

Oregon Pre-Kindergarten Administrative Rules – DRAFT
Early Learning Division, Chapter 414
January 16, 2020

OAR 414-460-0000

Definitions

The following definitions apply to Oregon Administrative rules ~~581-019-0010~~414-460-0000 through ~~581-019-0035~~414-460-0030.

~~(1) "Federal Head Start program guidelines" means the processes and procedures established by the Head Start Act (42 USC 9801 et. seq.) and Head Start Program Performance Standards (45 CFR Chapter XIII)~~

;

~~"Advisory Committee" means the Oregon Department of Education advisory committee for the prekindergarten program and the parent education program established by Chapter 684, Oregon Laws 1987.~~

~~(12)~~ "Applicant" means a public or private nonsectarian organization ~~which~~ that applies for Oregon prekindergarten funds.

~~(23)~~ "Approved Prekindergarten Programs" means those programs which are recognized by the ~~Department~~ Division as meeting the minimum program rules to be adopted by the ~~State Board of Education~~ Early Learning Council.

~~(4) "At-Risk" means a child at least three years of age and not eligible for kindergarten whose family circumstances would qualify that child for eligibility under the federal Head Start Program.~~

~~(35)~~ "Children with Disabilities" means children who have been determined eligible to receive special education services by either Part B or Part C according to IDEA definition 34 CFR Part 300. ~~are of the age served by the prekindergarten program of their residence and who require special education in order to obtain the education of which they are capable, because of mental, physical, emotional, or learning problems. These groups include but are not limited to those categories that have traditionally been designated: intellectually disabled, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, orthopedically impaired, or other health impaired children.~~

~~(4)~~ "Council" means the Early Learning Council.

~~(6)~~ "Contractor" ~~Grantee or program~~ means an applicant which has been awarded state funds under the Oregon prekindergarten program, and which has entered into a contract grant with the ~~Department of Education~~ Division to provide a the Oregon prekindergarten program.

~~Contractors Grantees may be local public or private organizations which are nonsectarian in their delivery of services.~~

~~(57)~~ "Department" means the Department of Education.

~~(6)~~ "Director" means the Early Learning System Director.

~~(78)~~ "Division" means the Early Learning Division of the Oregon Department of Education.

~~(9)~~ "Director" means the Early Learning System Director.

~~(10)~~ "Council" means the Early Learning Council.

~~(8)(811)~~ "Eligible Child" means a child prenatal to five years old, and not eligible for kindergarten, whose family circumstances would qualify that child for eligibility under the federal Head Start program. ~~an at-risk child who is not a participant in a federal, state, or local program providing like comprehensive services and may include children who are eligible under rules adopted by the State Board of Education.~~

~~(912)9)~~ "Family" means all persons living in the same household who are:

(a) Supported by the income of the parent(s), caretaker(s) or guardian(s) of the child enrolling in the Oregon prekindergarten program; and

(b) Related to the parent(s), caretaker(s) or guardian(s) by blood, marriage, or adoption.

~~(10)~~ "Federal Head Start program guidelines" means the processes and procedures established by the Head Start Act (42 USC 9801 et. seq.) and Head Start Program Performance Standards (45 CFR Chapter XIII)

.

~~(11)~~ Grantee or program means an applicant which has been awarded state funds under the Oregon prekindergarten program, and which has entered into a grant with the Division to provide the Oregon prekindergarten program. Grantees may be local public or private organizations which are nonsectarian in their delivery of services.

~~(1230)~~ "Nonsectarian" means that no aspect of Oregon prekindergarten services will include any religious orientation.

~~(1344)~~ "Oregon Prekindergarten" means those programs which provide comprehensive health, education, and social services in order to maximize the potential of ~~three and four year old~~ children prenatal to five. The "State Prekindergarten Programs" means the statewide administrative activities carried out within the ~~Department of Education~~ Division to allocate,

award, and monitor state funds appropriated to create or assist local prekindergarten programs.

