment of the unique professional development needs of the early learning workforce through:

- Building educational pathways for early learning professional to access college credentials, degrees and certificates
- Providing coaching and mentor opportunities that address the broad needs of the diverse early learning workforce
- Increasing access to training and professional development that is culturally responsive and linguistically diverse

Implementation Activities:

Council: No specific activities identified.

Division: No specific implementation is necessary. The Division will continue to carry out professional development programs and activities currently underway. However, without the budget as requested, the breadth of providers and the geographic areas served may not be expanded.

Chapter (TBD) (2017 Laws), Effective Date: July 1, 2017.

Other Bills of note:

HB 3067: Authorizes Marion and Polk Counties to establish pilot *CourtCare* programs to provide quality child care to individuals and families who are participating in court proceedings at local courthouse or transacting business at local governmental office; appropriates \$200,000 for the program.

HB 3447: Prohibits home owners associations from denying the provision of child care on premises within an HOA under certain conditions.

SB 398: Requires BOLI to adopt rules that require employers to provide written notice to employees about state and federal earned income tax credits.

HB 3029: Allows parent or legal guardian of child whose sixth birthday occurred on or before September 1 immediately preceding beginning of current school year to delay enrolling child in public full-time school for one year for purpose of better meeting child's needs for cognitive, social or physical development.

HB 3404: Requires children less than two years of age to be properly secured in car seat in rear-facing position.

HCR 33: Encourages state officers, agencies and employees to become informed regarding impacts of trauma and to become aware of trauma-informed care practices and interventions that are evidence based and informed.

Early Learning Legislative Presentations as of June 15th

February 2nd HECFS Committee ELD & ELC Overview	February 7th HECFS Committee Home Visiting	February 9th HECFS Committee Preschool Promise Senate Education SB 182: Educator Advancement	February 14th HECFS Committee Early Learning Workforce
February 16th HECFS Committee Child Care & ERDC (presentation with DHS)	February 20th W&M Education Subcommittee P-20 Education System Overview	February 21st W&M Education Subcommittee P-20 Education System Overview ECFS Committee Early Childhood – K-12 Connection	February 27th W&M Education Subcommittee ODE Agency Overview
February 28th W&M Education ODE Agency Overview	March 1st W&M Education Subcommittee ELD Overview – Day 1	March 2nd W&M Education Subcommittee ELD Overview – Day 2 ECFS Committee Hub Metrics	March 7th HECFS Committee Early Learning Funding & Outcome Metrics
March 9th HECFS Committee Children’s Institute & Preschool Promise	March 14th HECFS Committee Professional Development Pathways	March 21st HECFS Committee HB 2259 & HB 2260 Public Hearing & Work Session	March 22nd Senate Human Services SB 314 Public Hearing

ECFS – [House Early Childhood Family Supports Committee](#) Senate Education (SED) – [Senate Committee on Education](#)

W&M Education – [Joint Ways & Means Subcommittee on Education](#) Senate

Human Services (SHS) – [Senate Committee on Human Services](#)

2017 Legislative Summary

March 30th <i>HECFS Committee</i> Brain Science of Early Learning (UO Brain Development Lab)	April 11th <i>HECFS Committee</i> Early Learning Multnomah Presentation	April 20th <i>HECFS Committee</i> Pathways for Developmental Screening to Services (OPIP)	May 2nd <i>HECFS Committee</i> Oregon Child Care Market Price Study (Bobbie Weber)
May 4th <i>HECFS Committee</i> Early Learning Budget Discussion	May 10th <i>W&M Education Subcommittee</i> CCDF Budget Update (ELD & DHS)	May 15th <i>Senate Human Services</i> HB 3066 & HB 3068	May 16th <i>HECFS Committee</i> Culturally Specific Early Learning (The Latino Network, Black Parent Initiative, KairosPDX, Coalition of Communities of Color, Tigard Tualatin School District)
May 24th <i>W&M Education Subcommittee</i> SB 182 – Informational Hearing (Chief Education Office, ELD, Teaching Standards & Practices Commission)	May 30th <i>HECFS Committee</i> Early Learning Hub Monitoring <i>Senate Education</i> HB 2013 Work Session	June 1st <i>HECFS Committee</i> ERDC (DHS)	June 5th <i>W&M Education Subcommittee</i> SB 182 Public Hearing

Board Action Summary

AGENDA ITEM: Hub Monitoring Discussion

Summary of Recommended Board Action

ACTION: No Action – Discussion to help identify areas for on-going work with the Early Learning Hubs

ISSUE: The purpose of this follow up discussion is to identify shared work with the Hubs, the Early Learning Council and the Early Learning Division to strengthen the Early Learning Hub System over the next biennium. Early Learning Council Chair Sue Miller and Early Learning System Director Miriam Calderon will have an opportunity to hear from the Hubs directly at the August Learning Collaborative and ask the Hubs how the ELC can collaborate with them in supporting their work and building a coordinated, integrated and family-centered early learning system.

BACKGROUND: The Hub Monitoring presentation at the June Early Learning Council focused on a Hub-by-Hub review of the work and progress of the individual Hubs. During that discussion a number of cross-system patterns were identified, as well as questions that pertain to the Early Learning Hub System as a whole.

CONTACT: David Mandell, Director of Policy & Research, ELD



Early Learning Division | 775 Summer St NE, Suite 300, Salem, OR 97301

Phone: 503-373-0066 | Fax: 503-947-1955

TO: Early Learning Council

FROM: David Mandell, Director of Policy & Research, ELD

DATE: August 2, 2017

The enclosed materials are to support a follow up discussion on the information learned from the Hub Monitoring process. These materials include:

- List of key questions & themes identified during the previous ELC meeting
- Aggregation of Hub Partners survey results from across the Hubs
- Common areas of work identified by Hubs in their Quality Improvement Plans

The Hub Monitoring presentation at the June Early Learning Council focused on a Hub-by-Hub review of the work and progress of the individual Hubs. During that discussion a number of cross-system patterns were identified, as well as questions that pertain to the Early Learning Hub System as a whole.

The purpose of this follow up discussion is to identify shared work with the Hubs, the Early Learning Council and the Early Learning Division to strengthen the Early Learning Hub System over the next biennium. Early Learning Council Chair Sue Miller and Early Learning System Director Miriam Calderon will have an opportunity to hear from the Hubs directly at the August Learning Collaborative and ask the Hubs how the ELC can collaborate with them in supporting their work and building a coordinated, integrated and family-centered early learning system.



ELC follow up discussion topics from Hub Monitoring

The following discussion topics were captured at the June 22, 2017 Early Learning Council meeting.

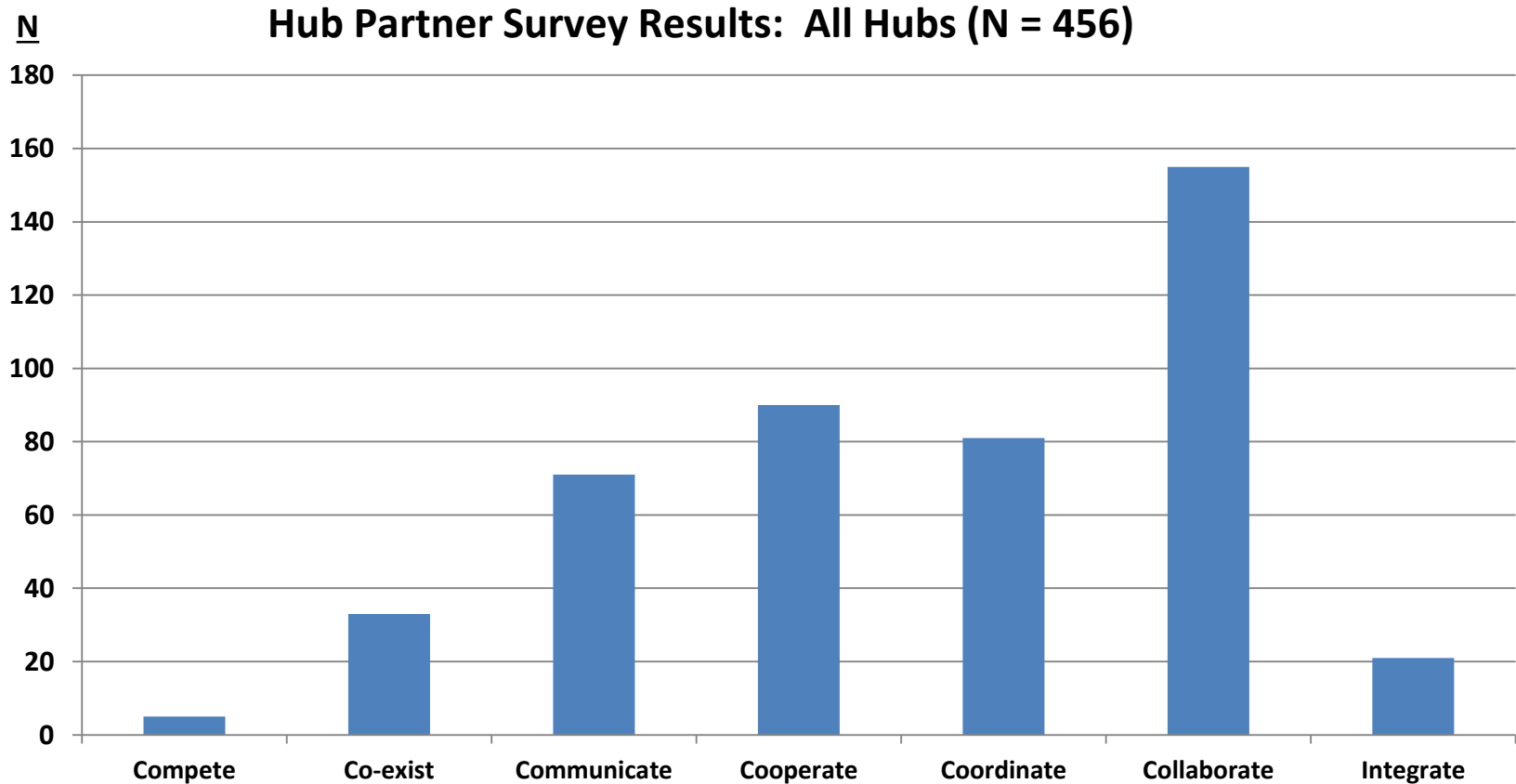
System/Partner Development

- Challenges & opportunities around parent engagement
- Challenges & opportunities in connecting to K12
- Challenges & opportunities in connecting to DHS
- Connections to health sector beyond CCOs (e.g. public health; primary providers)
- Challenges & opportunities in engaging business
- Governance
- Cross-county governance and integration
- Capacity
- Capacity to use data
- Hub resources & staffing for parent and partner engagement
- Funding for rural Hubs
- ELD resources & staffing to provide technical assistance to Hubs
- Focus Areas
- Hub strategies focused on pre-natal to age three

Summary of Hub Partner Statements							
	Early Learning (N ~ 120)	DHS (N ~ 12)	K - 12 (N ~ 135)	Health (N ~ 66)	Business (N ~ 20)	Community (N ~ 62)	Total (N ~ 420)
The mission of our EL hub is clear to me.	3.3	3.2	3.2	3.3	3.3	3.6	3.3
The EL Hub's decision-making process, and my role in it, are clear to me.	3.0	2.9	2.9	3.0	3.2	3.3	3.0
I have influence over the decision-making within the EL Hub.	2.7	3.1	2.7	2.9	3.2	3.1	2.8
I have influence over the direction of the EL Hub.	2.7	3.0	2.7	2.7	3.1	2.9	2.8
K-12, human services, health care, and early learning partners all participate in the governance of my EL hub.	3.2	3.5	3.0	3.4	3.3	3.6	3.3
I am able to make productive contributions to the EL Hub.	3.2	3.3	3.0	3.2	3.3	3.5	3.2
The partners involved in the EL hub mutually support each other toward common outcomes.	3.3	3.5	3.1	3.3	3.1	3.4	3.2
As community barriers arise, I take them to our EL hub as a community resource for systems alignment and problem-solving.	3.0	3.1	2.7	2.8	3.2	3.0	2.9
As community opportunities arise, I take them to our EL hub as a resource for nurturing deeply collaborative community efforts.	3.0	3.1	2.8	3.0	3.2	3.1	3.0
I invest resources (in-kind or financial) in shared activities or goals with my EL hub.	3.2	3.1	3.2	3.2	3.4	3.4	3.2
The EL hub's success in implementing its strategies will improve the success of my work.	3.4	3.5	3.3	3.4	3.6	3.5	3.4
The way the EL Hub is organized provides appropriate opportunities for sharing amongst partners.	3.2	3.3	3.0	3.3	3.1	3.4	3.2
Parents and families' voices are heard and affect my EL hub's strategies and decision-making.	2.8	2.9	2.7	3.0	3.2	3.1	2.9
My EL hub utilizes the data available to them to develop strategies and guide their decisions.	3.3	3.3	3.2	3.2	3.5	3.4	3.3
My EL hub invests in priority populations (the children you identified as furthest from opportunities in your region)..	3.4	3.4	3.2	3.4	3.5	3.6	3.4
My EL hub is raising awareness about racial equity in our region.	3.1	3.4	3.0	3.1	3.5	3.3	3.1
My EL hub raises awareness about early childhood and early learning in our region.	3.4	3.6	3.3	3.3	3.6	3.6	3.4

