

Early Learning Council

August 13, 2020

2:15 p.m. – 4:00 p.m.

Virtual Meeting

[Join Meeting Here](#)

Agenda – REVISED August 12, 2020

SUE MILLER

*Early Learning Council
Chair*

PATRICK ALLEN

*Director, Oregon Health
Authority*

ANGELA BLACKWELL

PETER BUCKLEY

KATY BROOKS

COLT GILL

*Deputy Superintendent,
Oregon Department of
Education*

ANNE KUBISCH

GEORGE MENDOZA

MARGARET MILLER

EVA RIPPETEAU

MARGARET SALAZAR

*Executive Director,
Oregon Housing and
Community Services*

KALI THORNE LADD

LIESL WENDT

*Deputy Director, Oregon
Department of Human
Services*

MIRIAM CALDERON

*Early Learning System
Director, Early Learning
Division*

Staff

*Remember Watts,
Council Administrator &
Rule Coordinator, Early
Learning Division*

*Due to social distancing measures, this will be a virtual meeting. To provide virtual testimony, please sign up OR submit written testimony by **2:00 p.m. on Wednesday, August 12, 2020** by emailing Remember.Watts@state.or.us. Virtual testimony is limited to two minutes per speaker.*

I. Board Welcome and Roll Call

Sue Miller, Chair, Early Learning Council

II. Public Testimony

III. Secretary of State Management Letter Response – Action Item (Revised August 12, 2020)

Early Learning Division Staff Report on Secretary of State Real-Time Audit on Student Success Act; Secretary of State Real-Time Audit on Student Success Act Letter; Early Learning Division Response to Secretary of State Real-Time Audit; Adoption of Appeal Language Council Action Request

Miriam Calderon, Early Learning Systems Director, Early Learning Division

IV. Decision of Appeals to Early Learning Division Request for Applications:

Early Childhood Equity Fund and Preschool Promise – Action Items (Revised August 12, 2020)

Kimberly Moua, Early Childhood Equity Fund Manager, Early Learning Division

Gwyn Bachtel, Early Learning Programs Director, Early Learning Division
Supporting Documents: Student Success Act Expansion Update to ELC; Early Learning Division Staff Report on Grant Review Process; Early Childhood Equity Fund Appeal Council Action Request and attachments, Intent to Award Report; Preschool Promise Appeals Council Action Request and attachments, Appeals Summary Matrix, Intent to Award Report, Slot Allocation Plan

V. Early Learning System Director Update

Miriam Calderon, Early Learning System Director, Early Learning Division

Supporting Documents: Early Care & Education Guidelines Update; Discussion Draft on Revisions to Health and Safety for Early Care & Education in COVID; Joint Committee on Ways & Means Budget Rebalance Plan – Early Learning Account

VI. Council Discussion: Regional Progress toward Early Learning Council Priorities

Supporting Documents: Children's Institute Letter – Advocacy by ELC; New York Times Article, "Why are Child Care Programs Open When Schools Are Not?"

Revised 08.12.2020

VII. Adjournment
Sue Miller, Chair, Early Learning Council

**Times are approximate; items may be taken out of order, meetings may conclude early and breaks may be added as needed. All meetings of the Early Learning Council are open to the public and will conform to Oregon public meetings laws. The upcoming meeting schedule and materials from past meetings are posted [online](#). A request for an interpreter for the hearing impaired or for accommodations for people with disabilities should be made to Remember Watts at 503-947-0674 or by email at Remember.Watts@state.or.us. Requests for accommodation should be made at least 48 hours in advance.*



SECRETARY OF STATE REAL-TIME AUDIT ON STUDENT SUCCESS ACT: Early Learning Division Staff Report to Early Learning Council Revised August 12, 2020

Background

The Early Learning Division is engaged with the Secretary of State (SOS) on a real-time audit of the ELD's implementation of the Student Success Act. As part of this audit, the auditors put forth four considerations for the ELD in a management letter to the Division.

The four considerations presented in the management letter include:

1. Work with the Hubs to provide consistent and readily available information to potential applicants at all locations.
2. Consulting with the Early Learning Council to determine whether parameters should be established for when applicants may appeal the award decision.
3. In the grant award letter, explicitly state the grant amount is not guaranteed and is contingent upon the availability of funds. Although such language is included in the grant agreement, it may be easily overlooked.
4. When developing grant monitoring procedures for the Early Childhood Equity Fund, consider procedures that provide assurance grantees are using state funds in accordance with program rules and legislative intent. For all programs, include procedures in ELD's onsite inspections to review a sample of grantee invoices to ensure state funds are used for appropriate purposes.

Response to Management Letter

The ELD has already or plans to take action on all four considerations presented by the SOS. This report intends to begin the action on consideration number two to establish parameters for appeals in consultation with the Early Learning Council. The ELD hopes to take action on this language at the next ELC meeting.

Clarifying Parameters for Appeals

The current language included in the ELD's Administrative Rules and Grant Review Process document does not include parameters for when an applicant can appeal. Currently, the language states, "An applicant not receiving funding may appeal for review to the Early Learning Council." The ELD is suggesting amending this language to clarify when the Early Learning Council will consider an appeal in order to ensure there are clear expectations for applicants and for Council members.

Sample Language

The following appeal language appears in processes in other agencies. The name of the agency, the effort, and the language is as follows.



Department of Administrative Services, Standard Request for Proposal

An Affected Applicant will have 7 calendar days from the date of the notice of intent to award to file a written protest. An Applicant is an Affected Applicant only if the Applicant would be eligible for a Grant award in the event the protest was successful and is protesting because Agency failed to conduct an evaluation of Applications in accordance with the criteria or process described in this RFA.

Business Oregon, Cultural Trust

The Oregon Cultural Trust recognizes that procedural errors may occur in the application process. The Cultural Trust is committed to acknowledging errors and rectifying the effects. Appeals may not be made on the basis of an applicant's disagreement with an assessment of how the application met the review criteria, the judgment of a review panel or the amount of the award. Applicants considering an appeal should contact Cultural Trust Manager Aili Schreiner, by phone at (503) 986-0089 or email Aili.Schreiner@oregon.gov, for advice and guidance. Letters of appeal must be submitted to the Cultural Trust's Executive Director within 30 days of the panel meeting. Appeals are reviewed and acted on by the Cultural Trust Board. Appeals may result in an approval of an award or an increase in the award amount if the applicant can satisfactorily document that the application was misrepresented or improperly reviewed through no fault of the applicant. If the appeal is supported by the Cultural Trust's Board, funds will be awarded only if they are available. Applicants not meeting one or more of the eligibility requirements as determined by staff are encouraged to discuss the decision with staff. Appeals concerning eligibility determination may be made. Letters of appeal must be submitted to the Cultural Trust's Executive Director within 15 days from the decision. All decisions made by the Cultural Trust are final.