Statutory/Other Authority: ORS [326.425 \(7\)](#)~~684~~

Statutes/Other Implemented: ORS [326.425 \(7\)](#), [ORS 329.170-329.200](#)~~9.175 & 329.195~~

History:

ODE 151-2019, renumbered from 581-019-0005, filed 12/09/2019, effective 12/09/2019

ODE 12-2011, f. & cert. ef. 10-31-11

ODE 26-2008, f. 10-23-08, cert. ef. 10-24-08

EB 10-1988, f. & cert. ef. 2-24-88

OAR 414-460-0005

Use of Grant Funds by Grantees

- (1) A minimum of 2.5 percent of the total grant shall be used for staff development.
- (2) Start-up costs may be allocated to assist in limited funding of “one-time” costs needed to start new programs, or to add children to existing programs.
- (3) ~~Contractors~~[Grantees](#) shall use grant funds to serve Oregon residents.
- (4) ~~Contractors~~[Grantees](#) must have established appropriate internal fiscal controls and fund accounting procedures to assure the proper disbursement of, and accounting for, all funds provided.
- (5) [Grantees must follow salary guidelines established by the Council](#)~~Division~~.

Statutory/Other Authority:-: ~~ORS 684~~[ORS 326.425\(7\)](#)~~ORS 684~~

Statutes/Other Implemented: ORS 329.175 & 329.195

History:

ODE 151-2019, renumbered from 581-019-0010, filed 12/09/2019, effective 12/09/2019

EB 10-1988, f. & cert. ef. 2-24-88

OAR 414-460-0010

Eligibility Criteria for ~~Contract~~ Applicants

- (1) ~~Public or private n~~[Nonsectarian organizations](#) ~~or consortia of organizations including school districts and Head Start grantees~~ are eligible to ~~apply~~[compete](#) for funding ~~to establish as a an~~[Oregon](#) prekindergarten program.
- (2) No person in any [Oregon](#) prekindergarten program shall be subjected to discrimination, [of any kind, including that](#) as defined in ORS 659.850.

Statutory/Other Authority: ORS ~~684~~ 329.170 - 329.200

Statutes/Other Implemented: ORS ~~329.175-170~~ & ~~329.195~~200

History:

ODE 151-2019, renumbered from 581-019-0015, filed 12/09/2019, effective 12/09/2019
EB 10-1988, f. & cert. ef. 2-24-88

OAR 414-460-0015

Proposal Review and ~~Contract~~ Award

(1) Funds shall be awarded on a competitive basis. Subject to available funds, continuation grants shall be awarded on the basis of satisfactory performance.

(2) An applicant must make formal response using forms issued and established by the ~~Department~~Division.

(3) Division staff will review completed grant applications to determine eligibility.

(4) ~~The~~ A grant review ~~advisory~~ committee will be appointed by the Director. The Council will recommend representatives to the Director to be named to the committee.

(5) ~~The grant~~ The review committee will ~~review applications and~~ make funding recommendations to the Director, which may include a negotiated level of funding, to the Director that provide for geographic representation where practicable based on percentages of unmet needs. The Director will make final decisions for funding.

~~the proposals and recommend to the State Superintendent of Public Instruction which proposals should be funded or rejected. The review committee may recommend alterations in the proposals. The committee will prioritize the proposals to the extent practicable, regionally based on percentages of unmet needs in order to distribute funds as widely as possible throughout the state.~~

(6) ~~The~~ Division will notify grant recipients of awards and announce the awards on its website.

~~The final decisions regarding the prekindergarten program proposals will be made by the State Superintendent of Public Instruction.~~

(7) ~~The~~ ~~Department~~ Division will offer to enter into a ~~grant~~ agreement with each prospective grant recipient using terms and conditions acceptable to the Division

~~shall notify successful applicants and shall provide to each of them a contract for signature. This contract must be signed by an official with authority to bind the applicant and must be returned to the Department prior to the award of any funds under this program.~~

(8) Prospective

Grant recipients who have not signed and returned to the division within 90 calendar days of receiving a grant agreement forfeit the awarded grant if a signed grant agreement is not returned to the Division within 90 calendar days of receiving the grant agreement. This provision does not apply to federally recognized Oregon Indian tribes.

(9) Forfeited grant funds will be used to further fund Oregon Prekindergarten services.