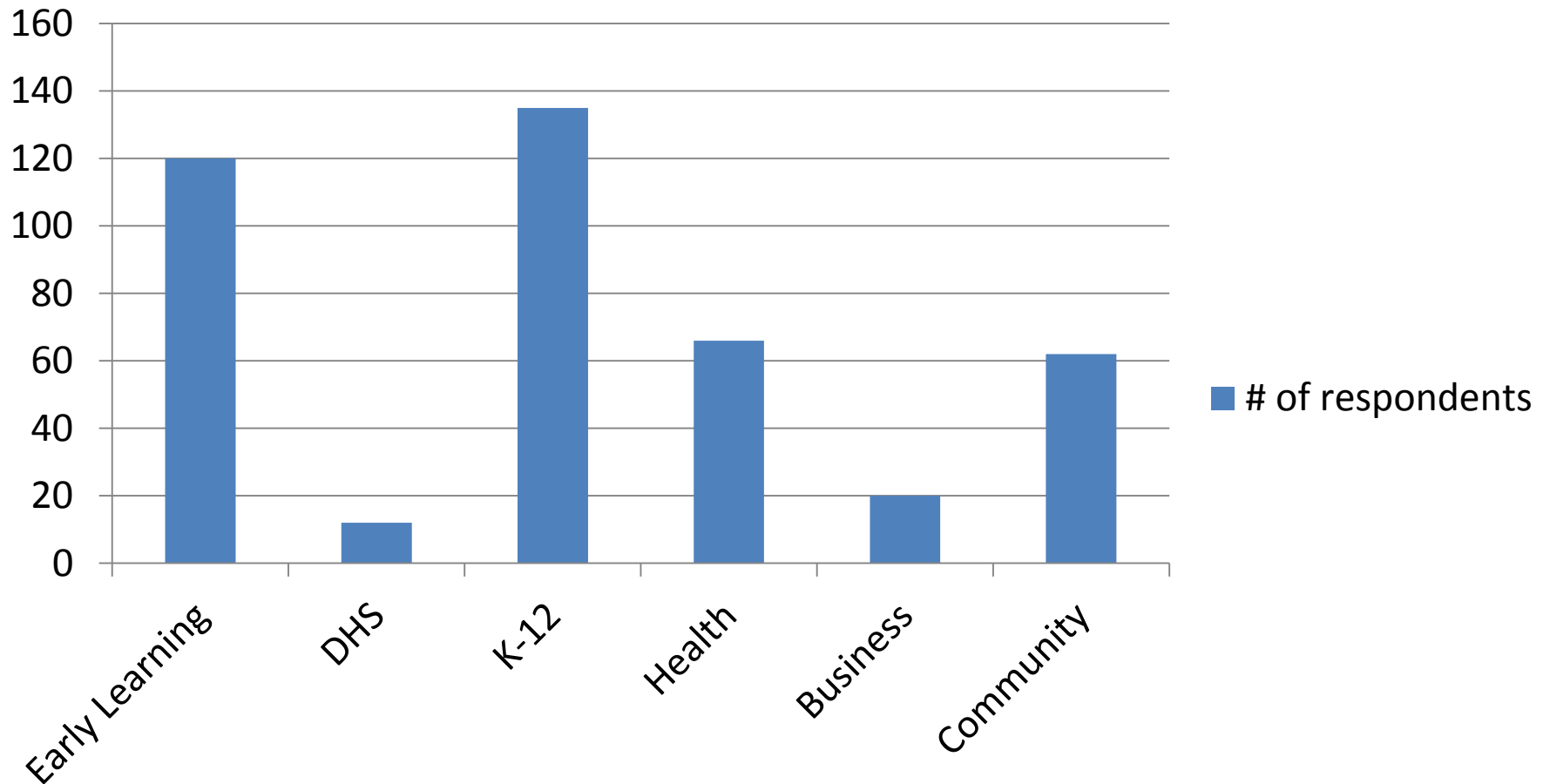
	Early Learning (N ~ 120)	DHS (N ~ 12)	K - 12 (N ~ 135)	Health (N ~ 66)	Business (N ~ 20)	Community (N ~ 62)	Total (N ~ 420)
Our EL hub's leadership clearly articulates its purpose and a focus on outcomes.	3.4	3.3	3.0	3.2	3.5	3.6	3.3
Our EL hub's leadership fosters regional collaboration.	3.4	3.5	3.1	3.3	3.4	3.6	3.3

Relationship Status: All Partners



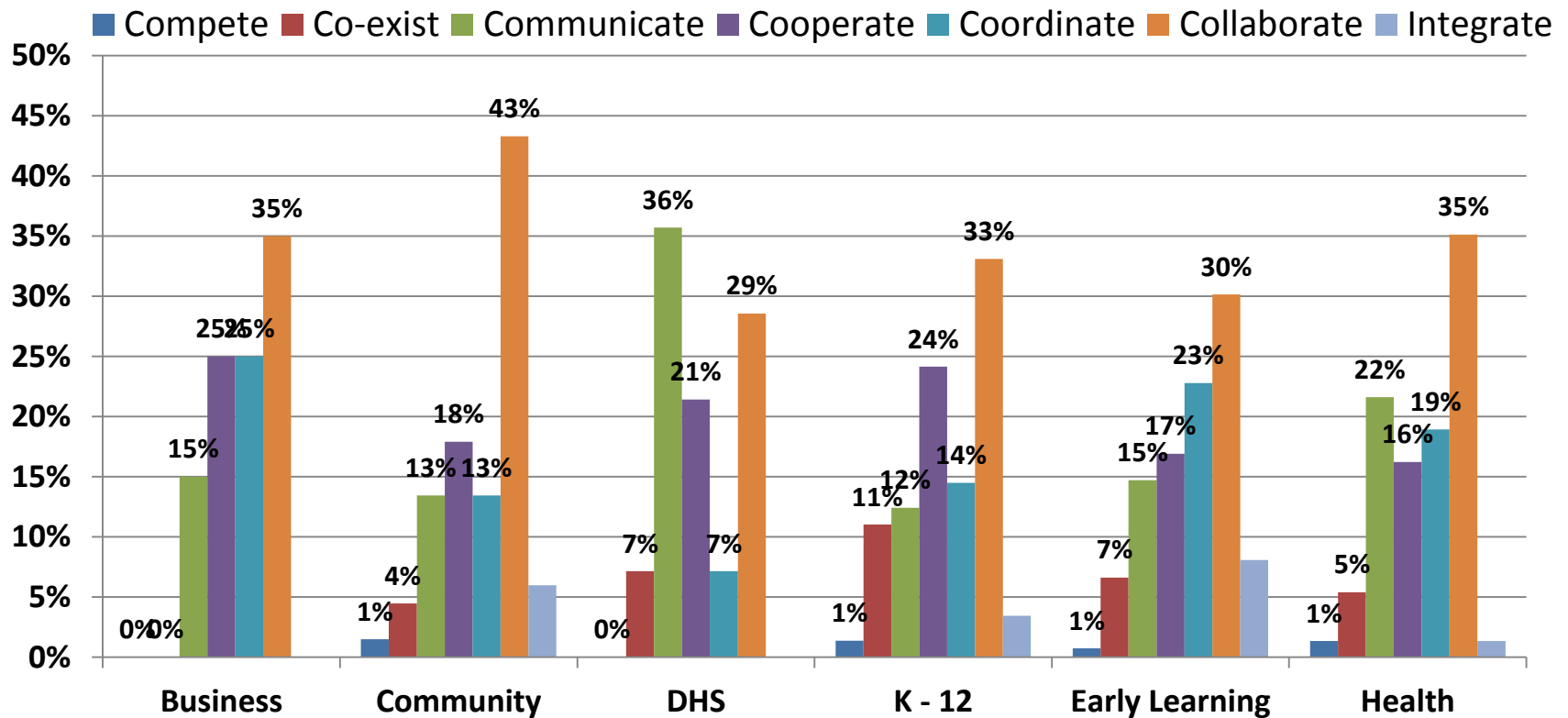
Respondents by Sector

of respondents



Relationship Status by Sector

Hub Partner Survey: Relationship Status by Sector



Focus Areas in QIPs

Strengthening parent voice/engagement	8
Strengthen governance structure and/or decision-making processes	7
Branding and Communications	5
Deepen understanding of Priority Populations	4
Strengthen tie between strategies and identified priority populations	4
Clarifying role of partners in hub strategies and activities	4
Move forward identified hub priorities	4
Improve reporting and other internal functions	3
Improve utilization of data for CQI	3

Technical Assistance

Providing technical assistance through:

- Learning Collaboratives
- Regional Meetings
- Webinars
- Regular Phone Check-ins
- Onsite consultations

Hubs and ELD are prioritizing TA needs and sharing successes at Learning Collaborative on August 8 & 9

Board Action Summary

AGENDA ITEM: Hub Action Item: Reedsport Incorporation

Summary of Recommended Board Action

ACTION: Accept the recommendation to move the Hub boundary for the Reedsport School District from the South Central Early Learning Hub (Douglas ESD) to the South Coast Early Learning Hub (Oregon Coast Community Action Agency).

ISSUE: The Reedsport School District area located in Western Douglas County will move from the South Central Early Learning Hub to the South Coast Regional Early Learning Hub.

BACKGROUND: The process for this determination included several discussions with Hub leaders and community members as well as a community forum held in Reedsport. Members of the Reedsport community expressed that they have a natural affiliation with the Coos Bay area and Coos County due to proximity of services. Recently an agreement has also been signed to move Head Start services for the Reedsport area out of the Head Start in Douglas County and to the Head Start in Coos County due to the same determination.

ELD staff is working with all the parties on an estimated number of at-risk children aged 0-6 in the Reedsport School District catchment area. Once the number is determined, the funding for the two Hubs will be adjusted for the 2017-2019 contract period to reflect this population shift.

ACTION PRECEDING RECOMMENDED BOARD ADOPTION: The Early Learning Council received a briefing on the recommendation at their June 22, 2017 meeting.

CONTACT: Denise Swanson, Early Learning Hub Operations Manager



Early Learning Division | 775 Summer St NE, Suite 300, Salem, OR 97301

Phone: 503-373-0066 | Fax: 503-947-1955

To: The Douglas ESD/South Central Early Learning Hub and Oregon Coast Community Action Agency/South Coast Early Learning Hub

From: Denise Swanson, Early Learning Hub Operations Manager

Re: Adjustment of Hub boundary and coverage area affecting Reedsport, OR

Date: July 15, 2017

This memo outlines the agreement made by the Douglas ESD; backbone for South Central Early Learning Hub, Oregon Coast Community Action Agency; backbone for South Coast Regional Early Learning Hub and the Early Learning Division regarding Hub coverage area for the Reedsport School District.

All of the parties identified above have agreed that that the Reedsport school district area located in Western Douglas County will move from the South Central Early Learning Hub to the South Coast Regional Early Learning Hub. The Reedsport School District begins at the county line with Coos County and covers the Western most portion of Northern Douglas County to the Lane County line.

