

Preschool Promise Program Administrative Rules – DRAFT
Early Learning Division, Chapter 414
January 16, 2020

OAR 414-470-0000

Purpose: ~~Early Learning Hubs~~ Preschool Promise Program

The purpose of these rules is to define key terms, describe eligibility criteria, and to assist ~~Early Learning Hubs and preschool providers~~ Preschool Promise Providers in the implementation and operation of Preschool Promise Program services. These rules describe the standards for the establishment and operation of preschool services under the Preschool Promise Program.

Statutory/Other Authority: ORS 326.425(7)

Statutes/Other Implemented: ORS 329.172

History:

ODE 119-2019, minor correction filed 09/09/2019, effective 09/09/2019

ODE 32-2016, f. & cert. ef. 5-3-16

OAR 414-470-0005

Definitions: ~~Early Learning Hubs~~ Preschool Promise Program

The following definitions apply to Oregon Administrative Rules 581-019-0036 through 581-019-0049.

- (1) “Child Care Provider” means a person or entity that provides care, supervision, and guidance on a regular basis of a child, unaccompanied by a parent, guardian, or custodian, during a part of the 24 hours of the day.
- (2) “Culturally Specific Organization” means an organization that serves a particular cultural community and is primarily staffed and led by members of that community; these organizations demonstrate intimate knowledge of lived experience of the community, including but not limited to the impact of structural and individual racism or discrimination on the community; knowledge of specific disparities documented in the community and how that influences the structure of their program or service; ability to describe the community’s cultural practices, health and safety beliefs/practices, positive cultural identity/pride/resilience, immigration dynamics, religious beliefs, etc. and how their services have been adapted to those cultural norms.
- (3) “Director” means the Early Learning System Director.
- (4) “Division” means the Early Learning Division of the Department of Education.

(5) “Early Learning Hub” or “Hub” means an entity designated by regional partners to coordinate early learning services under ORS 417.827 ~~and contracted by the Early Learning Council to coordinate, fund and monitor early learning services in a specific region within the state.~~

(6) “Fiscal Agent” means a local entity that may provide services for multiple Preschool Providers.

~~(5) “Preschool” means those programs which provide health, education, social and other comprehensive services in order to maximize the potential of three and four year old children.~~

(7) “Preschool Promise Program” means the preschool program administered by the Early Learning Division as directed under ORS 329.172.

(8) “Preschool Promise Provider” means ~~an eligible participant contracted by the Early Learning Hub to a local entity who receives a grant or contract to~~ provide preschool services under the Preschool Promise Program

(9) “Spark Quality Rating and Improvement System” means the system established through ORS 329A.261 which establishes a set of progressively higher standards used to evaluate the quality of an early learning and development program and to support program improvement.

Statutory/Other Authority: ORS 326.425(7)

Statutes/Other Implemented: ORS 329.172

History:

ODE 120-2019, minor correction filed 09/09/2019, effective 09/09/2019

ODE 32-2016, f. & cert. ef. 5-3-16

OAR 414-470-0010

Child and Family Eligibility Criteria: ~~Early Learning Hubs~~

(1) Children and families who meet the following criteria are determined eligible for the Preschool Promise Program:

~~(1) (a) Early Learning Hubs are responsible for ensuring that child eligibility has been verified using an eligibility determination form provided by the Division.~~ Family income is at or below 200 percent of the Federal Poverty Level in effect at the time eligibility is determined.

~~(2) (b) Children must be at least three years of age on or before September 1 of their entrance year and not eligible for kindergarten as determined by the State Board of~~

~~Education by rule~~ but not older than five years of age, as determined by the date used to determine kindergarten eligibility.

(2) Notwithstanding (1) (a):

(a) A child from a family over the 200% poverty level living in a determined geographic area with low access to care.

(b) A “Foster Child” as defined in ORS 418.200 is eligible for the Preschool Promise Program.