(1096) Any applicant not receiving funding may appeal for review to the ~~State Board of Education~~ Council. Such An appeal must be received by the Council in writing within 15 calendar days of the date of the notice of non-funding, at 700 Summer St., NE, Salem, Oregon, 97301. Only an applicant may appeal a non-funding decision. The Council will consider the appeal of the non-funding decision at its next meeting. The Council's decision is final.

Statutory/Other Authority: ORS ~~684~~326.425(7)

Statutes/Other Implemented: ORS 329.170, ~~329.195~~200

History:

ODE 151-2019, renumbered from 581-019-0020, filed 12/09/2019, effective 12/09/2019
EB 10-1988, f. & cert. ef. 2-24-88

OAR 414-460-0020

Program Design

(1) Funds appropriated shall be used to establish and maintain new or expanded Oregon prekindergarten programs and shall not be used to supplant federally supported Head Start programs.

(2) Programs shall serve the eligible children and provide all components as specified in the federal Head Start Program Performance Standards (~~U.S. Department of Health and Human Services, Administration for Children, Youth, and Families, 45 CFR 1304~~Chapter XIII).

(3) Programs shall provide for staff qualifications and training, facilities and equipment, transportation and fiscal management.

(4) Programs shall coordinate with each other and with federal Head Start programs to insure efficient delivery of services and prevent overlap.

(5) Programs shall provide developmentally appropriate educational services which are consistent with the unique physical, social, emotional, and cognitive needs of young children. Developmentally appropriate programs are both age appropriate and individually appropriate.

(6) Requirements for program design shall be based on a model of comprehensive services to participating children. These include educational services, health services (including medical, dental, nutrition, and mental health), parent involvement, and social services to families. Parents shall be given the opportunity to be involved in every aspect of the planning and implementation of services. Specific program requirements are contained in ~~the program requirements publication available from the Department dated January 21, 1988.~~[guidance issued by the Division.](#)

Statutory/Other Authority: ORS ~~684~~[326.425\(7\)](#)

Statutes/Other Implemented: ORS 329.~~175-170~~ & 329.~~195~~
[200](#)

History:

ODE 151-2019, renumbered from 581-019-0025, filed 12/09/2019, effective 12/09/2019
EB 10-1988, f. & cert. ef. 2-24-88

OAR 414-460-0025

Eligibility Criteria for Children [and Families Served](#)

(1) [The Oregon prekindergarten program serves children prenatal to five years old](#) ~~Children must be at least three years old on or before September 1 of their entrance year,~~ and not eligible for kindergarten [or whose family circumstances would qualify them for eligibility under the federal Head Start program regulations](#)~~guidelines.~~

~~(2) At least 80 percent of the children served shall be eligible according to Head Start federal regulations at 45 CFR 1305.4.~~

~~(23)~~ No less than ten percent of the total number of enrollment opportunities in the state of Oregon shall be available for children with disabilities. See 45 CFR 1305.5.

~~(34)~~ Up to 20 percent of the children served need not qualify according to ~~Head Start regulations~~[the federal Head Start program regulations](#)~~guidelines.~~

Statutory/Other Authority: ORS ~~684~~[326.425\(7\)](#)

Statutes/Other Implemented: ORS 329.170~~5~~ & [ORS 329.195](#)~~195~~[200](#)

History:

ODE 151-2019, renumbered from 581-019-0030, filed 12/09/2019, effective 12/09/2019
ODE 26-2008, f. 10-23-08, cert. ef. 10-24-08
EB 10-1988, f. & cert. ef. 2-24-88

OAR 414-460-0030

Suspected Abuse

Any employee of the Oregon Prekindergarten program subject to ORS 419B.005 to 419B.016 having reasonable cause to believe that any child with whom the provider or program staff comes into contact has suffered or is suffering from abuse or neglect, shall report or cause a report to be made in the manner required in ORS 419B.005 to 419B.015.