The process for this determination included several discussions with Hub leaders and community members as well as a community forum held in Reedsport. Members of the Reedsport community expressed that they have a natural affiliation with the Coos Bay area and Coos County due to proximity of services. Recently an agreement has also been signed to move Head Start services for the Reedsport area out of the Head Start in Douglas County and to the Head Start in Coos County due to the same determination.

ELD staff is working with all the parties on an estimated number of at-risk children aged 0-6 in the Reedsport School District catchment area. Once the number is determined, the funding for the two Hubs will be adjusted for the 2017-2019 contract period to reflect this population shift.

The Early Learning Council has been notified and will make the final determination for officially moving the boundary for Reedsport at their August meeting.

OREGON DEPARTMENT OF EDUCATION

Kate Brown, Governor



Board Action Summary

AGENDA ITEM: Hub Action Item: Funding Formula & Funding Formula Workgroup

Summary of Recommended Board Action

ACTION: Adopt a recommendation for the 2017-2019 Early Learning Hub Funding Formula and the creation of a Funding Formula Workgroup.

ISSUE: The Oregon Legislature passed a budget that includes an 11% cut (\$1.9 million) for core Early Learning Hub funding and a 4.1% cut (with current service level increase this equates to \$54,000) to the Kindergarten Partnership Innovation Fund for the 2017-19 biennium.

The Hub Funding Formula determines how legislatively-allocated funds are distributed across the Hubs. Staff recommends modifications to the Hub Funding Formula adopted by the ELC in July, 2015 to address the impact of these cuts, as well as to address the need for a stronger base of funding for the lowest population Hubs.

In addition to modifications to the previously adopted Hub Funding Formula to address these immediate and pressing needs, staff also recommends the creation of workgroup to develop more comprehensive recommendations for revising the Hub Funding Formula over the long run.

CONTACT: David Mandell, Director of Policy and Denise Swanson, Early Learning Hub Operations Manager



Early Learning Division | 775 Summer St NE, Suite 300, Salem, OR 97301

Phone: 503-373-0066 | Fax: 503-947-1955

To: Early Learning Council

From: Early Learning Division Staff

Re: Revision of Hub Funding Formula for 2017-2019 biennium

Date: July 27, 2017

Summary:

This memo outlines:

- ❖ Joint Staff and Hub recommendation on how to take the 11% cut in Hub funds
- ❖ Joint Staff and Hub recommendation on the Incentive hold back for 2017-19
- ❖ At Risk Children data for 2017-19
- ❖ Funding formula options
- ❖ Development of a funding formula work group for 2019-21 Hub funding formula

The Oregon Legislature passed a budget that includes an 11% cut (\$1.9 million) for core Early Learning Hub funding and a 4.1% cut (with current service level increase this equates to \$54,000) to the Kindergarten Partnership Innovation Fund for the 2017-19 biennium. This memo offers recommended modifications to the Hub Funding Formula (which determines how legislatively allocated funds are distributed across the Hubs) adopted by the ELC in July, 2015 to address the impact of these cuts, as well as to address the need for a stronger base of funding for the lowest population Hubs. ELD staff has sought input from the Early Learning Hubs, including two webinars and a survey, in developing these recommendations.

In addition to modifications to the previously adopted Hub Funding Formula to address these immediate and pressing needs, the memo also recommends the creation of workgroup to develop more comprehensive recommendations for revising the Hub Funding Formula over the long run. This recommendation for the workgroup came from Hub leaders.

Current Hub Funding Formula

After the completion of the 2015 legislative session in which funding for Hubs was significantly increased, the Early Learning Council adopted the current Hub Funding Formula. The adoption of the funding formula was tied to the following principles:

- Allocation methodology should reinforce a focus on reducing disparities and improving outcomes for children of color and children living in poverty.



- Allocation methodology should balance the basic infrastructure needs/stressors often faced in rural communities and the caseload pressures/stressors faced in more populated communities.
- Allocation methodology should be clearly connected to the metrics Hubs are responsible for making progress on in their contracts. (Coordination/efficiency of services, preparing children for school, supporting healthy, stable and attached families.)
- Allocation methodology should be transparent and based upon objective, publicly available data sources.
- Allocation methodology should include an incentive structure to reward Hubs that make progress on specific incentive metrics.

The ELC adopted Hub Funding Formula had the following features:

1. For Hub Coordination all Hubs would receive a base amount of \$200K, with remaining funds distributed in proportion to the percent of at-risk children under five residing in the Hub region (SNAP enrollment numbers were used as the proxy for determining at-risk population).
2. For Kindergarten Partnership Innovation Funds, Schools Readiness and Family Support Funds, the funds would be distributed on the basis of SNAP enrollment.
3. 10% of the legislative allocation for Hubs would be held back as an “incentive fund” tied to performance on metrics with the process for releasing the incentive funds to be determined at a later date.

Recommendations for modifying the Hub Funding Formula for the 2017-19 biennium

The new Hub contracts start October 1, 2017 and adjustments to Hub funding levels need to be made in time to be reflected in the new contracts and to give Hubs time to plan.

There are a number of immediate issues where ELD staff, in consultation with the Early Learning Hubs, are recommending modifications for this upcoming biennium. These immediate issues are:

1. Managing the 11% cut in the legislatively allocated funding for Hubs
2. Addressing shifts in SNAP population data
3. Ensuring sufficient funding for smallest population Hubs to meet basic operational obligations

There were three themes that repeatedly came up in the discussions with the Hubs on how to address these issues:

1. Hubs need a certain base of funding in order to meet their basic obligations as an Early Learning Hub;
2. Levels of funding should be based on current data identifying each Hubs population of at-risk children; and
3. Hubs struggle with stability in staffing and community initiatives when their funding fluctuates significantly from biennium to biennium.

As noted in the discussion below, it is impossible to meet all 3 of these objectives. Because the total amount is fixed, an increase in funding for small population Hubs or a change in the funding levels for Hubs to reflect population changes will trigger reductions in some Hubs' funding.



Development of a Funding Formula Work Group for 2019-21 Hub funding

Hub leaders requested that a work group be formed to take a deeper look at the Hub Funding Formula and bring recommendations to the ELC prior to the 2019-21 biennium. The workgroup would include Hub leaders, Hub partners, ELD staff and interested ELC members. Issues that workgroup would study include:

- What is the basic floor of funding needed to operate a Hub
- How to best estimate at-risk population using publicly available data sources
- What additional factors should go into Hub formula (such as, but not limited to linguistic diversity, geographical size of a Hub, and number of community partners).

Proposed Changes to the Current Hub Funding Formula

A. Incentive hold back

Given the lessons learned attempting to implement the incentive metrics last biennium, the process for developing that new Hub indicators that the ELC has approved, and the overall 11% cut to Hub Funding, ELD staff recommend **not having an incentive fund hold back for the 17-19 biennium**. Hub leaders expressed very strong support for this recommendation.

Removing the incentive hold back will help Early Learning Hubs better manage the 11% cut in funding, and provide more time to develop and test effective indicators before tying those indicators to funding.

B. 11% Cut in Hub Funds

Both ELD staff and Hub leaders recommend that **the Hub Coordination Funds be held harmless and that the 11% be taken from the School Readiness (\$934,000) and Family Stability Funds (\$934,000)**. The Hub Coordination Funds provide most of the basic funding for operations, staffing, community partnership building and family engagement, the core functions of the Hubs. As seen in the Hub Monitoring process, these are also areas where Hubs' resources are often already stretched thin. By protecting the Hub Coordination Funds from the cuts, the ELC would be helping to ensure that Hubs maintain the basic funding they need for staffing and operations.

C. Distribution of School Readiness, Family Stability and KPI Funds

Both ELD staff and Hub leaders recommend that **School Readiness, Family Stability and KPI funds continue to be distributed to each Hub according to current data identifying each Hub's share of Oregon's at-risk children/SNAP population**.

D. Hub Coordination Funds

The most complex issues emerged around the distribution of the Hub Coordination Funds. As noted earlier, Hub Coordination Funds support the basic operations and core functions of the Hubs. There is also a recognition, as discussed during the review of the Hub Monitoring



process, that the current Hub Funding Formula does not provide sufficient resources to the smallest population Hubs to perform these core functions.

Working with the Hubs, ELD staff developed four options for distributing the Hub Coordination Funds. Hub leaders were surveyed on these options and asked to rank them in order of preference. Twelve Hub leaders responded to the survey. The survey reflected many excellent insights and expressed the complexity of developing a funding formula that best serves all Hubs and their ability to serve their communities. Of those who responded, 66% most preferred Option 3 described below, which was an option presented by one Washington County Early Learning Hub member during initial discussions. The preference of this option may point to the systems thinking of our Hub leaders in wanting to assure that no Hub loses funding in the next biennium. There was not a unanimous preference of any option presented.

The four options are presented below:

Option 1. Keep the current formula that applies a \$200,000 base plus the percentage of at risk children as based on the new 2016 SNAP data within a Hub's coverage area.

This option reflects the documented changes in SNAP population so each Hub's funding level changes. However, the change is not enough to address the current base funding challenges for the smallest population Hubs.

Option 2. Adjust the current formula to increase the base to \$225,000 plus the percentage of at-risk children as based on the new 2016 SNAP data within a Hub's coverage area.

This option reflects the documented changes in SNAP populations and increases the funding level for the smallest Hubs over Option 1 levels. However, this change is not enough to address the current base funding challenges for the smallest population Hubs.

Option 3. Adjust the current formula to increase the base to \$250,000 plus the percentage of at risk children as based on the new 2016 SNAP data within a Hub's coverage area. For Hubs who would lose dollars in this option, replace the base with a floor that reflects the 2015-17 allocation.

This option minimizes the fluctuation in Hub funding levels between biennia, but does so by reducing the linkage between Hub funding and up-to-date population information.

Option 4. Adjust the current formula to apply a base of \$200,000 plus the percentage of at-risk children based on the new 2016 SNAP data within a Hub's coverage area and apply a base of 5,000 at-risk children to any Hub that falls below that threshold in their coverage area.



In order to provide sufficient funding for small population Hubs, staff is recommending Option 4 – that a minimum of 5,000 SNAP children be applied as a base to all Hubs. By setting this “floor,” the formula ensures that the smallest population Hubs receive a minimum of \$328,000 rather than the current minimum of \$210,000 (Frontier). No Hub receives greater than a 6.76% decrease in funding. Of the four Hubs that would receive decreased funding, the percentage decrease is less than the percentage of reduced populations (SNAP data) being served. Our assessment is that this new minimum will allow all Hubs to meet their core functions.



Oregon Department of Education
Early Learning Division
Proposed Funding Allocation Per Hub
October 1, 2017 - June 30, 2019

2017-19 Proposed Allocation Scenarios
Allocation Period: October 1, 2017 - June 30, 2019