Business Oregon, Special Public Works Fund

The Administrator of Infrastructure Finance Authority will consider funding appeals of Business Oregon's funding decisions. Only the municipality may appeal. An appeal must be submitted in writing to the Executive Director within 30 days of the event or action that is being appealed. A project that would have been funded but because of a technical error in Business Oregon's review was not, will be funded as soon as sufficient funds become available, provided the project is still viable. The Executive Director's decision is final.

Suggested Language

The following language is suggested for adoption for insertion into Administrative Rule and into the Early Learning Division Grant Application Review Process manual. The current language is also shown below.

Current Language

Appeal

An applicant not receiving funding may appeal for review to the Early Learning Council. An appeal must be received by the Council in writing within 15 days of the notice of non-funding. Appeals must be sent to 700 Summer Street NE, Salem OR 97301.



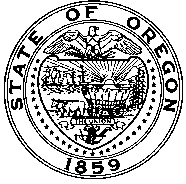
Revised Draft Language for the Early Learning Division to Incorporate in Rule

Appeal

Applicants may appeal a decision regarding non-funding or funding amount if the appeal is based on a procedural error by the Early Learning Division in its review of the application in accordance with the criteria described in the Request for Application. Appeals may not be made on the basis of an applicant's disagreement with an assessment of how the application met the review criteria or the judgment of a review panel. The appeals must be received by the Council in writing within 15 days of the notice of non-funding. Appeals must be sent to 700 Summer Street NE, Salem OR 97301.

Early Childhood Equity Fund Monitoring

The Early Learning Division is continuing to develop its approach to Early Childhood Equity Fund monitoring in accordance with the Secretary of State's recommendations and will provide an update on this program at a future Early Learning Council meeting.



Early Learning Council

August 13, 2020

2:15 p.m. – 4:00 p.m.

Early Learning Division
3rd Floor, Grand Ronde Room
700 Summer St NE, Suite 350
Salem, OR 97301

COUNCIL ACTION REQUEST

Revised August 12, 2020

AGENDA ITEM: Adoption of draft appeal language for the Early Learning Division to incorporate into rule.

ACTION: Adopt following language for insertion into Administrative Rule and into the Early Learning Division Grant Application Review Process manual.

ISSUE: The Secretary of State is currently engaged with the Early Learning Division to perform a real-time audit of the ELD's implementation of the Student Success Act. The current language in the ELD's Administrative Rules and Grant Review Process document does not include parameters for when an applicant can appeal.

BACKGROUND:

Current appeal language: An applicant not receiving funding may appeal for review to the Early Learning Council. An appeal must be received by the Council in writing within 15 days of the notice of non-funding. Appeals must be sent to 700 Summer Street NE, Salem OR 97301.

Proposed appeal language: Applicants may appeal a decision regarding non-funding or funding amount if the appeal is based on a procedural error by the Early Learning Division in its review of the application in accordance with the criteria described in the Request for Application. Appeals may not be made on the basis of an applicant's disagreement with an assessment of how the application met the review criteria or the judgment of a review panel. The appeals must be received by the Council in writing within 15 days of the notice of non-funding. Appeals must be sent to 700 Summer Street NE, Salem OR 97301.

PROPOSED COUNCIL ACTION: Adopt proposed appeal language for the ELD to adopt into Administrative Rule.

CONTACT: Sara Mickelson, Chief of Staff

Attachments:

- I. Secretary of State Real-Time Audit on Student Success Act: Early Learning Division Staff Report to Early Learning Council