Statutory/Other Authority: ORS 326.425(7)

Statutes/Other Implemented: ORS 329.172

~~Any employee of the Oregon prekindergarten program having reasonable cause to believe that any child with whom the employee comes into contact in his/her official capacity has suffered abuse or neglect, shall report or cause a report to be made in the manner required in ORS 418.755-9B.005 through ORS 419B.055.~~

Statutory/Other Authority: ORS 326.425(7) ~~684~~

Statutes/Other Implemented: ORS 329.~~175-170~~ & 329.~~195~~200

History:

ODE 151-2019, renumbered from 581-019-0035, filed 12/09/2019, effective 12/09/2019

EB 10-1988, f. & cert. ef. 2-24-88

~~414-460-0035~~

~~Definitions~~

~~(1) "Advisory Committee" means the Oregon Department of Education advisory committee for the prekindergarten program and the parent education program established by Chapter 684, Oregon Laws 1987.~~

~~(2) "Applicant" means a public or private nonsectarian organization which applies for parent education funds.~~

~~(3) "At Risk Children" means children between 0 and eight years of age who are assessed by the criteria in OAR 581-019-0075.~~

~~(4) "Contractor" means an applicant which has been awarded state funds under the parent education program. Contractors may be local public or private organizations which are nonsectarian in their delivery of services.~~

~~(5) "Department" means the Department of Education.~~

~~(6) "Eligible Family" means any family with an at-risk child.~~

~~(7) "Family" means all persons living in the same household who are:~~

~~(a) Supported by the income of the parent(s), caretaker(s) or guardian(s);~~

~~(b) Related to the parents(s), caretakers or guardian(s) by blood or marriage or adoption.~~

~~(8) "Nonsectarian" means that no aspect of parent education program services will include any religious orientation.~~

~~(9) "Parent Education" means the statewide administrative activities carried out within the Department of Education to allocate, award, and monitor state funds appropriated to assist local parent education programs.~~

~~**Statutory/Other Authority:** ORS 684~~

~~**Statutes/Other Implemented:** ORS 329.175 & 329.195~~

~~**History:**~~

~~ODE 151-2019, renumbered from 581-019-0050, filed 12/09/2019, effective 12/09/2019
EB 11-1988, f. & cert. ef. 2-24-88~~

~~414-460-0040~~

~~Use of Grant Funds~~

~~(1) Contractors shall use grant funds to serve Oregon residents.~~

~~(2) Contractors must have established appropriate internal fiscal controls and fund accounting procedures to assure the proper disbursement of, and accounting for, all funds provided.~~

~~**Statutory/Other Authority:** ORS 684~~

~~**Statutes/Other Implemented:** ORS 329.175 & 329.195~~

~~**History:**~~

~~ODE 151-2019, renumbered from 581-019-0055, filed 12/09/2019, effective 12/09/2019
EB 11-1988, f. & cert. ef. 2-24-88~~

~~414-460-0045~~

~~Eligibility Criteria For Contract Applicants~~

~~(1) Public or nonsectarian organizations or consortia of organizations are eligible to apply for funding as a parent education program.~~

~~(2) No person in any parent education program shall be subjected to discrimination as defined in ORS 659.150(1).~~

~~(3) Applicants shall identify targeted groups, outreach methods, program components, and the qualifications of instructional staff.~~

~~Statutory/Other Authority: ORS 684~~

~~Statutes/Other Implemented: ORS 329.175 & 329.195~~

~~History:~~

~~ODE 151-2019, renumbered from 581-019-0060, filed 12/09/2019, effective 12/09/2019
EB 11-1988, f. & cert. ef. 2-24-88~~

~~414-460-0050~~

~~Proposal Review and Contract Award~~

~~(1) Funds shall be awarded on a competitive basis. Subject to available funds, continuation grants may be awarded on the basis of satisfactory performance.~~

~~(2) An applicant must make formal response using forms issued and established by the Department.~~

~~(3) The advisory committee will review the proposals and recommend to the State Superintendent of Public Instruction which proposals should be funded or rejected. The review committee may recommend alterations in the proposals. The committee will prioritize the proposals to the extent practicable, regionally based on percentages of unmet needs in order to distribute funds as widely as possible throughout the state.~~

~~(4) The final decisions regarding the parent education proposals will be made by the State Superintendent of Public Instruction.~~