Hub Coordination for October 1, 2017 through June 30, 2019

					Option 1		Option 2		Option 3		Option 4	
					Current Formula \$200K; per child allocation		\$225K Base; Per Child Allocation		Alternative Proposal		\$200K Allocation; 5,000 At Risk Children Floor	
Hub	15-17 Numbers: Age 0 to 6 at Risk Children	17-19: Age 0 to 6 At Risk Children	% Net Impact	15-17 Hub Coordination	17-19 Hub Coordination Option 1	Option 1: Percentage Impact	17-19 Hub Coordination Option 2	Option 2: Percentage Impact	17-19 Hub Coordination Option 3	Option 3: Percentage Impact	17-19 Hub Coordination Option 4	Option 4: Percentage Impact
Early Learning Hub, Inc.	24,732	26,161	5.78%	\$909,590	\$1,012,315	11.29%	\$981,818	7.94%	\$932,079	2.47%	\$978,763	7.60%
Early Learning Multnomah	34,491	34,351	-0.41%	\$1,192,547	\$1,274,445	6.87%	\$1,226,575	2.85%	\$1,192,547	0.00%	\$1,230,390	3.17%
Lane Early Learning Hub	15,425	16,383	6.21%	\$639,739	\$699,358	9.32%	\$689,604	7.79%	\$667,800	4.39%	\$678,347	6.03%
South-Central Oregon Early Learning Hub	9,721	11,071	13.89%	\$474,355	\$529,341	11.59%	\$530,855	11.91%	\$524,227	10.51%	\$515,142	8.60%
Yamhill Early Learning Hub	4,674	4,979	6.53%	\$328,020	\$334,359	1.93%	\$348,797	6.33%	\$359,572	9.62%	\$328,619	0.18%
Frontier Oregon Services Early Learning Hub	622	596	-4.18%	\$210,535	\$194,076	-7.82%	\$217,811	3.46%	\$241,109	14.52%	\$328,618	56.09%
Blue Mountain Early Learning Hub	7,556	8,077	6.90%	\$411,582	\$433,514	5.33%	\$441,380	7.24%	\$443,305	7.71%	\$423,156	2.81%
Central Oregon Early Learning Hub	10,203	9,878	-3.19%	\$488,330	\$491,158	0.58%	\$495,203	1.41%	\$491,982	0.75%	\$478,489	-2.02%
Southern Oregon Early Learning Services Hub	16,009	17,330	8.25%	\$656,672	\$729,668	11.12%	\$717,905	9.32%	\$693,395	5.59%	\$707,442	7.73%
Eastern Oregon Hub	3,639	4,255	16.93%	\$298,011	\$311,187	4.42%	\$327,160	9.78%	\$340,004	14.09%	\$328,619	10.27%
Early Learning Washington County Hub	21,623	19,513	-9.76%	\$819,447	\$799,538	-2.43%	\$783,143	-4.43%	\$819,446	0.00%	\$774,512	-5.48%
Northwest Regional Early Learning Hub	5,365	5,062	-5.65%	\$348,055	\$337,016	-3.17%	\$351,277	0.93%	\$361,816	3.95%	\$330,524	-5.04%
Linn Benton Lincoln Early Learning Hub	11,429	11,811	3.34%	\$523,877	\$553,026	5.56%	\$552,970	5.55%	\$544,228	3.88%	\$537,878	2.67%
Clackamas Early Learning Hub	13,234	11,791	-10.90%	\$576,212	\$552,386	-4.14%	\$552,372	-4.14%	\$576,212	0.00%	\$537,263	-6.76%
South Coast Regional Early Learning Hub	4,071	4,345	6.73%	\$310,536	\$314,067	1.14%	\$329,850	6.22%	\$342,437	10.27%	\$328,619	5.82%
Four Rivers Early Learning Hub	2,983	2,954	-0.97%	\$278,990	\$269,546	-3.39%	\$288,280	3.33%	\$304,841	9.27%	\$328,619	17.79%
	185,777	188,557										

At Risk Children data is based on SNAP data from Oregon Department of Human Services

Oregon Department of Education
Early Learning Division
2017-19 Hub Funding

	17-19 Allocation	Three Months	Balance to Distribute October 1, 2017 - June 30, 2019
Hub Coordination Dollars			
Base Amount	\$3,200,000	\$400,000	\$2,800,000
Per Child Allocation Amount	\$6,800,000	\$765,000	\$6,035,000
Total 17-19	\$10,000,000	\$1,165,000	\$8,835,000
School Readiness			
Great Start GF	\$150,173	\$150,173	\$0
General Fund	\$3,586,441	\$340,058	\$3,246,383
Total 17-19	\$3,736,614	\$490,231	\$3,246,383
Family Stability			
Family Preservation Title IVB2	\$2,500,350	\$312,544	\$2,187,806
General Fund	\$1,236,090	\$208,942	\$1,027,148
Total 17-19	\$3,736,440	\$521,486	\$3,214,955
KPI			
General Fund	\$8,905,952	\$1,123,500	\$7,782,452
Total 17-19	\$8,905,952	\$1,123,500	\$7,782,452
Total Funds -	\$26,379,006	\$3,300,217	\$23,078,789
Breakdown of Distribution:			
Total General Fund without KPI	\$14,972,704	\$1,864,173	\$13,108,531
Total Title IV-B2	\$2,500,350	\$312,544	\$2,187,806
Total Hub Budget w/out KPI	\$17,473,054	\$2,176,717	\$15,296,337
Total KPI	\$8,905,952	\$1,123,500	\$7,782,452

Board Action Summary

AGENDA ITEM: Final Adoption permanent administrative rules for the Central Background Registry

Summary of Recommended Board Action

ACTION: Adoption of permanent administrative rules

ISSUE: The Early Learning Division, Office of Child Care (OCC) administers the Central Background Registry (CBR) pursuant to ORS 329A.030. OCC conducts background checks on individuals associated with child care facilities. Background checks consist of criminal and child welfare (child abuse and neglect) as well as a suitability determination for enrollment in the CBR. The enrollment period is two years at which time the individual must apply for renewal.

The federal Child Care and Development Block Grant Act of 2014 requires all subject individuals in the Central Background Registry to be fingerprinted by September 30, 2017 as a condition for receiving federal Child Care and Development Block Grant (CCDBG) funds.

Permanent rules need to be adopted to replace temporary rules adopted by the Council in January 2017.

ACTION PRECEDING RECOMMENDED BOARD ADOPTION:

Temporary rules, adopted by the Council in January 2017, allowed the OCC to begin fingerprinting all subject individuals in order to meet the September 2017 deadline and to mitigate anticipated increased costs of fingerprinting.

BOARD MEMBER PRESENTING REPORT FOR ADOPTION: Bobbie Webber

CONTACT: Kim Parker, Chief of Staff
Dawn Woods, Child Care Director
Kelli Walker, Child Care Policy Manager
Lisa Pinheiro, Policy Specialist

New language in Bold; strikeout language is language to be deleted.

OREGON DEPARTMENT OF EDUCATION
EARLY LEARNING DIVISION

DIVISION 061

414-061-0080

Procedures for Conducting FBI Criminal History Checks

~~(1) An FBI criminal records check will be done on a subject individual whose OSP CCH record shows multi-source offender status, who has lived in Oregon less than 18 months or when OCC has information that the individual has committed a crime in another state, or has committed a federal crime, or when OCC has reason to question the identity of the subject individual.~~

(1) An FBI criminal records check will be done on all subject individuals who:

(a) are currently enrolled in the CBR; or

(b) are submitting an application for enrollment in the Office of Child Care's Central Background Registry.

(2) The subject individual shall supply to OCC the following information:

(a) One properly completed FBI fingerprint card, with printing in the "reason fingerprinted" block that reads "License/Certificate/Permit ORS 181.534"; and

(b) A properly completed "Instructions to Authorized Fingerprinter" form; or

(c) Electronically submitted fingerprints through an OCC designated fingerprinter. The "reason fingerprinted" field must read "License/Certificate/Permit". ~~ORS 181.534"; and~~

~~(d) A properly completed "Verification form for Authorized Fingerprinter" form.~~

(3) OCC will review the criminal records information and any additional information and will determine whether or not a subject individual may be enrolled, suspended or removed in or from the Central Background Registry.

(4) OCC will charge the subject individual up to the amount equal to the cost incurred by OCC for an FBI records check, to be paid at the time of the request.

(5) Individuals currently enrolled in the Central Background Registry or with pending applications for enrollment in the Central Background Registry will receive a request to complete an FBI criminal records check from the Office of Child Care and must complete the FBI criminal records check by the date indicated on the request.

New language in Bold; strikeout language is language to be deleted.

(6) Failure to complete and pass the FBI criminal records check is a basis for suspension of enrollment in the Central Background Registry, removal from the Central Background Registry, or denial of the application.

[ED. NOTE: Forms referenced are available from the agency.]

Stat. Auth.: ORS ~~657A.329A~~.030(7)

Stats. Implemented: ORS ~~657A.329A~~.030

Board Action Summary

AGENDA ITEM: Final Adoption permanent administrative rules for Healthy Families Oregon

Summary of Recommended Board Action

ACTION: Adoption of permanent administrative rules

ISSUE: In March 2017, the Best Beginnings Committee voted to recommend a rule change to remove the 25 percent match requirement. While stipulated in rule, this match requirement has never been in statute.

The Healthy Families America model (currently known in Oregon as Healthy Families Oregon) was developed in 1992 by Prevent Child Abuse America. Healthy Families Oregon (HFO) has been funded through the state general fund since 1993. Prior to coming to the Early Learning Division (ELD) in 2012, HFO was administered by the Oregon Commission on Children and Families.

HFO is available to all families if:

- They score two or more “1’s” on the New Baby Questionnaire (NBQ). The NBQ is a standardized risk screening tool used to systematically identify families at risk for other adverse childhood experiences; or
- The family has any of the three single indicator risks present (depression/anxiety, past or current child welfare involvement, or drug/alcohol use).

Approximately 3,000 families (an estimated 21% of eligible families).are served with 1:1 home visits each year, receiving support and coaching through Healthy Families Oregon. In 2013, services expanded from first-births only to subsequent births.

All Oregon counties have an HFO program

ACTION PRECEDING RECOMMENDED BOARD ADOPTION:

In 2015, the Best Beginnings Committee of the Early Learning Council (BB) became the advisory body for the HFO program. There are a few HFO Program Managers on the BB Committee. The Chair and one member of the BB Committee serve ad hoc on the CCEC for this rule revision.

The Child Care and Education Committee considered the proposed rule revisions at its July 20, 2017 meeting and recommends the Council adopt the revisions proposed.

The public comment period closed on July 24, 2017. No public comments were received

BOARD MEMBER PRESENTING REPORT FOR ADOPTION: Bobbie Webber

CONTACT: Nakeshia Knight-Coyle, Director of Programs & Cross Systems Integration
Erin Deahn, HFO Program Coordinator
Lisa Pinheiro, Early Learning Policy Specialist



Child Care and Education Committee – Administrative Rule Summary

Title/OAR #:	Healthy Families Oregon/414-525	Date:	July 24, 2017
Staff/Office:	Nakeshia Knight-Coyle, Erin Deahn		
<input type="checkbox"/> Temporary Rule	<input type="checkbox"/> New Rule	<input checked="" type="checkbox"/> Amend Existing Rule	<input type="checkbox"/> Repeal Rule
Hearing Date:		<input type="checkbox"/> Hearings Officer Report Attached	
Prompted by:	<input type="checkbox"/> State law changes	<input type="checkbox"/> Federal law changes	<input type="checkbox"/> Other
Action Requested:			
<input type="checkbox"/> Adoption of Temporary Rule			
<input checked="" type="checkbox"/> Adoption of Final Rule			

PROPOSED/AMENDED RULE RECOMMENDATION OPTIONS:

In March 2017, the Best Beginnings Committee voted to recommend a rule change to remove the 25 percent match requirement. While stipulated in rule, this match requirement has never been in statute.

BACKGROUND:

The Healthy Families America model (currently known in Oregon as Healthy Families Oregon) was developed in 1992 by Prevent Child Abuse America. Healthy Families Oregon (HFO) has been funded through the state general fund since 1993. Prior to coming to the Early Learning Division (ELD) in 2012, HFO was administered by the Oregon Commission on Children and Families.

HFO is available to all families if:

- They score two or more “1’s” on the New Baby Questionnaire (NBQ). The NBQ is a standardized risk screening tool used to systematically identify families at risk for other adverse childhood experiences; or
- The family has any of the three single indicator risks present (depression/anxiety, past or current child welfare involvement, or drug/alcohol use).

Approximately 3,000 families (an estimated 21% of eligible families).are served with 1:1 home visits each year, receiving support and coaching through Healthy Families Oregon. In 2013, services expanded from first-births only to subsequent births.

All Oregon counties have an HFO program

TIMELINE OF KEY ACTIVITIES & PUBLIC ENGAGEMENT:

In 2015, the Best Beginnings Committee of the Early Learning Council (BB) became the advisory body for the HFO program. There are a few HFO Program Managers on the BB



Committee. The Chair and one member of the BB Committee serve ad hoc on the CCEC for this rule revision.

<u>Best Beginnings Members:</u>
Martha Brooks, Committee Chair
Elena Rivera, Committee Co-Chair Health Policy & Program Advisor- Children's Institute
James Barta, Legislative Director, Children First for Oregon
Cindy Bond, Old Mill Center for Children and Families
Marguerite Kenagy, HFO Program Manager – Marion & Polk Counties
Jessica Britt, HFO Program Manager – Umatilla & Union Counties
Beth Green, Director of Early Childhood & Family Support Research - PSU
Christy Cox, Early Childhood Development Program Officer, Ford Family Foundation
Lindsey Manfrin, Public Health Manager- Yamhill Public Health
Janet Dougherty-Smith, Early Learning Council Member
Donalda Dodson, Executive Director, Oregon Child Development Coalition
<u>ELD Staff:</u>
Nakeshia Knight-Coyle –Director of Programs & Cross Systems Integration
Erin Deahn – HFO Program Coordinator
Elisabeth Underwood – HFO/MIECHV Program Specialist
Linda Jones – committee staff support
OHA Staff:
Cate Wilcox
Benjamin Hazelton
Zero to Three
Jamie Colvard – providing TA to the committee

The Child Care and Education Committee considered the proposed rule revisions at its July 20, 2017 meeting and recommends the Council adopt the revisions put forth.