Student Success Act Expansion Update

— 8/13/20 —

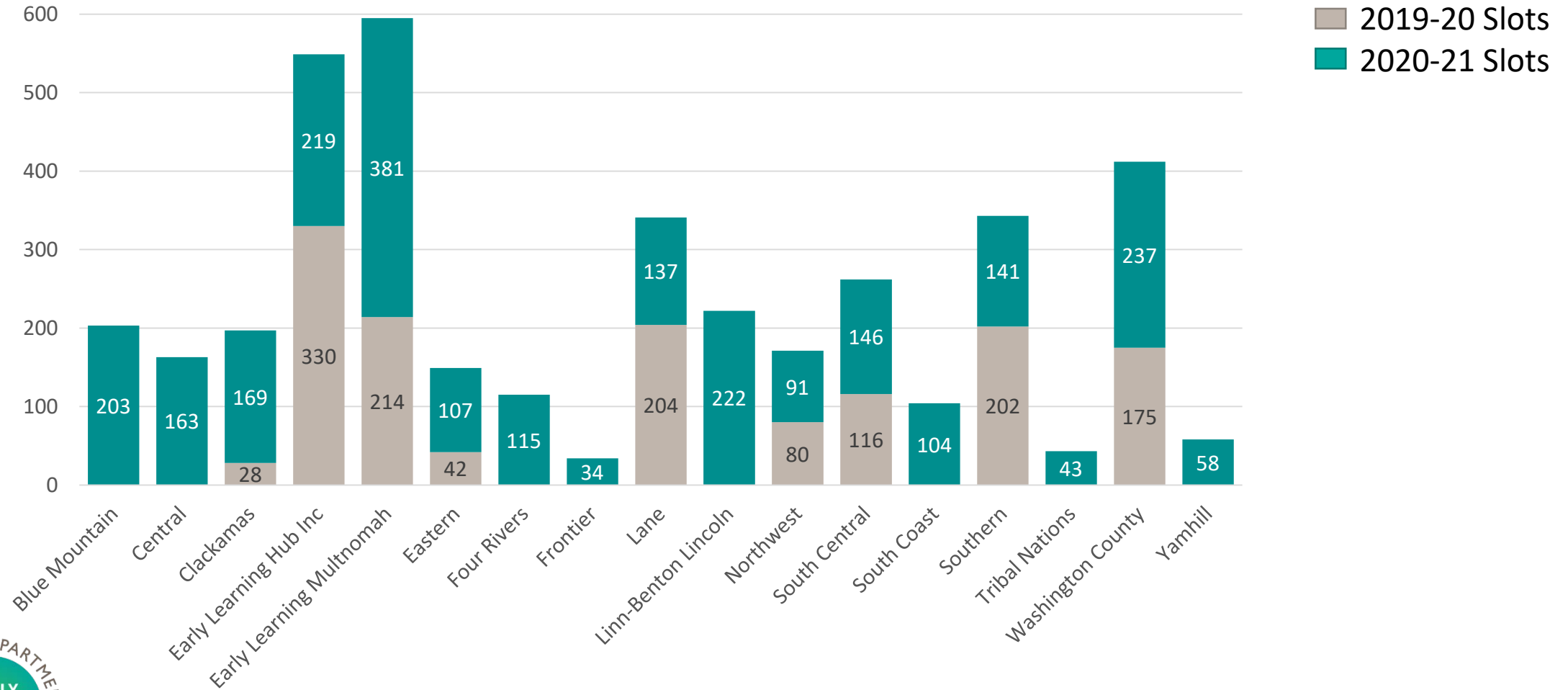


Preschool Promise Expansion

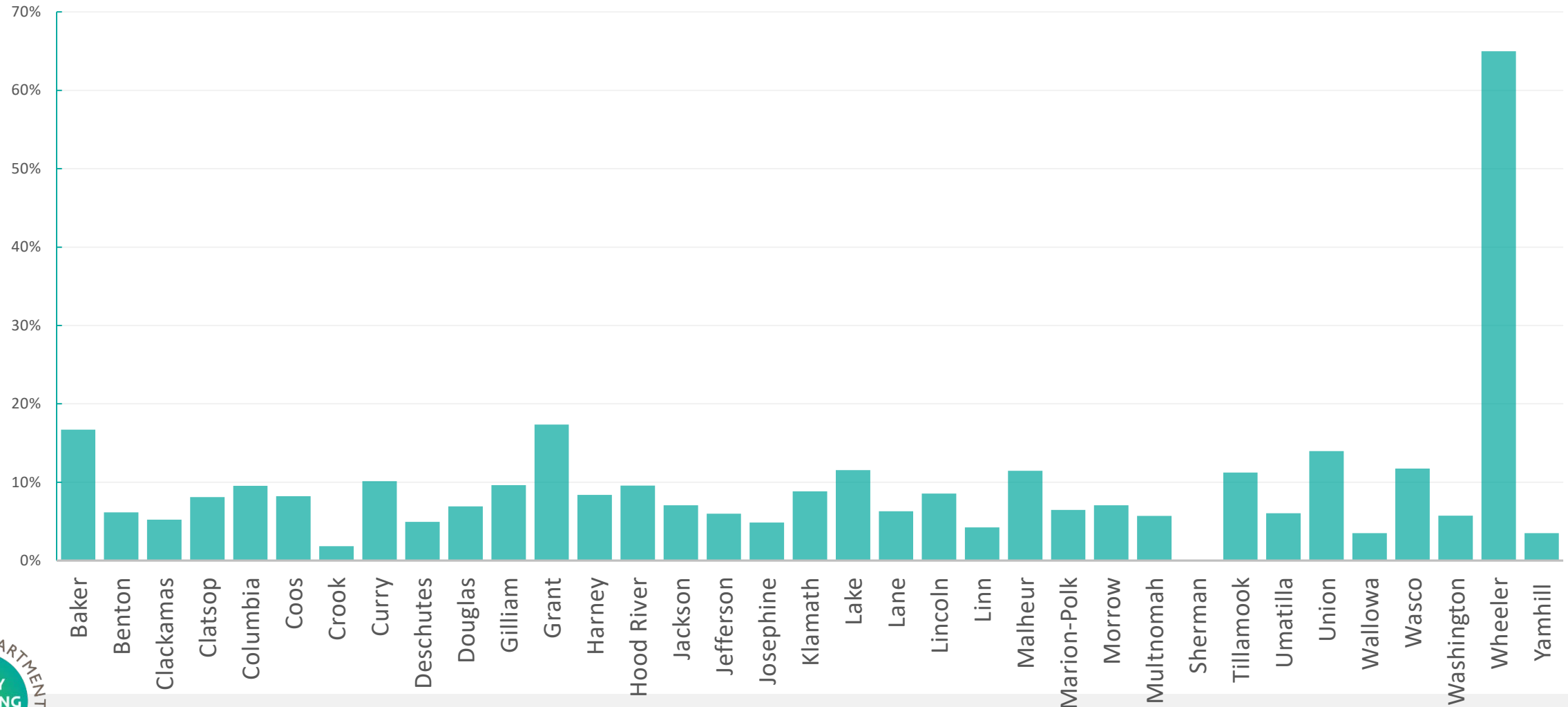
- Moving from 1,300 to 3,928 slots statewide
- Operated in 9 Hub Regions in 2019 to all 16 Hub Regions in 2020
- Objective of serving 10% of eligible children (i.e., in families at or below 200% Federal Poverty)



PSP Objective: Statewide Reach

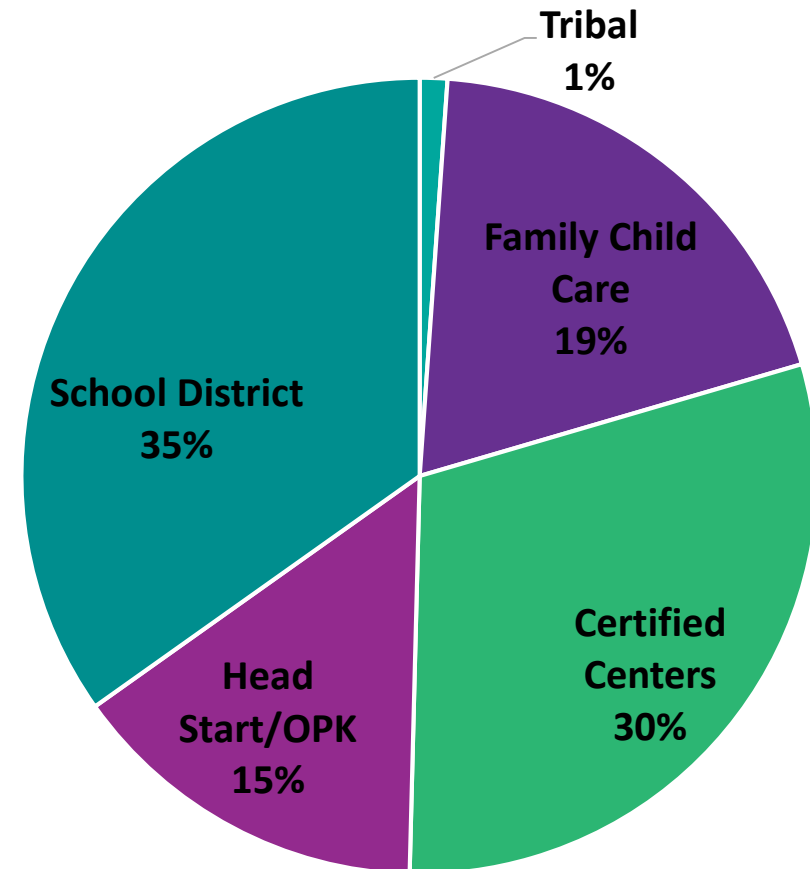


PSP Objective: Serve >10% of Children



PSP Distribution Across Provider Type

- Mixed-delivery – a diverse array of types of providers
- Preschool Promise continues to be delivered across types of providers across state