~~(5) The Department shall notify successful applicants and shall provide to each of them a contract for signature. This contract must be signed by an official with authority to bind the applicant and must be returned to the Department prior to the award of any funds under this program.~~

~~(6) Any applicant not receiving funding may appeal for review to the State Board of Education. Such appeal must be in writing and mailed within 15 days of the date of the notice of nonfunding.~~

~~(7) Funds appropriated for the program shall be used to establish and maintain new or expanded parent education programs and shall not be used to supplant any existing programs.~~

~~Statutory/Other Authority: ORS 684~~

~~Statutes/Other Implemented: ORS 329.175, 329.190 & 329.195~~

~~History:~~

~~ODE 151-2019, renumbered from 581-019-0065, filed 12/09/2019, effective 12/09/2019
EB 11-1988, f. & cert. ef. 2-24-88~~

~~414-460-0055~~

~~Program Design~~

~~(1) Programs shall provide parents with information on child development, discipline, communication, and strategies for preparing their children for school success. Programs may include a support element.~~

~~(2) Programs shall be conducted at times and with conditions appropriate for adult learners.~~

~~(3) Programs shall develop and use a system to impart parenting skills and information that reflect the needs of the population served and in keeping with the parent education program requirements established by the Department of Education.~~

~~(4) Programs shall demonstrate coordination with existing community resources including public schools, local Head Start programs, local health and welfare agencies, community colleges, and any other local parent education/support programs.~~

~~(5) Programs shall complete formative and summative self-evaluations in accordance with requirements established by the Department of Education.~~

~~(6) Programs may charge families for services based on their ability to pay. Programs will be required to document how fee schedules are established and how funds are used.~~

Statutory/Other Authority: ORS 684

Statutes/Other Implemented: ORS 329.175 & 329.195

History:

ODE 151-2019, renumbered from 581-019-0070, filed 12/09/2019, effective 12/09/2019

EB 11-1988, f. & cert. ef. 2-24-88

414-460-0060

Targeting of Services to Families

~~Programs must target families whose children ages 0-8 are at risk of experiencing difficulty in school based on the following criteria:~~

~~(1) Single, step and dual career families;~~

~~(2) Low-income families;~~

~~(3) Families for whom English is a second language;~~

~~(4) Families who have experienced high mobility (e.g., military, migrant);~~

~~(5) Families whose children have high absenteeism in school;~~

~~(6) Families with a disruptive family environment (e.g., prison parent, chemically abusing parents);~~

~~(7) Families whose children have been assessed as developmentally at risk;~~

~~(8) Families of children with disabilities as defined by ORS 343.227;~~

~~(9) Minority families; and~~

~~(10) Families of adolescent parents.~~

~~**Statutory/Other Authority:** ORS 684~~

~~**Statutes/Other Implemented:** ORS 329.175 & 329.195~~

~~**History:**~~

~~ODE 151-2019, renumbered from 581-019-0075, filed 12/09/2019, effective 12/09/2019~~

~~ODE 26-2008, f. 10-23-08, cert. ef. 10-24-08~~

~~EB 11-1988, f. & cert. ef. 2-24-88~~

~~414-460-0065~~

~~Collect Data~~

~~Programs must collect data which documents the numbers of families served in each of the criteria categories listed in OAR 581-019-0075.~~

~~**Statutory/Other Authority:** ORS 684~~

~~**Statutes/Other Implemented:** ORS 329.175 & 329.195~~

~~**History:**~~

~~ODE 151-2019, renumbered from 581-019-0078, filed 12/09/2019, effective 12/09/2019~~

~~EB 11-1988, f. & cert. ef. 2-24-88~~

~~414-460-0070~~

~~Suspected Abuse~~

~~If employes of the parent education program, in their official capacity, have reasonable cause to believe any child of a parent participant has suffered abuse or neglect, they shall report or cause a report to be made in the manner required in ORS 418.755.~~

~~**Statutory/Other Authority:** ORS 684~~

~~**Statutes/Other Implemented:** ORS 329.175 & 329.195~~

~~**History:**~~

~~ODE 151-2019, renumbered from 581-019-0080, filed 12/09/2019, effective 12/09/2019~~