The public comment period closed on July 24, 2017. No public comments were received.

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.

Without the match requirement, programs can focus on critical services to families, instead of using staff time for fundraisers.

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



The 25 percent match is an important fiscal and equity concern. Smallest (rural & frontier) programs can accept additional funding if available, but are very reluctant to do so because they do not have the local resources to meet the match requirement. This results in communities having to turn down additional funding for needed services.

ISSUES/CONCERNS THAT SURFACED DURING RULE WORK:

Some programs receive significant support from their local community/county because of this match requirement. There is concern that this support would go away without the match requirement.

There is the potential for programs to serve a smaller number of families, as the removal of the 25% match could result in a reduction of the local program budget.

FISCAL IMPACT:

The burden that the 25 percent match places on rural programs makes this an important fiscal and equity concern. Our smallest (rural & frontier) programs could accept additional funding if available, but are very reluctant because they do not have the local resources to meet the match requirement. This results in resource deficient communities having to turn down additional funding for needed services. Nothing in the proposed rule language precludes a community from fundraising.

Small, rural programs can take on increased funding, if available, and not pose a risk to their agency by not being able to meet the match requirement. This would result in serving additional families in these areas. Without the match requirement, programs can focus on critical services to families, instead of using staff time for fundraisers.

STAFF RECOMMENDATION:

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

Comments:



Healthy Families Oregon

Rules Review for CCEC Discussion

DRAFT

Date: July 13, 2017

Rule Section	Possible/Recommended Language	Explanation
414-525-0005 Authority	These rules are promulgated pursuant to ORS 417.705 through 417.797.	
414-525-0010 Purpose	<p>The purpose of these rules is to assist contracted agencies in the implementation and operation of Healthy Families Oregon program services.</p> <p>The Healthy Families Oregon program seeks to ensure healthy, thriving children and strong, nurturing families by offering a range of voluntary and non-stigmatizing services ranging from universal basic short-term services to long-term intensive home visiting for high risk families.</p> <p>Healthy Families Oregon initiates these services prenatally and at the time of birth, targeting high risk families.</p> <p>Healthy Families Oregon services are offered until the child's third birthday and as needed during a transition period following the birthday to assure connection to other school readiness services for the family.</p> <p>Services follow evidence-based practices designed to achieve appropriate early childhood benchmarks, following the Healthy Families America model.</p>	

	<p>These rules are the minimum standards for the establishment, operations, evaluation, and funding of Healthy Families Oregon program services under ORS 417.795.</p>	
<p>414-525-0015 Program Restrictions</p>	<p>1) Systems Requirements:</p> <p>(a) Healthy Families Oregon services will be offered in a manner consistent with the local early childhood system planning.</p> <p>(b) Healthy Families Oregon programs will collaborate with local home visiting partners within the context of the statewide home visiting system as a part of the voluntary local early childhood system, to identify and build upon existing services for families and to prioritize additional services if needed, (e.g. mental health, drug and alcohol, and early intervention).</p> <p>(c) If collaboration does not effectively occur, the Department of Human Services and the <u>Agency Early Learning Division</u> will provide technical assistance to promote improved collaboration.</p> <p>(c) Healthy Families Oregon programs actively participate in local community efforts to implement the early childhood system of supports and services towards the achievement of desired outcomes, working to maximize the effective use of available resources and avoid duplication</p>	

	<p>of services.</p> <p>(d) Local contracted agencies are not required to engage in a competitive bidding process, unless required by local policy, to select program providers for Healthy Families Oregon services each biennium.</p> <p>Local contracting agencies may conduct a competitive or collaborative funding process when significant deficits in program operations and services are found or when changes in the stability of service delivery systems present new options for these services.</p>	
	<p>(2) Age: Children ages prenatal through three and their families.</p>	
	<p>(3) Services: Funded services include: voluntary family support services, including but not limited to screening and follow-up services such as resource referral, further assessment, and intensive home visiting provided by highly trained home visitors organized in teams and supervised by a program manager and supervisor following the Healthy Families America model.</p>	
	<p>(4) Program Requirements:</p> <p>(a) New Healthy Families Oregon Programs will make progress toward full compliance with ORS 417.795 as</p>	

operationalized by the Healthy Families Oregon Implementation Manual: Statewide Program Policies and Procedures. All Healthy Families Oregon programs are required to be in full compliance within one year of program start up.

NOTE: Copies of the Healthy Families America model best practice standards and of the Healthy Families Oregon Program Policy and Procedure Manual are available from the [Agency Early Learning Division](#).

(b) Programs will develop site specific procedure manuals to further specify local program operations. Local procedure manuals will be submitted to the [Agency Early Learning Division](#) at intervals specified by the [Agency Early Learning Division](#).

(c) Participation in services provided by the Healthy Families Oregon program is voluntary. Service providers will obtain express written consent before any services are offered.

(d) Local Healthy Families Oregon programs will ensure that parents have given express written consent prior to any release of information.

(e) Healthy Families Oregon program services will not be a part of a mandated plan for families. Mandated plans include plans developed by the Department of Human Services Self Sufficiency and

	<p>Child Welfare services.</p> <p>(f) Local Healthy Families Oregon Programs will:</p> <p>(A) Participate in the independent statewide program evaluation;</p> <p>(B) Participate in statewide training for program managers, supervisors, home visitors and screening staff;</p> <p>(C) Participate in annual meetings and trainings for program managers;</p> <p>(D) Meet statewide and local early childhood system quality assurance standards;</p> <p>(E) Participate in the Healthy Families America site self-assessment, as part of ongoing quality assurance;</p> <p>(F) Ensure that voluntary home visiting services through Healthy Families Oregon are coordinated with home visiting services offered by the voluntary local early childhood system.</p>	
	<p>(5) Program Budget Requirements:</p> <p>(a) All programs are required to participate in federal Medicaid (Title XIX) Administrative Claiming, following program procedures provided by the Agency<u>Early Learning Division</u>.</p>	

	<p>(A) Medicaid earnings, except as described in 423-010-0023(3), must be used to maintain or expand Healthy Families Oregon program core services, as defined in the Healthy Families Oregon Program Policy and Procedure Manual.</p> <p>(B) Programs will report on the use of their Medicaid (Title XIX) funds to the Agency <u>Early Learning Division</u> at intervals specified by the Agency <u>Early Learning Division</u>.</p> <p>(C) All program staff will attend training provided by the Agency <u>Early Learning Division</u> prior to participation in Medicaid (Title XIX) Administrative Claiming and annually thereafter.</p> <p>(b) Local programs will demonstrate a 25 percent local match with at least 5% being cash or cash equivalent as part of the base operating budget of their programs. Match will be reported to the Agency at the intervals specified by the Agency. This leverage may be in any combination of cash, cash equivalent, in-kind or volunteer hours.</p> <p>(eb) The local contracting agency will monitor the local Healthy Families Oregon programs to ensure fiscal and programmatic integrity.</p> <p>(ec) If, for any reason, a current provider stops providing contracted services prior to</p>	<p>Removal of match requirement.</p>
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	<p>the end of the contract, the local contracting agency will notify the <u>Agency Early Learning Division</u> 45 days prior to signing a new provider contract so that the <u>Agency Early Learning Division</u> can provide program specific training and technical assistance. The local contracting agency and the <u>Agency Early Learning Division</u> may mutually agree to a notice period of less than 45 days if necessitated by specific local circumstances.</p> <p>(e) The <u>Agency Early Learning Division</u> will manage the Title XIX Medicaid Administrative Claiming program in accordance with all state and federal rules and regulations.</p>	

Child Care Resource & Referral RFA Process Summary

Follow up to May Early Learning Council Meeting
August 2, 2017

Outreach Activities

Development of the RFA began through community engagement sessions starting in February 2016 through August 2016. Questions were designed to gather information on what was needed to support the professional development for the Early Learning Workforce, how to ensure cultural and linguistic responsiveness, who could best deliver these services and who are the necessary partners. They were offered to a variety of groups through several platforms: face-to-face, web-based, survey monkey and phone conferences, with face-to-face option being the first choice. Approximately 20 community engagement sessions were held throughout the state. Members participating represented child care providers, parents, Early Learning Partnership Committees, community colleges, CCR&Rs, students receiving scholarships for early learning degrees and certificates, and organizations serving diverse populations.

Early Learning Hubs were invited to hold forums in their communities and facilitate these professional development community engagements. They invited Early Learning partners and any others who may be interested. Five hubs completed the sessions and participants included CCR&Rs, school districts, community colleges, community-based organizations, libraries, health and human services, relief nurseries, Head Starts, preschools, EI/ECSE, Regional Achievement Compacts – Cradle to Career Collaboratives, child care providers, and parents.

Participants were informed that information gathered from these community engagements helped create the design of the Child Care Resource & Referral System and the RFA. From June – August 2016, presentations were made to several groups reviewing the changes and asking for input and feedback. They highlighted the increased focus on Professional Development for the Early Learning Workforce through relationship-based support, technical assistance and training and community collaboration.

A Funding Formula Committee and RFA Development Committee were formed to guide the details within the RFA. Following ELD's funding formula guidelines, representatives from CCR&Rs, Early Learning Hubs, DHS, WOU, PSU and ELD were invited to participate. The groups met from May – June, 2016. These groups then narrowed to ELD and DHS in order to follow procurement laws and ensure that all interested would remain eligible for application and not risk unfair advantage or conflict of interest. Oregon Statute 279B.040 prohibits accepting bids or proposals from contractors that advised or assisted contracting agency to develop specifications or solicitation documents (see attached Oregon Statute procurement and involvement 279B.040).

Four announcements were held to update the progress of the RFA. Invitations were sent to approximately 2,000 master list subscribers on the ELD listserv. These were also forwarded out by the Early Learning Hubs:

- August 24, 2016: A webinar was held on the RFA progress and plans with a 15-day turnaround for questions.
- October 25, 2016: an announcement went out to the master list about the upcoming release and to watch for it in January 2017
- February 7, 2017: RFA was released; ORPIN announced through their vendor list.
- February 9, 2017: an announcement went out to the master list about the RFA release.

Eastern Oregon CCR&R Outreach Activities

Eastern Oregon CCR&R has several practices in place to reach child care providers and community partners in all eight counties. Negotiation for the CCR&R RFA will ensure that these are continued and enhanced where possible. The work plan, reports and monitoring will provide support and assurance that Eastern CCR&R is able to connect with the Early Learning Workforce throughout the region. Following summarizes the activities:

- Presence in each county is and has been a priority: currently there are satellite offices in Baker City (Baker), John Day (Grant), Burns (Harney), Ontario (Malheur), La Grande (Union), Enterprise (Wallowa); Hermiston main office serves both Morrow and Umatilla counties. Lending Libraries are offered in each office, and CCR&R staff deliver toys and other supplies to child care programs.
- Trainings are delivered in a variety of core knowledge categories throughout the 8 county area. These are primarily held at the CCR&R offices on weekends and evenings. Staff connect Early Educators to additional resources for training via internet/web based sessions, conferences and community events. Staff use a variety of techniques to connect with Early Educators such as phone, mail, text, and social media. Staff, trainings and materials are culturally and linguistically responsive to Early Educators needs.
- For those Early Educators living in remote areas that may not have access to internet or have difficulty accessing a system in a different language than their home language, CCR&R satellite offices have laptops and the internet to participate in online trainings. CCR&R staff are available to assist with technology challenges.
- Collaboration efforts with the three Early Learning Hubs include participation in meetings, providing data and insights on progress made towards shared goals specific to the Early Learning Workforce, and contracts for Focused Child Care Network with the Frontier Hub and Blue Mountain Hub.
- Collaboration with the region's community colleges, CBO's serving diverse populations, OPEC, Head Start and other Early Learning Providers supports training opportunities and professional development pathways for Early Educators, recruitment in desert child care areas, kindergarten readiness activities, and outreach to the more isolated populations needing child care.