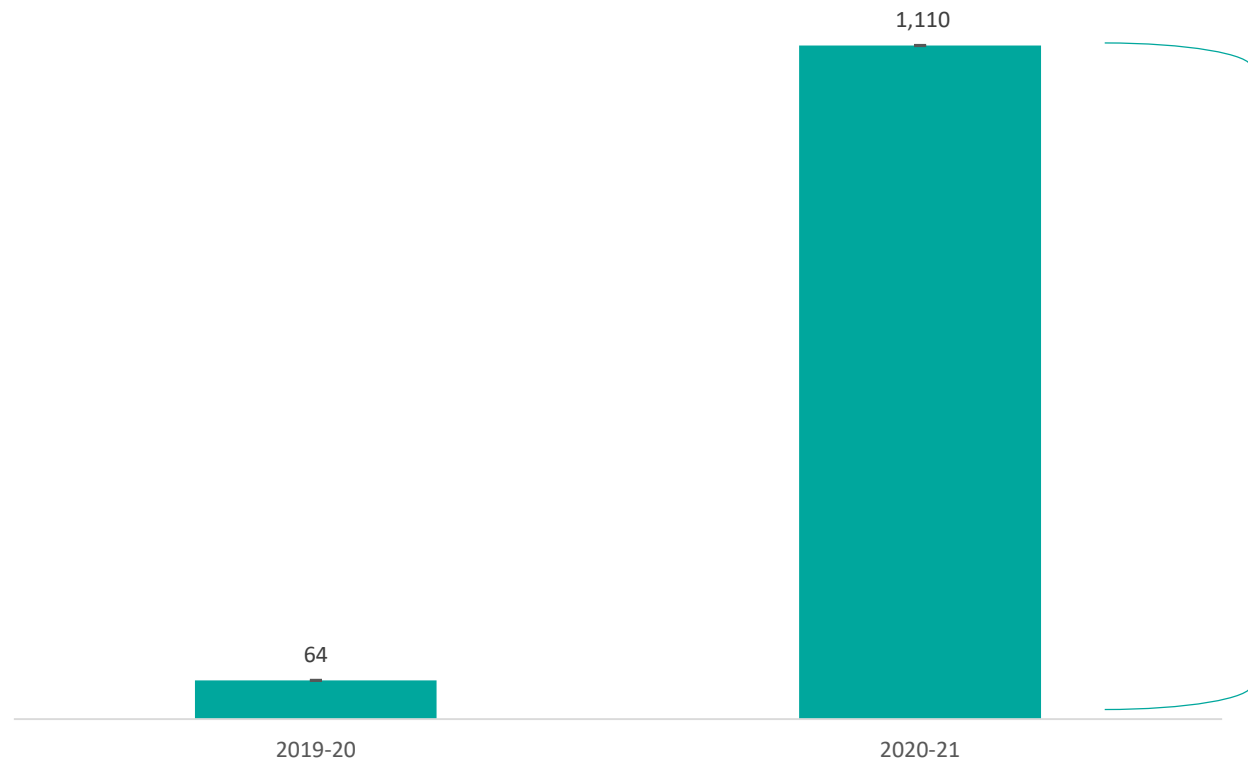
Oregon Prekindergarten Expansion

- Increase of 1,100 plus Pre-natal to age three slots statewide
- Increased resources for salaries and transportation across 30 grantees
- Serving over 1/3 of children in full-day preschool

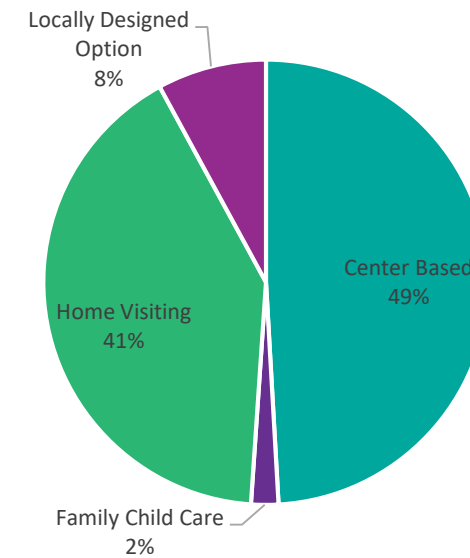


OPK Objective: Expand PN-3 Services by ~1,200

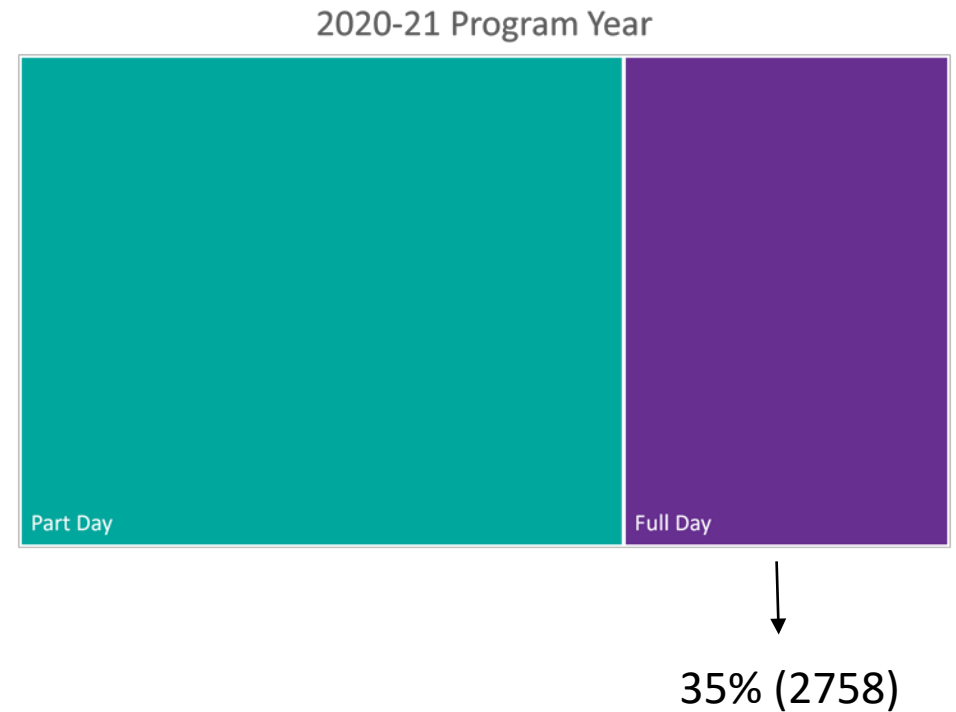
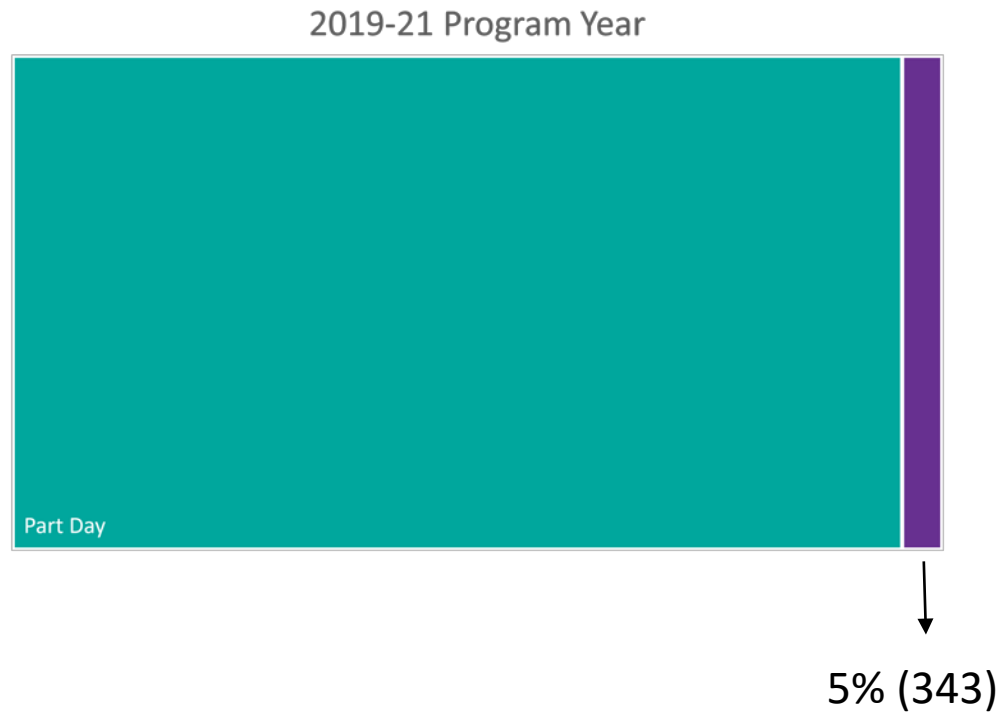
OPK Pre-natal to 3 Slots