~~EB 11-1988, f. & cert. ef. 2-24-88~~

~~414-460-0075~~

~~Tax Credits for Student-Parent Programs and Child Development Programs~~

~~(1) The purpose of this rule is to define child development and student-parent programs that may qualify for tax credits authorized by ORS 315.234, including requirements for substantiation and use of contributions. The credit applies to tax years beginning on or after January 1, 1991, and before December 31, 2001.~~

~~(2) For the purposes of this rule, an approved child development program means a program which consists of an education component and a model day care component and which substantially meets the following standards:~~

~~(a) Offers a minimum of one full credit of sequential coursework in child development and parenthood education;~~

~~(b) Implements a curriculum on the realities of being a parent, interaction of work and family responsibilities, normal growth and development of infants and young children, discipline and guidance of children, children's safety, healthy prenatal care, and healthy parent-child relationships;~~

~~(c) Utilizes instructors with coursework in home economics education, early childhood education or a related field which provides knowledge and understanding of the above curriculum areas;~~

~~(d) Provides supervised child care center experiences with young children;~~

~~(e) Provides an on-site child development facility which meets health and safety standards and does not accommodate more than 30 full-time equivalent spaces for children;~~

~~(f) Maintains appropriate adult-child ratios to assure adequate supervision and optimal learning opportunities for children.~~

~~(3) For the purposes of this rule, an approved student-parent program means an educational program which consists of education for the student-parent, day care for the student-parent's child and which substantially meets the following standards:~~

~~(a) Provides a comprehensive high school program;~~

~~(b) Provides individual and group counseling services in the areas of personal and career development;~~

~~(c) Implements curriculum in life skills instruction in meeting basic needs, management of personal resources, interpersonal relationships, sexuality, and family interaction;~~

~~(d) Implements curriculum in child development and includes curriculum on the realities of being a parent, interaction of work and family responsibilities, normal growth and development~~

~~of infants and young children, discipline and guidance of children, children's safety, healthy prenatal care, healthy parent-child relationships;~~

~~(e) Offers nutrition information and health services;~~

~~(f) Conducts an on-site child care center for the children of the student-parents;~~

~~(g) Provides transportation for student-parents and their children;~~

~~(h) Coordinates services with community social-service agencies, and makes students aware of such services;~~

~~(i) Provides career and vocational assessment and planning.~~

~~(4) Donations for purposes under this rule shall be used to support, expand, or improve student-parent or child development programs within the district. Donations must not be used to supplant local school district, state, or federal funding. Donations must be credited to the year in which they are received. The credit is allowable only for contributions made after the date of the Department of Education approval.~~

~~(5) Approved school district student-parent and child development/parenthood education programs must provide a copy of the receipts for an eligible donation to the Oregon Department of Education and to the donor. The receipt must specify the following:~~

~~(a) The school district number and name;~~

~~(b) An indication that the contribution was made to either the child development program or the student-parent program;~~

~~(c) Date the program was certified by the Department of Education;~~

~~(d) The dollar amount of the contribution;~~

~~(e) Name and address of the contributor; and~~

~~(f) The date the contribution was made.~~

~~(6) Programs which most closely meet or exceed the standards in sections (2) and (3) of this rule will be considered for approval by the Department. Approval of programs will be accomplished through a Request for Proposal (RFP) process. Up to 20 student-parent and up to 20 child development/parenthood education programs will be approved. Once selected, each program is considered approved through December 31, 2001. Only school districts, education service districts, and district consortia are eligible to apply.~~

Statutory/Other Authority: ~~ORS 315.234 & 329.385~~

Statutes/Other Implemented: ~~ORS 315.234, 329.385, 329.395, 329.415 & 329.425~~

History:

~~ODE 151-2019, renumbered from 581-019-0100, filed 12/09/2019, effective 12/09/2019~~

~~EB 28-1995, f. & cert. ef. 12-11-95~~

~~EB 3-1993, f. & cert. ef. 1-13-93~~

~~EB 23-1991(Temp), f. 10-30-91, cert. ef. 11-1-91~~