Work Plan Development

All CCR&Rs are required to meet with their Early Learning Hub(s) and community partners for completion of their work plans. As part of their contracts, they will need to finalize details of the

work plans to ensure that they align with the communities' strategic plan specific to child care needs. Work plans are then submitted as attachments to the contracts. Eastern Oregon CCR&R's work plan development includes Frontier, Blue Mountain, and Eastern Oregon Early Learning Hubs and other community partners available to attend, and the CCR&R new director. A meeting of these early learning partners will be convened before the end of August.



Early Learning Division | 775 Summer St NE, Suite 300, Salem, OR 97301

Phone: 503-373-0066 | Fax: 503-947-1955

To: Early Learning Council

From: Dawn Woods, Child Care Director and Richard Riggs, Legal Administrator

Re: Update on Child Care Statutory Workgroup

Date: July 26, 2017

In April of 2017, the Early Learning Council asked Early Learning Division staff to form a workgroup to examine the statutes that govern the Office of Child Care's authority and ability to take actions against licensed child care facilities and recommend changes to bring forward to the 2018 legislative session. The ELD, working with Chair Lively, has engaged the House Early Childhood & Family Supports Committee, in developing this workgroup. Invitations were sent to Representatives Lively, Piluso, Keny-Guyer and Hack, and Senator Gelser, as well as James Barta of Children First, Anneliese Sheahan of AFSCME, and Bobbie Weber as an ELC representative.

Topics that the Statutory Workgroup will be looking into include:

1. Continuing jurisdiction
2. Burden of proof required by Administrative Procedures Act (beyond workgroup authority to change)
3. Adding additional categories to complaints (currently valid, invalid and unable to substantiate)
4. Updating Civil Penalty structure and amounts; moving to rule
5. Issuing Cease and Desist Orders for illegal care
6. Identify progressive discipline for child care facilities
7. Review programs that are exempt from licensing

The committee held its first meeting on June 29th, and met in accordance with Oregon public meetings law. The meeting was well attended and co-chaired by Representative Lively and Acting Early Learning System Director Mandell. Also in attendance were Rep. Piluso, staff from Rep. Keny-Guyer's office, Ms. Weber, legislative and ELD staff, AFSCME representatives, and a reporter from the Oregonian. The committee discussed topics from the Statutory Workgroup Chare adopted by the Council in April. Attached are the meeting minutes for your review. The committee will meet again in August, when the workgroup will begin a more in-depth review and analysis of current statutory language, as well as the recommendations in the Auditor's Report. Chair Lively has offered to invite the workgroup to present its finding and recommendations to the House Committee on Early Childhood and Family Supports during legislative days this fall. Legislative days are scheduled for September 18th – 20th and November 13th – 15th. Staff will be providing

OREGON DEPARTMENT OF EDUCATION

Kate Brown, Governor



concurrent updates on the workgroup to the Early Learning Council, as well as seeking input on recommendations.

We have been looking forward to taking on this important work and we thank the Council for this opportunity.

Sincerely,

Dawn Woods, Child Care Director

Richard Riggs, Legal Administrator





Early Learning Division | 775 Summer St NE, Suite 300, Salem, OR 97301

Phone: 503-373-0066 | Fax: 503-947-1955

To: Early Learning Council

From: Dawn Woods, Child Care Director and Richard Riggs, Legal Administrator

Re: Legal and Compliance Unit Audit Follow up Report

Date: July 26, 2017

In May of 2015, the Early Learning Systems Director, Megan Irwin, requested a program evaluation of the Legal and Compliance Unit (LCU). As part of the Office of Child Care's (OCC) Central Office, the LCU is responsible for the initiation of all legal actions taken by OCC related to an individual's enrollment in the Central Background Registry and enforcement actions taken on a facility's registration or certification. The LCU is comprised of the Legal Administrator and eight compliance staff members, who work under the Council's rules and within the Oregon Administrative Procedures Act to ensure Oregon's children receive care in safe and healthy child care environments.

The purpose of the audit was to identify opportunities for relieving operating conditions within the LCU that had been at, or beyond capacity, including:

- Identify opportunities for decreasing chronically stressed operations in the LCU. The LCU suffers from chronically stressed operations due to the high volume of work, the nature of the complaints the LCU receives often deals with allegations of child abuse and neglect, and the potential negative outcomes of poor decision making could result in child harm;
- Determine whether the process for decision-making was effective and adequately-standardized. While the LCU must look at each CBR applicant and/or facility individually, based upon unique facts and circumstances to ensure rules are applied equitably, internal processes may be standardized;
- Offer guidance on the quality of relations between the LCU and OCC's regional licensing units. These actions would provide consistency of enforcement actions and interpretation of rules statewide.

The attached report is a follow up to the original report to evaluate the extent to which the Office of Child Care has implemented the recommendations made in the original report. Summary findings from the report find that significant progress has been made and identifies areas where continued efforts should be explored.

Sincerely,

Dawn Woods, Child Care Director

Richard Riggs, Legal Administrator



Report on the Follow-Up Evaluation of the Legal and Compliance Unit
of the Office of Child Care, Early Learning System
(original evaluation report dated January 11, 2016)



Oregon achieves . . . together!

Office of the Internal Auditor

Report issued: July 11, 2017
Latham Stack, Internal Auditor

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Executive Summary

This document reports significant results of a follow-up evaluation of the Legal and Compliance Unit (LCU) of the Office of Child Care, Early Learning System (ELD). The purpose of the evaluation was to determine the extent to which the Program has implemented the twenty-five (25) recommendations made at the time of the original evaluation report, issued in January, 2016. Follow-up evaluations are required by the auditing standards promulgated by the Institute of Internal Auditors. Less-significant results have been separately-provided to the Office of Child Care.

Summary of results and recommendations

- Management has made significant progress toward implementing many recommendations from the original report, particularly in 2017 after the 2016 reorganization of the Office of Child Care;
- Management has continued and promoted the core *High Reliability Organizational* (HRO) model in the LCU. Additional work is recommended to implement this model in the Licensing Unit (LU);
- For HRO models, executive management has an elevated role in determining program success. ELD executive management should regularly visit the LCU and LU in order to develop: a sense of operations; mutual understanding; and trust in the expertise of these staff. An informal, non-authoritarian, collegial management style is most-appropriate for HROs
- Increased staffing should remedy the previous excessive workload-to-staff ratio, barring future workload increases;
- The need persists for stronger, more-frequent sanctions, to offset the long-term decline in license revocation, the long-term increased reliance on license suspension, the 2016 loss of the emergency suspension option, and the historically minimal use of civil penalties;
- Inconsistencies persist in the rate of Valid, Invalid, and Unable to Substantiate Findings, between Licensors and between Regional Directors;
- The long-term increase continues in the inability or reluctance, to conclude whether allegations are Valid or Invalid. This increased reliance on the Unable to Substantiate Finding results in a lack of differentiation between riskier and less-risky facilities. The result hampers the Office's ability to effectively respond to allegations, identify patterns of adverse events, and allocate resources according to risk;
- Management should vigorously pursue changes to rule and statute that afford more-timely and stronger sanctioning of facilities. As recommended in the original report, facilities should be sanctioned more often than has historically been the case;
- Management should reconsider its decision to not impose stronger sanctions for violations of child-to-staff ratios, because inadequate staff levels reduce supervision capacity thereby increasing the risk of many types of child harm;
- Management is making adequate progress toward minimizing risks from organizational culture differences. Management should consider making therapeutic supervision available to staff, to reduce the risk of secondary traumatic stress.

I. Introduction and evaluation objectives

This follow-up evaluation was performed to determine the extent to which recommended actions from the 2015 program evaluation of the Legal and Compliance Unit (LCU) of the Office of Child Care, Early Learning Division, "...have been effectively implemented or that senior management has accepted the risk of not taking action." This complies with the Standards of the Institute of Internal Auditors¹.

Original evaluation objectives

The purpose of the original project was to identify opportunities for relieving operating conditions that had been at, or beyond, capacity, in order to promote mission success. Requested objectives for the project were to:

- Identify opportunities for decreasing chronically-stressed operations in the LCU;
- Determine whether the process for decision-making was effective and adequately-standardized;
- Offer guidance on the quality of relations between the Legal and Compliance, and Licensing units.

The evaluation resulted in twenty-five (25) recommendations addressing: organizational structure; organizational culture; decision-making, and response actions pertaining to complaint allegations; policies and practices derived from accident investigation and safety engineering; and staff vulnerability to secondary traumatic stress.

II. Results

Note: The large number of recommendations in the original report makes it unwieldy to address each individually. This report describes Management's actions in relation to broad topic areas, and addresses the most important issues in detail.

II.A For the LCU, Management has maintained and strengthened the High Reliability organizational structure identified in the original report. ELD executive management should develop and maintain awareness of Office of Child Care operations.

Citation to the original report recommendations on pages: 17, 18, 30, 35, 36, 40, 41

The original 2015 evaluation found that LCU line management had implemented the *High Reliability Organizational* (HRO) structure, that research has conclusively demonstrated minimizes negative outcomes in high-risk operations. This model promotes decision-making that is mindful, recognizes and empowers employee expertise, fosters situational awareness and collaboration, and emphasizes quality and accuracy over efficiency and quantity. Although the LCU had implemented the HRO model, the 2015 evaluation found that the Licensing Unit (LU) exhibited decision patterns inconsistent with the HRO model. The report recommended implementing the HRO model in the LU. The original project also found that, due to utilizing the HRO model, "...ELD executive management has an elevated role in determining the success of the LCU and controlling child care risk....[and] should seek opportunities for increasing mutual awareness."

¹ See Standard 2500.A1, in:
<https://na.theiia.org/standards-guidance/Public%20Documents/IPPF%20Standards%202013.docx>

Current status: Management has continued and strengthened, within the LCU, use of the *High Reliability Organization* model. This includes confirming the authority of LCU and LU staff for decision-making with regard to allegations and complaints, and providing resources for situational awareness and thoughtful assessment. In 2016, Management conducted a major reorganization of the Office of Child Care, and established structures to facilitate interaction and collaboration between the LCU, the LU, and the Office of Child Care Leadership Team. For a period in 2017, the Director of the Office of Child Care Director temporarily stepped in to manage the LCU, and permanently moved her office into the office suite that includes the LCU, to facilitate understanding and trust with LCU staff. The ELD Director position has experienced turnover in 2016-17, with two Directors and one Acting Director.

Follow-up work did not determine the extent to which the HRO model has been implemented in the Licensing Unit. However, follow-up analyses found that decision patterns by Licensors do not deviate from those found by the original project, indicating opportunities persist for implementing the HRO model in the LU.

As recommended, Management has foregone implementation of performance measures based on efficiency and quantity of work performed. However, recommended performance measures based on quality and program outcomes have yet to be established.

Conclusion: Management has continued and promoted the core *High Reliability Organizational* model in the LCU. Additional work is recommended to implementing the HRO model in the LU, and instituting quality/outcome-based performance measures.

Comments: Management should pursue implementing the HRO model in the Licensing Unit. The original report includes information and citations to support this process. Due to turnover at the executive level, via this report I emphasize that under the HRO model executive management has an elevated role in determining child care oversight success. ELD executive management should regularly visit the LCU and LU in order to develop mutual understanding and develop trust in the expertise of these staff. An informal, non-authoritarian, collegial management style is most-appropriate for HROs.

Management response:

Management continues to support an HRO model for the LCU Unit and has taken steps to implement the HRO model within the LU. Due to staff attrition from turnover and retirement, the Office of Child Care has hired a new LCU manager and legal administrator, both of whom have significant management experience and support the HRO model within the LCU team. Management has taken steps to integrate LU managers and senior compliance staff in central office operations, including regular management meetings, joint training events and staff retreats, to improve communications between the LCU and LU, and consistency of field compliance operations amongst the various regions across the State. This also provides an opportunity for management to engage in deliberation and shared decision-making. Additionally, reorganization of ELD that includes redefining of positions descriptions has allowed more time for regional managers to support staff. We have also begun a new practice of field visits and file reviews where the three Regional Licensing managers, the Child Care Director, Central Office Manager and Legal Administrator conduct file reviews and field visits in

addition to monitoring the accuracy and performance of field licensors. These file reviews provide an opportunity to conduct quality assurance, address inconsistencies between field staff operations, provide feedback, training and coaching to field staff; and an opportunity to implement the HRO model across the various field offices and within the LU.