PN-3 Service Models

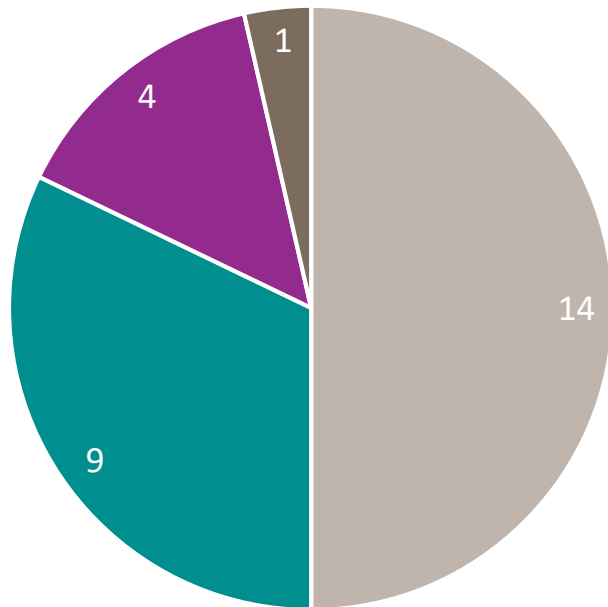


OPK Objective: Convert >30% of Preschool Slots to Full-Day



OPK Objective: Increase Salaries/Staff Retention

Programs Meeting Salary Minimums



■ All ■ Most (>50%) ■ Some (<50%) ■ None

Applicants submitted salary structure plans to meet newly established salary guidelines for Lead teachers and Teacher assistants.

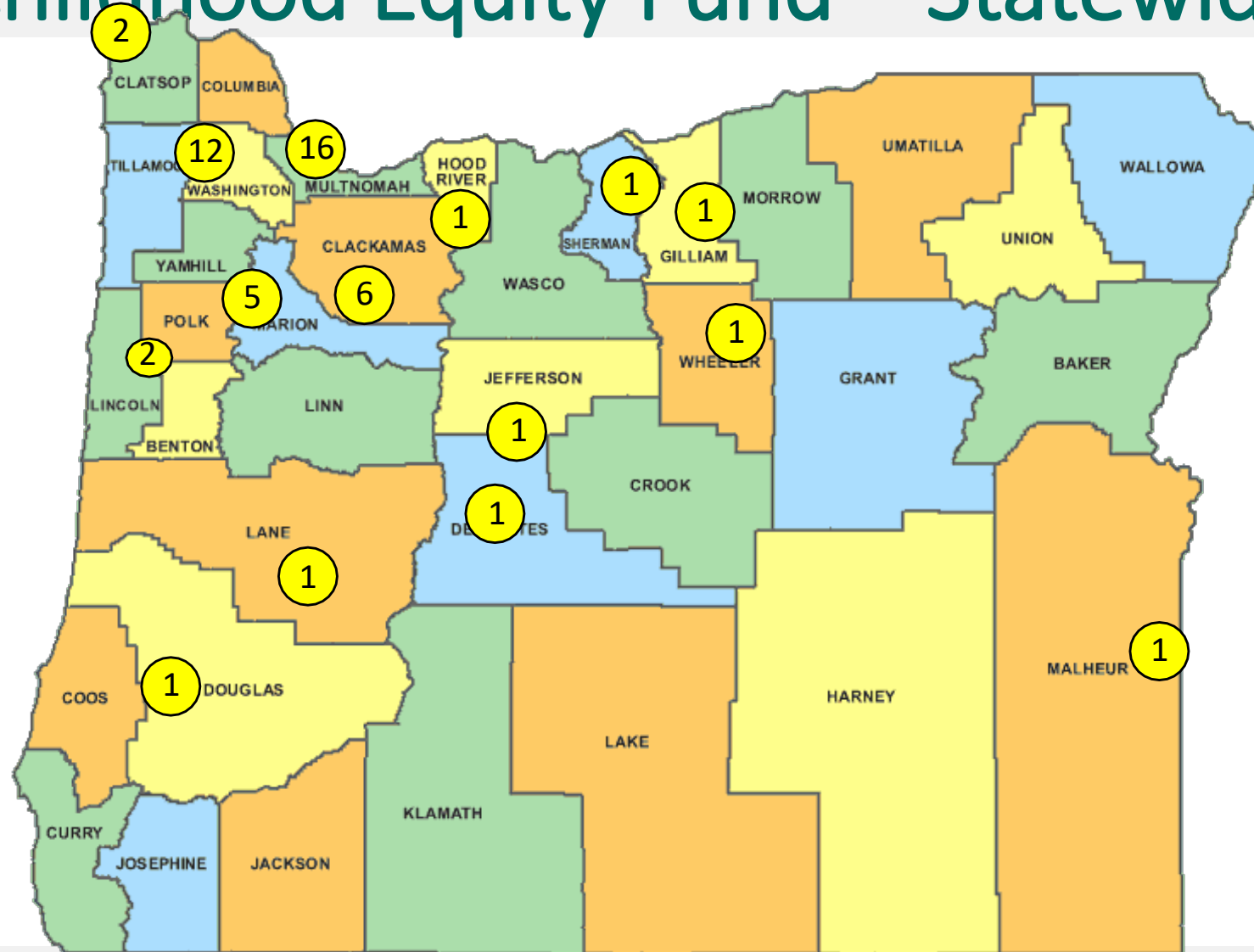
- **'All'** (100%) of the steps in the salary structure submitted met salary guidelines.
- **'Most'** (more than 50%) of the steps in the salary structure submitted met salary guidelines.
- **'Some'** (50% or less) of the steps in the salary structure submitted met salary guidelines.
- **'None'** of the steps in the salary structure submitted met salary guidelines.

Establishing the Early Childhood Equity Fund

- 5 Planning Grants
- 28 Program Grants to 24 unique organizations
- Proposals to serve over 3,000 children and families

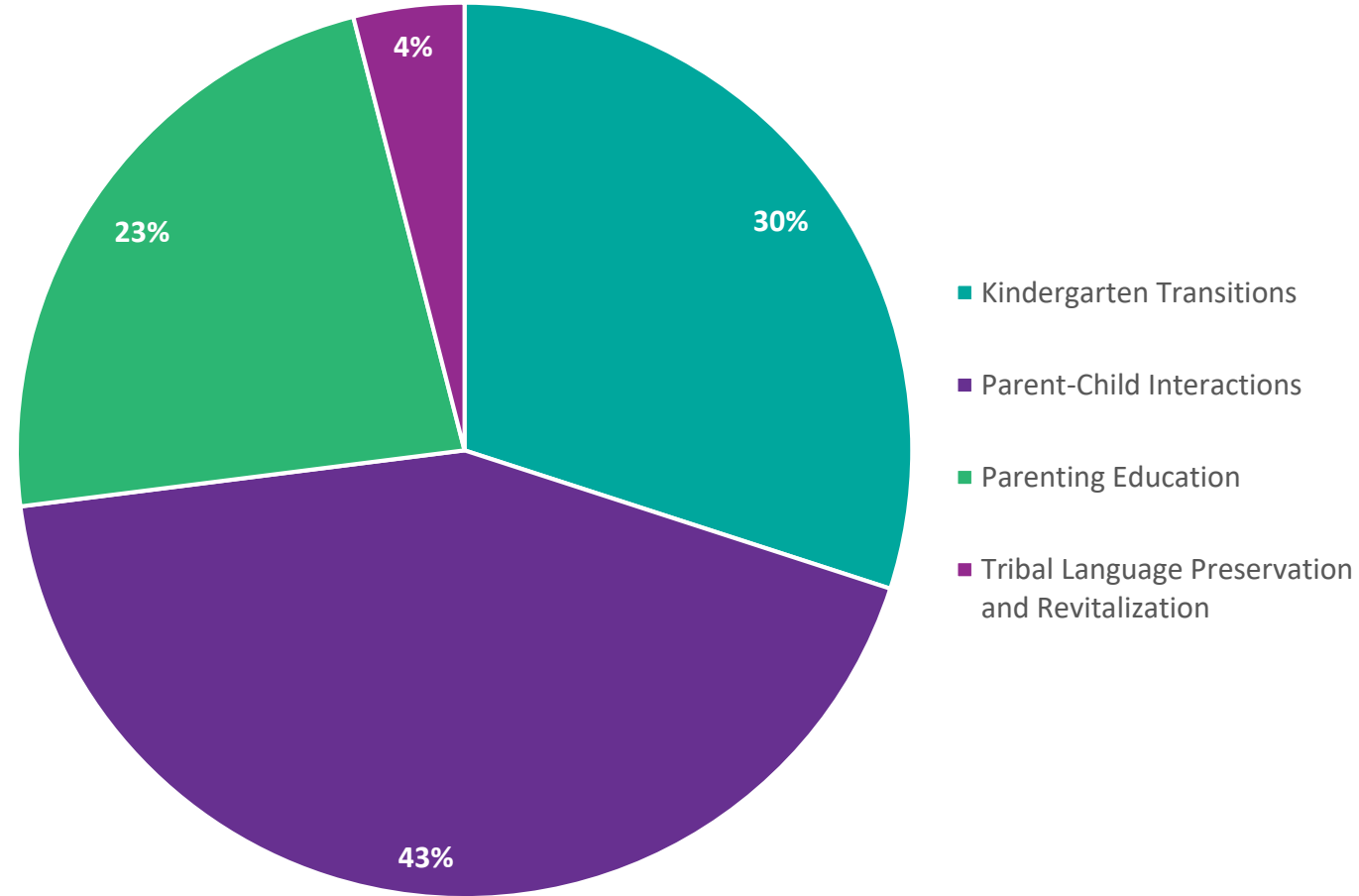


Early Childhood Equity Fund – Statewide Reach

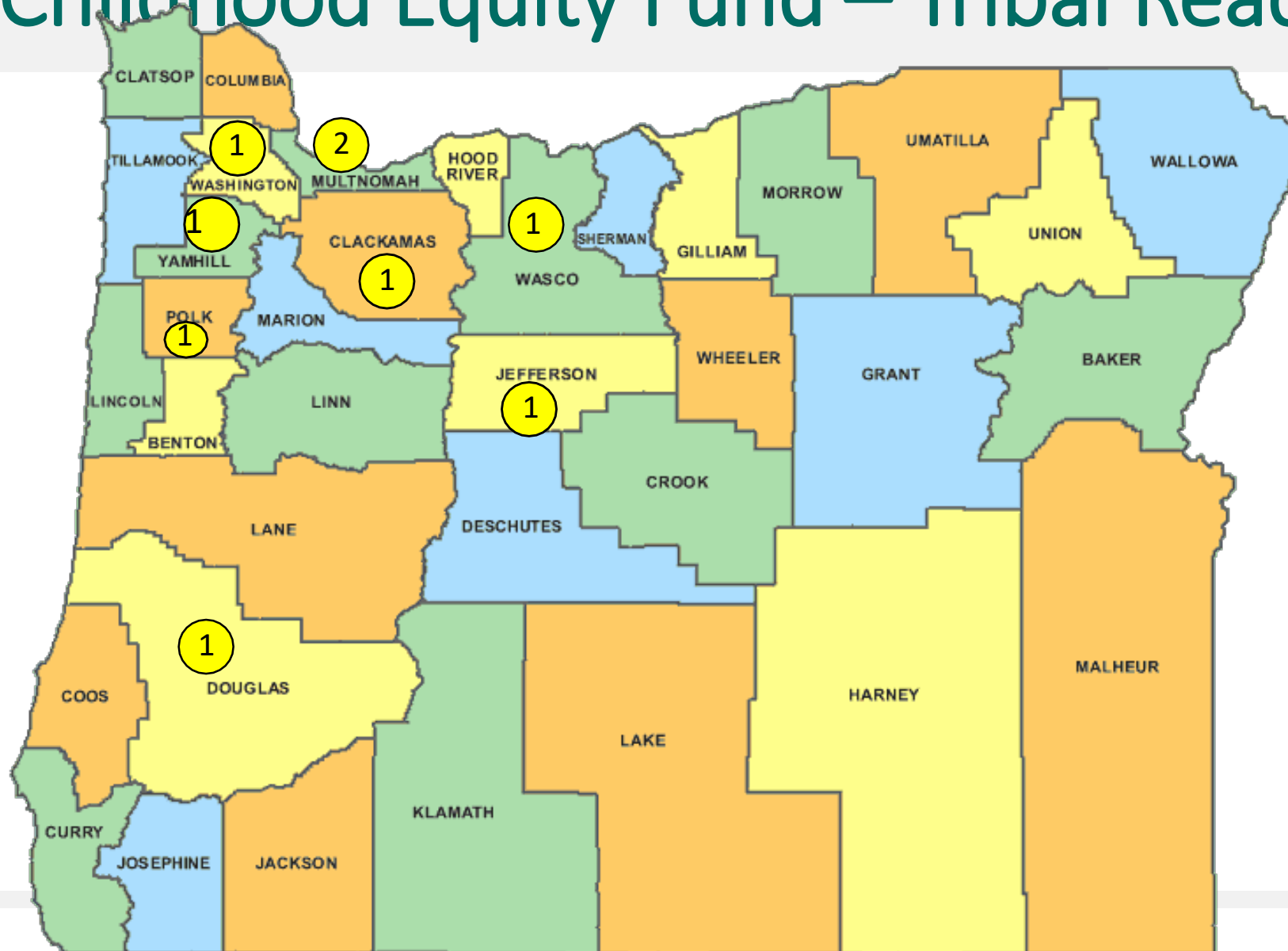


© 2017 WaterproofPaper.com

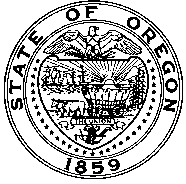
Early Childhood Equity – Program Types



Early Childhood Equity Fund – Tribal Reach



* The number represents the location of the Tribal Nations funded through the Early Childhood Equity Fund.



Early Learning Council

August 13, 2020

2:15 p.m. – 4:00 p.m.

Early Learning Division
3rd Floor, Grand Ronde Room
700 Summer St NE, Suite 350
Salem, OR 97301

COUNCIL ACTION REQUEST

Revised August 12, 2020

AGENDA ITEM: *Oregon Pre-Kindergarten Appeal – Oregon Child Development Coalition (OPK-0036)*

ACTION: Consider appeal of Early Learning System Director's Decision for Oregon Pre-Kindergarten (OPK) funding.

ISSUE: Applicant (Oregon Child Development Coalition) is appealing two Early Learning Division's decisions: a) Washington County: 12 Tier 2 (not awarded/recommended for funding) center-based prenatal to age three slots, and b) Klamath County: Tier 3 (not awarded/not recommended for funding) for 20 full-day preschool slots. Applicant is requesting consideration of full funding for the thirty-two slots.

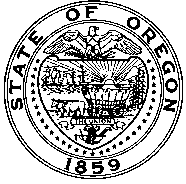
Director's Decision: Due to the budget passed on 8/10/2020 by the 2020 Special Session of the Oregon Legislature, the ELD plans to fund all Prenatal to Age Three OPK requests in Tier 2 and all preschool aged OPK requests in Tier 2 and Tier 3. Therefore, the Council will not need to take action.

PROPOSED COUNCIL ACTION: No action required.

CONTACT: Gwyn Bachtle, Early Learning Programs Director

Attachments:

1. Request for appeal
2. Application
3. Application review materials
4. Application Summary Table



Early Learning Council

August 13, 2020

2:15 p.m. – 4:00 p.m.

Early Learning Division
3rd Floor, Grand Ronde Room
700 Summer St NE, Suite 350
Salem, OR 97301

COUNCIL ACTION REQUEST

Revised August 12, 2020

AGENDA ITEM: *Oregon Pre-Kindergarten Intent to Award Appeal - Community Action Team, Inc. (OPK-0060) serving Columbia, Clatsop, and Tillamook Counties*

ACTION: Consider appeal of Early Learning System Director's decision for Oregon Pre-Kindergarten funding.

ISSUE: Applicant (Community Action Team, Inc.) is appealing Early Learning Division's decision of placing 40 prenatal to age three home visiting slots in Tier 2 (not awarded/recommended for funding). Applicant is requesting consideration for full award.

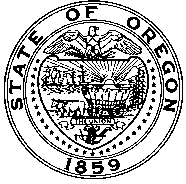
Director's Decision: Due to the budget passed on 8/10/2020 by the 2020 Special Session of the Oregon Legislature, the ELD plans to fund all of the requests in Tier 2. Therefore, the Council will not need to take action.