II.B During 2017 Management began implementing recommendations that together should move operations toward increased safety

Citation, original report recommendation: p. 19, 20, 22, 24, 25, 31, 47

Section V of the original report cited observations that, taken together, indicated the child care oversight and licensing program had experienced a long-term drift from safe operations. This drift created conditions more conducive to the occurrence of serious child harm. The report cited a number of factors likely contributing to the drift from safety, including: increased complexity of decision-making; more-than-doubled workload-to-staff ratios; long-term trends in decision-making; and changes in statute, rules, or the application of these by the Department of Justice.

Current status: The complexity of decision-making continues to be historically high, with an average of 4.3 Actions performed per Complaint in 2016. Management created the Child Care Leadership Team to facilitate consistent and effective oversight of facilities. Although staffing increases were approved in 2016, periodic unannounced visits that I made to the LCU in 2016 found limited or inconsistent increases in actual staffing. This resulted in persistence of the high stress levels observed during the original evaluation. With increased actual staffing in 2017, recently-observed conditions in the LCU appear to be significantly less-stressed than conditions observed throughout 2016.

Conclusion: Management has taken significant steps to improve conditions in the LCU that determine the Unit's capacity for effectively managing risk of child harm. Increased staffing should remedy the previous excessive workload-to-staff ratio, barring future workload increases. As discussed in the next section of this report, the need persists for stronger, more-frequent sanctions, to offset the long-term decline in license revocation, the long-term increased reliance on license suspension, the 2016 plunge in suspensions, and the historically minimal use of civil penalties.

Comments: The Child Care Leadership Team should be charged with monitoring the long-term trends and impacts, of internal and external factors, on oversight and decision-making. The next section of this report, and the original report, identify examples of long-term trends that the Team should assess, including their causes, impacts, and response actions.

Management response:

Management continues to assess staff workloads and identify process improvements to create greater efficiencies to support decision-making. Implementation of the new federal Child Care Development Fund rules has increased the workload for background specialists and licensing specialists due to the need for enhanced background checks and an additional 3000 facilities that require monitoring. Management recognized and anticipated the increased workload, and in the

2015 and 2017 legislative sessions, worked closely with the legislature to secure additional resources (increased staffing and statutory authorities) to successfully implement these new federal requirements. However, even with the additional staffing, licensing caseloads remains significantly higher than recommended by Caring For Our Children Standards.

Recommendations around increased sanctions are addressed in the next response.

II.C Management has worked to optimize the effectiveness of the OCC's complaint-related investigation and decision-making processes, however further progress should be made

Citation, original report recommendation: p. 35, 36, 38, 43

Several recommendations in the original report were intended to improve the complaint response process, by improving the accuracy and consistency of conclusions regarding complaint validity, and by instituting stronger consequences for certain types of non-compliance. The original evaluation found that:

- Regional directors are inconsistent, between themselves, in the rate of Valid, Invalid, and Unable to Substantiate conclusions;
- Instances occur of Findings being inconsistent with Allegation Observations;
- Additional Findings categories (valid but extenuating, unlikely/likely) often would more accurately describe investigators' conclusions;
- Facility licenses should be suspended or revoked for a lower threshold of violation history/severity;
- Licensors should be trained in interrogation techniques;
- Stronger responses should be instituted for violations of child-to-staff ratios;
- Management should utilize a risk-based method for oversight facility.

Current status: In 2017, management formalized complaint processing policies and procedures, however, these provide no guidelines on circumstances under which sanctions, including civil penalty, quality rating, and license suspension or revocation, would result. Management has also developed a child harm probability-severity model to support a risk-based facility oversight program. Implementation of this model is tied to the expected Fall, 2017 target delivery for a new data management system. This system is expected to improve the Office's ability to manage complaints and conduct risk-based oversight. Management has declined to strengthen sanctions for facilities found to violate child-to-staff ratios. Per the Child Care Director, Licensors have received some training in determining the truthfulness of statements made during the investigation of complaints.

The follow-up review found that inconsistencies persist, between Licensors and between Regional Directors, in the rate of use of various Finding categories. For the Office of Child Care as a whole, long-term trends also persist in the use of various Findings categories. The Unable to Substantiate Finding category is being used more often, accompanied by a long-term decrease in the use of the Valid and Invalid Finding categories (Figure 1). This evidences an increased inability or reluctance to rely on professional judgment for a differential diagnosis of events and conditions.

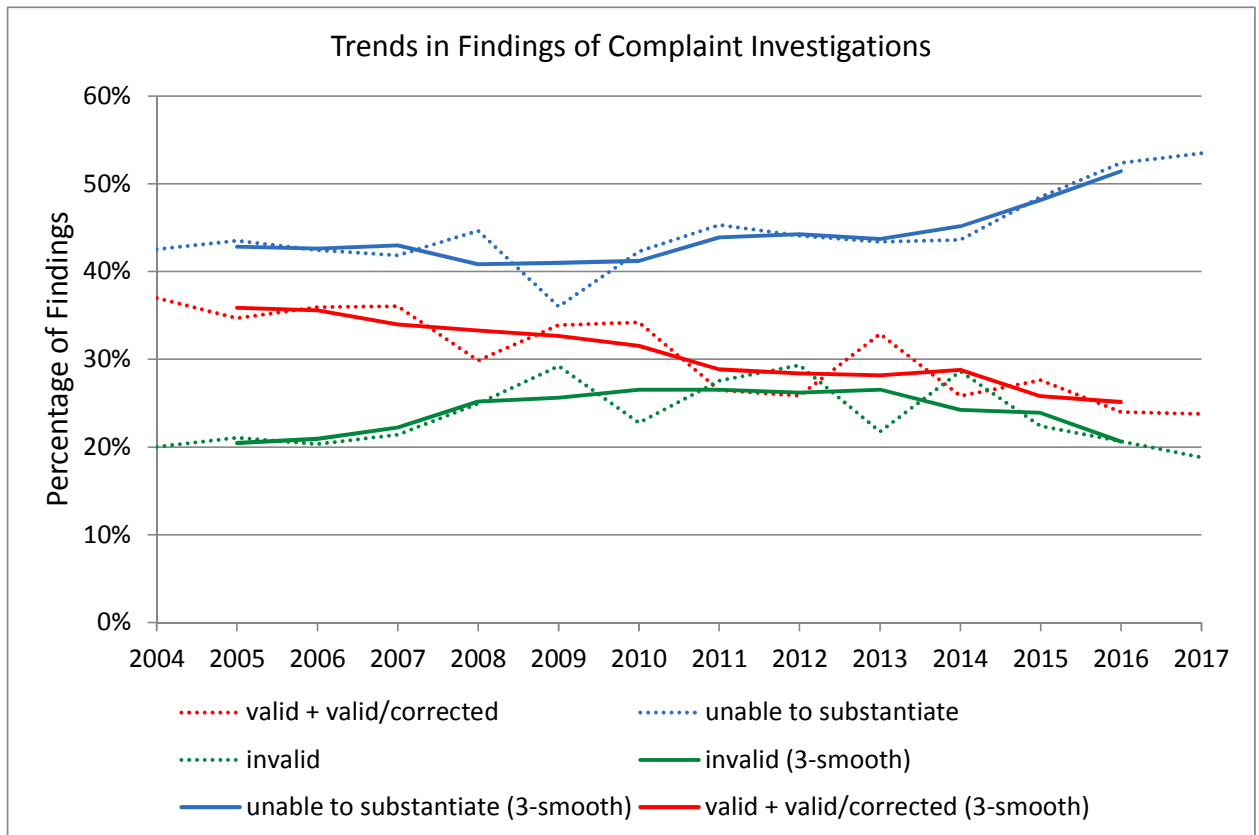


Figure 1. Decision rates for significant Findings, 2004-2017 (through February): actual rates and three-year moving average.

Management has formed a working group to pursue changes to rules and statute, and another committee to monitor for, and respond to, long-term program changes such as those shown in Figures 1-5. Management continues to ensure that program outcomes and employees' sense of job security are not impacted by the 2015 and 2016 reorganizations of the Office of Child Care.

Conditions found in the original project, which led to recommendations for more frequent, stronger sanctions, persisted in 2016. Even as the Office of Child Care has become more reluctant to conclude that allegations are Valid (Figure 1), the Office sanctions facilities for only 16% of those complaints found Valid (Figure 2), continues to rely more on license suspensions than revocations (Figure 4), saw a plunge in the use of suspensions in 2016 (Figure 3), and rarely levies fines.

Since 2012, only 16% (one out of six) of Valid complaints result in a sanction (Figure 2). This rate plunged to only 6% in 2016 (Figure 3), due to the lost capacity to suspend licenses resulting from changes in the Department of Justice's application of Administrative Rules.

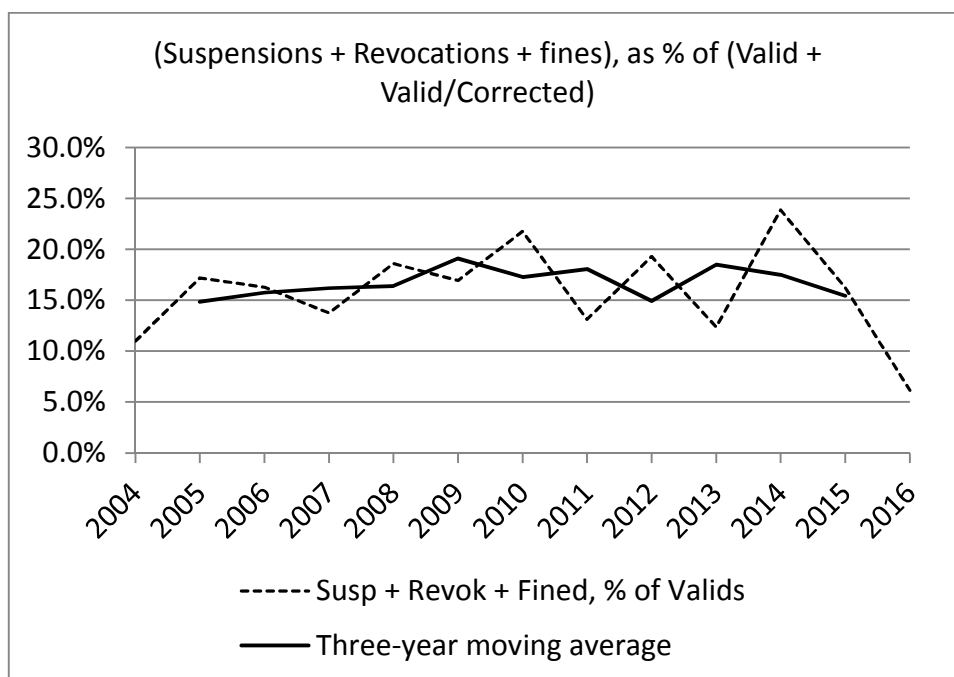


Figure 2. Sanctions as a percentage of Valid complaints.