PROPOSED COUNCIL ACTION: No action required.

CONTACT: Gwyn Bachtel, Early Learning Programs Director

Attachments:

1. Request for appeal
2. Application
3. Application review materials



Early Learning Council

August 13, 2020

2:15 p.m. – 4:00 p.m.

Early Learning Division
3rd Floor, Grand Ronde Room
700 Summer St NE, Suite 350
Salem, OR 97301

COUNCIL ACTION REQUEST

Revised August 12, 2020

AGENDA ITEM: Preschool Promise Program Intent to Award Appeals

ACTION: Consider appeals of Early Learning System Director's decision for Preschool Promise Program (PSP).

ISSUE: Twenty-four applicants appealed the Early Learning Division's decision to place applicants' request for funding in either Tier 2 or Tier 3 of the Intent to Award notification. Due to the budget passed on 8/10/2020 by the 2020 Special Session of the Oregon Legislature, we plan to fund all of the requests in Tier 2. Therefore, the Council will only need to consider 12 of the 24 appeals, which represent those slots placed in Tier 3.

BACKGROUND:

Summary of the application request: All applicants are requesting to receive either additional Preschool Promise slots or to review the decision to not award any Preschool Promise slots. Details of the application request for each of the twenty-four Preschool Promise Program appeals are provided in the Summary of Appeals table.

Summary of the review process & recommendation:

At the time of the appeal deadline, 24 applicants appealed the Early Learning Division's decision. Since that time, ELD's budget has been re-approved by the Legislature and will be signed by the Governor at the original 2019-21 LAB amount. This means that approximately \$8 million or 3,928 PSP slots will be able to be awarded, representing all applicants within Tiers 1 and 2. Therefore, all appeals applying to slots placed in Tier 2 will no longer be considered valid as they will be funded.

The 12 applications with an appeal remaining were reviewed in accordance with the grant review summary process provided in the staff summary. The Review Committee recommendations are included in the attached appeals summary table.

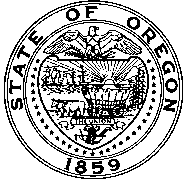
Director's decision: Based on Review Committee ranking, available funding, and staff directive, the Early Learning System Director approved funding for Tier 1 applicants and, if it became available, for Tier 2 applicants. The primary reasons for each funding request's placement in Tier 2 or Tier 3 are provided in the summary appeals document.

PROPOSED COUNCIL ACTION: Deny all 12 appeals as summarized in the summary appeals table.

CONTACT: Gwyn Bachtle, Early Learning Programs Director

Attachments:

- I. Appeals summary table



Early Learning Council

August 13, 2020

2:15 p.m. – 4:00 p.m.