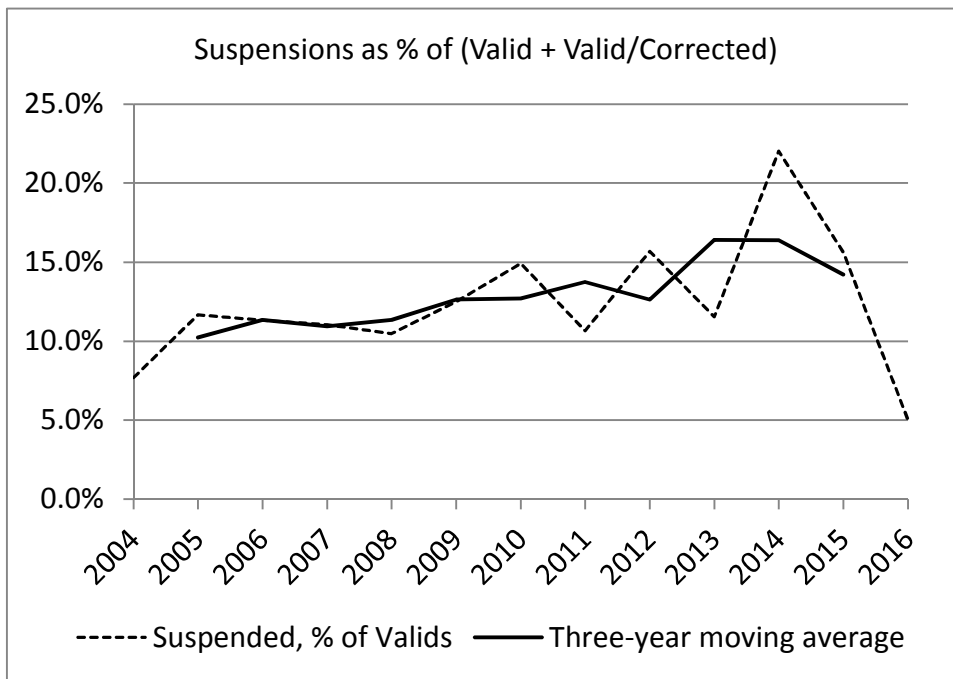


Figure 3. License suspensions as a percentage of Valid complaints.

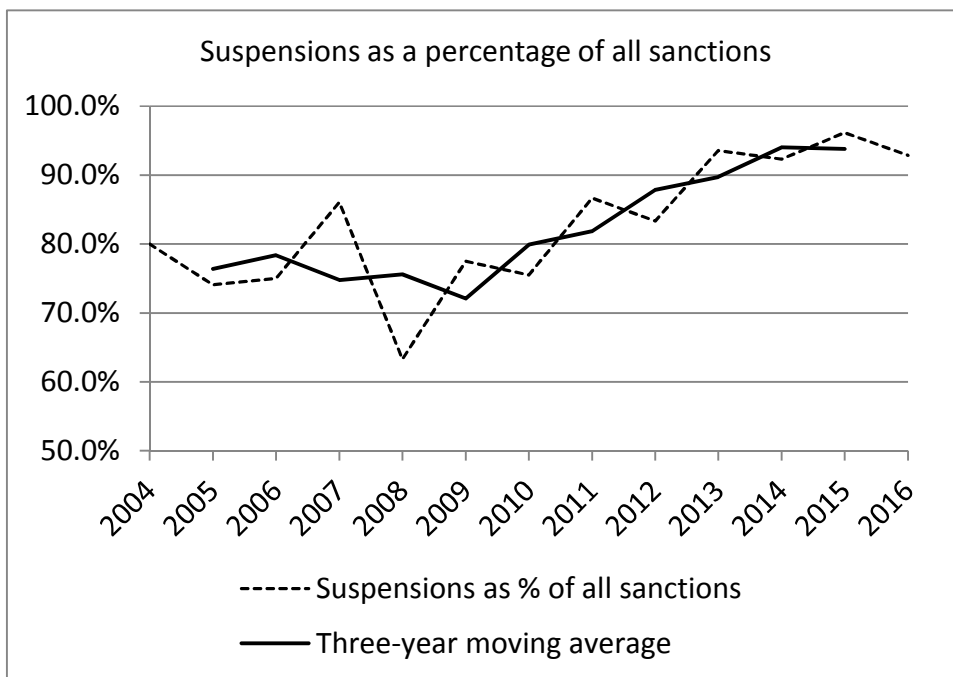


Figure 4. Long-term increased reliance on suspensions versus revocations.

Figure 4 shows the long-term increased reliance on suspensions as a sanction. This increase is concurrent with a decline in license revocations since 2009 (Figure 5). Note that fines are rarely-used, levied for only 0.2% (one out of four-hundred-ten) of Valid complaints.

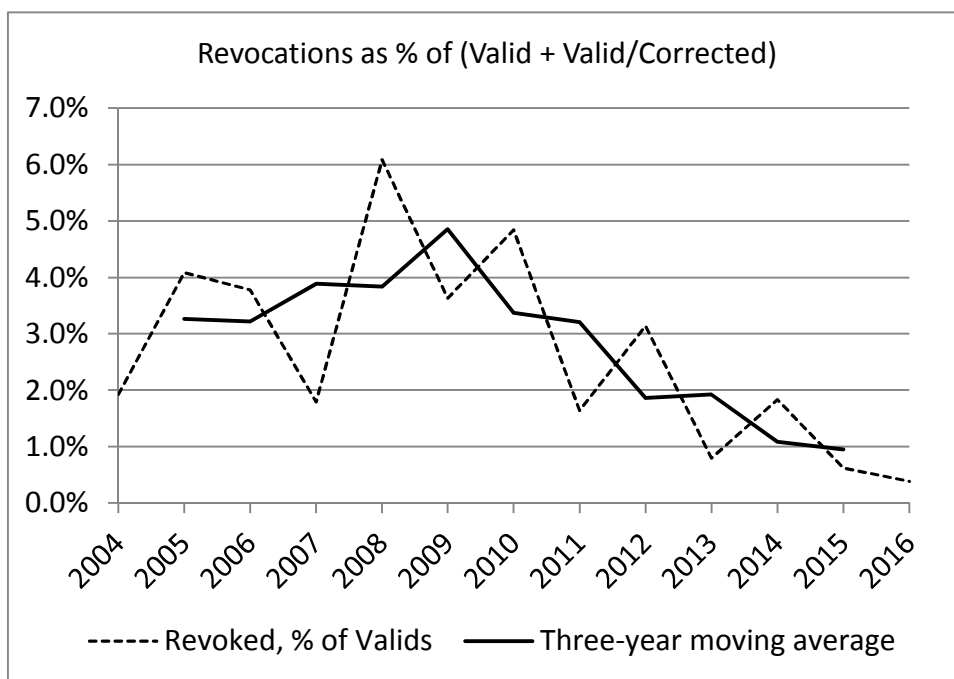


Figure 5. License revocations as a percentage of Valid Complaints

Conclusion: Inconsistent application of Findings categories, and the decline in the use of the Valid Finding category, continue to be risks to the program’s ability to respond to adverse incidents, and its ability to monitor facilities that have a history of multiple complaints. The Office has invested significant time and expense to implement a new data management system, expected to improve oversight capacity. The working group to pursue changes to rule and statute failed to formulate changes in time for the 2017 legislative session.

Comments: Management should vigorously pursue changes to rule and statute that afford more timely and stronger sanctioning of facilities. As recommended in the original report, facilities should be sanctioned more often than has historically been the case. Management should reconsider its decision to not impose stronger sanctions for violations of child-to-staff ratios, because inadequate staff levels reduce supervision capacity thereby increasing the risk of many types of child harm. The working group to generally pursue changes to rule and statute should afford a very high priority to those required to strengthen sanctioning.

Increased use of the Unable to Substantiate Finding category results in a lack of differentiation between riskier and less-risky facilities, hampering the Office’s ability to effectively respond to allegations, identify patterns of adverse events, and allocate resources according to risk. A research brief from the National Survey of Child and Adolescent Well-Being notes that some states have a findings category called *Indicated*, for instances where allegations have some signs of validity, but without enough evidence to support a “valid” finding¹.

¹ Published by the Administration for Children and Families, U.S. Department of Health and Human Services: https://www.acf.hhs.gov/sites/default/files/opre/caseworker_judgments_0.pdf

Research has found that even trained interviewers have limited ability to reliably determine truth from falsehood¹, therefore concluding on the validity of allegations is inherently unreliable. For this reason, The Office of Child Care should consider managing facilities based more on the severity/quantity of allegations, rather than on determinations of whether allegations are valid or invalid. For example, under this model allegations of facilities being out-of-ratio, or of child hazard/harm, would be enough to result in heightened oversight and sanctions, without regard to the validity of individual allegations. This recommendation, based on new information, acknowledges that training in truth assessment methods may be of limited effectiveness, and varies from the additional training recommendation of the original report.

Management response:

The Early Learning Council approved the formation of a legislative work group that will examine current statutes with key stakeholders and provide guidance on needed statutory authority. Membership of the workgroup includes legislators from the newly formed House Committee on Early Childhood and Family Support, including the committee's chairperson, who will present the workgroup's findings to the full House committee during the Fall 2017 Legislative Days. The workgroup has held its first meeting on June 29, 2017 with the charge to address OCC's level of authority to take action, address statutory loopholes and to consider increased penalties. The workgroup will also consider the viability of adding additional categories of findings.

Management anticipates the implementation of Risk Assessed Rules (RAR) will address the challenges of differentiating between risks associated with a facility's noncompliance. Implementation of RAR will require significant community engagement, which is currently underway, and is dependent upon OCC's new Early Learning Information System (ELIS), which is scheduled to come online November of 2017. ELIS will create an automatic report to allow licensing directors to review staff findings and follow up on variations between licensing staff, including the provision of additional training and coaching to increase consistency of findings.

II.D ELD Management has implemented processes for minimizing impacts from organizational culture differences, and has instituted practices to minimize the probability of secondary traumatic stress

Citation, original report recommendation: p. 24, 25, 26

The original evaluation found that management intervention was required to develop the benefits of, and minimize the problems from, differing organizational cultures between the Legal and Compliance and the Licensing Units. That evaluation found indications that the *Market culture* of the LU perceived itself in competition with the *Clan/Hierarchical culture* Legal and Compliance Unit².

¹ For example: Vrij A (2008) Detecting Lies and Deceit. John Wiley and Sons, Ltd. ISBN: 978-0-470-51624-9, 978-0-470-51625-6. Pp. 373-387

² Based on the *Competing Values* model of organizational culture. See original report references, especially: Cameron, Kim S, Quinn, Robert E, 2005. Diagnosing and changing organizational culture: Based on the competing values framework. John Wiley, and Sons.

Observed consequences included inefficient communications, and also heightened risk from not following LCU legal/regulatory guidance. The evaluation also found that LCU staff are vulnerable to secondary traumatic stress, and recommended steps to minimize risk of occurrence.

Current status: Management has increased the interaction between LCU and LU staff, including shared decision-making, program planning, and team-building practices. Management expects full implementation of these efforts during the third-quarter, 2017. Management has taken steps to mitigate the risk of secondary traumatic stress occurring among LCU staff, but has not made specialized counseling resources available, for example a regular in-office check-in with a therapist.

Conclusion: Management is making adequate progress toward minimizing risks from organizational culture differences. Additional steps could be taken to mitigate the likelihood of secondary traumatic stress.

Comment: Organizational culture differences are either strengths or weaknesses, depending on employee awareness and management direction. Management should expect that the observed cultures will not change readily, and over the long-term should continue to monitor the quality of interaction between these units. Management should consider making therapeutic supervision available to staff.

Management response:

Organizational culture is assessed using a bi-annual staff engagement survey. The most recent survey (Spring 2017) showed that the central office staff had the highest level of staff engagement and positive attitudes towards work environment. Central Office staff and staff located in the State Lands building will move into a single space within the Oregon Dept. of Veterans' Affairs building in December 2017, which will further integrate OCC's and ELD's organizational culture and create greater opportunities for the entire executive team to interact with LCU. Management will survey staff to identify the organization's cultural trends and staff needs, and provide support to staff, including the potential use of therapeutic supervision.

III. Project scope, methodology, limitations

This project was conducted to comply with internal auditing standards requiring that "the chief audit executive must establish a follow-up process to monitor and ensure that management actions [on audit or evaluation recommendations] have been effectively implemented or that senior management has accepted the risk of not taking action."¹ The original evaluation analyzed data that was generally from 2008 through August 2015. This follow-up review analyzed data generally from January 2012 through February 2017.

¹ Institute of Internal Evaluations (2012) *International Standards for the Professional Practice of Internal Auditing*: Standard 2500.A1. See:
<https://na.theiia.org/standards-guidance/Public%20Documents/IPPF%20Standards%202013.docx>
https://na.theiia.org/standards-guidance/Member%20Documents/PA_2500-A1-1.pdf

Statement of Auditing Standards

This evaluation was conducted in accordance with the International Standards for the Professional Practice of Internal Auditing, except that an externally-performed quality assurance review of ODE's Internal Auditing program has not been performed due to turnover in the Internal auditor position.

I am grateful for the support and cooperation extended by ELD management, and the manager and staff of the Office of Child Care.