Early Learning Division
3rd Floor, Grand Ronde Room
700 Summer St NE, Suite 350
Salem, OR 97301

2. Slot Allocation Plan
3. Tiered Slots
4. Application
5. Application review materials



Intent to Award Appeals

Orange highlights reflect funded Tier 2 appeals from Legislatively Approved Budget

Applicant Name	Type of Provider	Current Provider	Hub Region	Slots Requested	Slots Awarded	Intent to Award Funding	Slots Recommended (Not Awarded) Tier 2	Slots Not Recommended Tier 3	Independent Reviewer Maximum Score New Applicant: 225	ECE Sector Plan Alignment Average Max Score: 5	Review Committee Rank within Provider Type	Primary Reason Not Funded	Summary of Appeal	# of Slots Appeal	Funding Necessary for Appeal	Link to Appeal
PSP 141 Nonnies Village	Certified Child Care Center	No	Clackamas Early Learning Hub	92	36	\$ 432,000	36	56	126	1.5	3 out of 3	Geographic Distribution	Applicant is appealing ELD's decision of Tier 2 for 36 students and Tier 3 for 56. Applicant is requesting consideration for full award of 92 slots.	56	\$ 672,000	Dropbox Appeal Folder
PSP 262 Sisters Foursquare Church DBA Sisters Christian Academy DBA Wellspring Preschool	Certified Child Care Center	No	Early Learning Hub of Central Oregon	54	0	0	0	54	152	3.8	3 out of 6	Mixed Delivery Goals	Applicant is appealing ELD's decision of Tier 3 of 8 slots. The applicant is requesting 8 slots be moved to Tier 1. Applicant states they have a current wait list of 7 children.	8	\$ 96,000	Dropbox Appeal Folder
PSP 466 Mia's Sprouts	Certified Child Care Center	No	Early Learning Hub of Central Oregon	20	0	0	0	20	80	0.8	6 of 15	Independent Reviewer Score	Applicant is appealing the ELD's decision to place 20 slots in Tier 3. Applicant is requesting consideration for full award of 20 slots.	20	\$ 240,000	Dropbox Appeal Folder
PSP 028 Kids Café	Registered Family Child Care home	No	Early Learning Washington County	4	0	0	0	4	115	3.3	17 out of 21	Independent Reviewer Score	Applicant is appealing the ELD's decision of placing 4 slots in Tier 3. Applicant is requesting consideration for full award of 4 slots.	4	\$ 48,000	Dropbox Appeal Folder
PSP 504 Learning Days Inc.	Certified Family Child Care	No	Early Learning Washington County	36	27	\$ 324,000	27	9	175	4	6 out of 21	Mixed Delivery Goals	The applicant is appealing the ELD's decision to place 27 slots in Tier 2 and 9 slots in Tier 3. The applicant cites the program's racial, cultural and linguistic diversity and commitment to quality as the reason for their request to appeal. The applicant is requesting consideration of the full award of 36 slots.	9	\$ 108,000	Dropbox Appeal Folder
PSP 716 Epi's Little Flowers Growing and Learning	Certified Family Child Care	No	Eastern Oregon Community Based Services Hub	6	0	0	0	6	171	4.3	5 out of 8	Geographic Distribution	Applicant is appealing the ELD's decision of placing 6 slots in Tier 3. The applicant expressed their commitment to quality and asserted they have the qualifications necessary to run a successful program. program. The applicant is requesting consideration for the full award of 6 slots.	6	\$ 72,000	Dropbox Appeal Folder
PSP 024 Early Education Program	Certified Child Care Center	Yes Current Slots: 49	Lane Early Learning Alliance	81	64	\$ 792,000	0	16	239	4.3	1 out of 3	Mixed Delivery Goals	The applicant is appealing the ELD's decision of placing 16 slots in Tier 3. The applicant is requesting consideration to move the 16 slots to Tier 1 in order to receive the full award of the 81 slots requested.	16	\$ 198,000	Dropbox Appeal Folder
PSP 332 La Esperanza Daycare	Registered Family Child Care home	No	Lane Early Learning Alliance	18	0	0	0	18	129	3	10 of 11	Independent Reviewer Score	The applicant is appealing the ELD's decision to place 18 slots in Tier 3. Th applicant states they are qualified to be considered in Tier 1. The applicant is requesting consideration for the full award of 18 slots.	18	\$ 216,000	Dropbox Appeal Folder
PSP 085 Relief Nursery, Inc.	Relief Nursery	Yes Current Slots: 10	Lane Early Learning Alliance	20	10	\$ 123,750	0	10	232	4.5	8 out of 8	Geographic Distribution	The applicant is appealing the ELD's decision to place 10 slots to serve the children in Eugene in Tier 3. The applicant is requesting to move the 10 slots into either Tier 1 or Tier 2. The applicant described their unique hybrid model for Preschool Promise implementation. The model incorporates therapeutic services and other program enhancements that the Relief Nursery has competence and experience providing. The appeal also noted that the Request for Applications set a minimum slot allocation of 18 for center based applications. The applicant is requesting consideration for the full award of 20 slots.	10	\$ 123,750	Dropbox Appeal Folder
PSP 738 Little Smiles Daycare	Certified Family Child Care	No	Marion & Polk Early Learning Hub	12	6	\$ 72,000	6	6	149	4.5	9 out of 19	Mixed Delivery Goals	The applicant is appealing the ELD's decision of placing 6 slots in Tier 2 funding and 6 slots in Tier 3. The applicant is requesting consideration for either 9 slots to support the provider working alone, or 11 slots to support a budget of hiring a second staff member.	6	\$ 72,000	Dropbox Appeal Folder
PSP 128 Mi Pequeña Oruga	Registered Family Child Care home	No	Southern Oregon Early Learning Hub	6	0	0	0	6	86	0.8	22 out of 22	Independent Reviewer Score	Applicant is appealing ELD's decision of placing 6 slots in Tier 3. Applicant expressed the desire to offer a culturally specific program and partner with families. Applicant is requesting consideration for the full award of 6 slots.	6	\$ 72,000	Dropbox Appeal Folder

Applicant Name	Type of Provider	Current Provider	Hub Region	Slots Requested	Slots Awarded	Intent to Award Funding	Slots Recommended (Not Awarded) Tier 2	Slots Not Recommended Tier 3	Independent Reviewer Maximum Score New Applicant: 225	ECE Sector Plan Alignment Average Max Score: 5	Review Committee Rank within Provider Type	Primary Reason Not Funded	Summary of Appeal	# of Slots Appeal	Funding Necessary for Appeal	Link to Appeal
PSP 326 Southern Oregon Child and Family Council, Inc.	Federal Head Start program	Yes Current Slots: 34	Southern Oregon Early Learning Services	70	54	\$ 648,000	18	16	244	4.5	2 out of 5	Geographic Distribution	The applicant is appealing the ELD's decision of placing 18 slots Tier 2 and 16 slots in Tier 3. The program cites their many years of exceptional family service and their readiness to serve all 70 requested slots. The applicant is requesting consideration for the full award of 70 slots.	16	\$ 192,000	Dropbox Appeal Folder