Statutory/Other Authority: ORS 326.425(7)

Statutes/Other Implemented: ORS 329.172

History:

ODE 121-2019, minor correction filed 09/09/2019, effective 09/09/2019

ODE 32-2016, f. & cert. ef. 5-3-16

OAR 414-470-0015

~~Hub Selection Process; Fund disbursement: Early Learning Hub~~ Preschool Promise Provider Application Process

~~(1) Hubs will be selected through the public procurement process as provided in ORS Chapter 279A and 279B.~~

~~(2) Funding for Preschool Promise Program will be directed through Early Learning Hubs and allocated through a process determined by the Early Learning Council.~~

(1) A call for applications shall be announced publicly on the Division’s website. The division will conduct stakeholder outreach to its list of interested parties, and will engage communities, including federally recognized Oregon Indian tribes, across the state to make them aware of the funding opportunity.

(2) Funds shall be awarded on a competitive basis by July of each calendar year in accordance with timelines established by the Early Learning Division. Grants will be made for a period not to exceed a state fiscal biennium and may be renewed for up to two biennia as determined by availability of funds and program monitoring and evaluation identified in OAR 414-470-0047(2).

(3) Applicants must apply in the format prescribed by the Division, which contains information required by the Division.

Statutory/Other Authority: ORS 326.425(7)

Statutes/Other Implemented: ORS 329.172

History:

ODE 122-2019, minor correction filed 09/09/2019, effective 09/09/2019

ODE 32-2016, f. & cert. ef. 5-3-16

~~OAR 414-470-0020~~

Use of Funds by Hubs

~~(1) Funds received by the Hub for the Preschool Promise Program may be used only in support of the program and provide funding to preschool providers for the purposes of administering the Preschool Promise program.~~

~~(2) Of the funds distributed, the Early Learning Division may establish a maximum percentage allowable for coordination and administration and a maximum percentage allowable for building provider capacity to meet Preschool Promise program standards.~~

~~(3) Hubs must have established appropriate internal fiscal controls and generally accepted accounting procedures to ensure the proper disbursement, separation of funding source, as appropriate, and accounting for all funds provided.~~

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

Statutes/Other Implemented: ~~ORS 329.172~~

History:

~~ODE 32-2016, f. & cert. ef. 5-3-16~~

OAR 414-470-0025

~~Eligibility Criteria for Preschool Promise Program Providers~~ [Preschool Promise Provider Eligibility](#)

The following entities ~~shall be eligible for funding~~ [are eligible to apply to be a Preschool Promise Provider:](#)

~~(1) A Head Start program;~~

~~(2) An Oregon Prekindergarten program;~~

~~(3) A child care provider;~~

~~(4) A relief nursery;~~

~~(5) A private preschool;~~

~~(6) A public school;~~

~~(7) A public charter school;~~

~~(8) An education service district, or;
(9) A community based organization.~~

- Child Care Provider;
- (2) Community-based organization;
- (3) Culturally specific organizations;
- (4) Early Learning Hub as designated in ORS 417.827
- (5) Education service district,
- (6) Federal Head Start program;
- (7) Federally Recognized Oregon Indian Tribes
- (8) Oregon Prekindergarten;
- (9) Private preschool;
- (10) Public school;
- (11) Public charter school, or:
- (12) Relief Nursery.

Statutory/Other Authority: ORS 326.425(7)

Statutes/Other Implemented: ORS 329.172

History:

ODE 32-2016, f. & cert. ef. 5-3-16

~~OAR 414-470-0035~~

~~Provider/Hub Contracts~~

~~Prior to enrolling a child under the program, a preschool provider shall enter into a contract with the Hub. The contract shall meet public procurement standards and be reviewed for legal sufficiency when required by law.~~

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

Statutes/Other Implemented: ~~ORS 329.172~~

History:

~~ODE 32-2016, f. & cert. ef. 5-3-16~~

OAR 414-470-0040

Minimum Requirements: Preschool Promise Program

To be eligible to provide preschool services under the Preschool Promise Program, a [pP](#)reschool [P](#)romise [p](#)Provider must:

- (1) ~~Provide the annual number of instructional hours required for full-day kindergarten as determined by the State Board of Education by rule.~~ Provide, at a minimum, the annual number of instructional hours required for full-day kindergarten.
- (2) Take into consideration the scheduling needs of families who need full-time service.
- (3) Provide continuity from infant and toddler services to early elementary grades.
- (4) Demonstrate an ability to maximize available federal, state and local funds.
- (5) ~~(2) Meet quality standards, including:~~ Demonstrate quality through meeting program standards including but not limited to:
 - a) ~~(a) Attaining one of the top two ratings of the quality rating and improvement system for early childhood programs.~~ Participates in the quality rating and improvement system (Spark) for early childhood programs.
 - b) ~~Adopting~~ Adopts culturally responsive teaching methods and practices.
 - c) Providing highly trained lead preschool teachers who have:
 - i. At least a bachelor's degree in: (I) Early childhood education or a field related to early childhood education; or (II) A field not related to early childhood education but teacher has completed coursework that is equivalent to a major in early childhood education and has sufficient training in early childhood education as determined by the Division,
 - ii. An associate degree with additional training or additional certification in early childhood education or a field related to early childhood education, as determined by the Division; or
 - iii. Child Development Associate (CDA) Preschool Credential or equivalent step level as determined by the Oregon Registry Online (ORO) or otherwise determined by the Division.
 - d) ~~The requirements of this subparagraph may be satisfied by~~ Lead preschool teachers who do not have a bachelor's degree but who have must submitted submit a plan to attain a bachelor's degree and ~~are~~ must demonstrate progress on that plan. The educational plan ~~provided for in this paragraph~~ shall be submitted on a form and in a manner provided by the Division.
 - e) Providing lead preschool teachers and teacher assistants with a salary that meets the minimum salary requirements established by the ~~Early Learning Council~~ Division.
 - f) Providing at least one assistant teacher in each classroom who provides support for academic instruction and who meets the state's personnel qualification requirements of one of the top two tiers for the quality rating and improvement system.
 - g) Participates in an ongoing monitoring and program evaluation system that is used for continuous program improvement as established by the Division.
 - h) Provides a high quality, culturally responsive family engagement environment that supports parents as partners in a child's learning and development.
 - i) Provides high quality, culturally responsive curricula, assessments and professional development that are linked to one another and to the state's comprehensive early learning standards.

- j) Provides a classroom environment that is inclusive of all children, regardless of ability or family income.
 - k) Providing children and families with additional health and child development supports, such as screening, referrals and coordination with health care providers.
 - l) Incorporates best practices in outreach, enrollment and programming for diverse cultural and linguistic populations and children who have been historically underserved in preschool programs.
 - m) Works in collaboration with community programs to ensure that families have knowledge of, and are connected to, community resources and supports to meet the needs of children and families served by the preschool program.
- (6) Applications to operate a Preschool Promise program as authorized in ORS 329.172 will be scored on the Preschool Promise Provider's ability to meet Preschool Promise requirements. Scoring criteria will be established by the Division.
- (7) A Preschool Promise Provider may engage one or more subcontractors to provide one or more services in connection with the preschool offered by the provider, including but not limited to services such as transportation, food preparation, janitorial services, bookkeeping, staff training, or teaching. The Division may require in its grant agreement that any subcontractors hired by the provider or subcontracts entered into by the provider are subject to review and approval by the Division. A provider may not subcontract the performance of its entire preschool operations to another entity, nor may the provider negate or transfer its obligation under a grant agreement with the Division to provide the preschool program described in the grant agreement. The provider, not its contractor, must engage or contract directly with the parent, guardian or similar authorized representative of any child enrolled in the provider's program and the provider must remain responsible for the provision of the preschool to such parent, guardian or authorized representative, despite the use of one or more subcontractors to fulfill the provider's contractual obligations.

Statutory/Other Authority: ORS 326.425(7)

Statutes/Other Implemented: ORS 329.172

History:

ODE 123-2019, minor correction filed 09/09/2019, effective 09/09/2019

ODE 32-2016, f. & cert. ef. 5-3-16

ORS 414-470-0042

Preschool Promise Provider Funding Selection and Grant Award

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

- (2) A grant review committee will be appointed by the Director. The Council will recommend representatives to the Director to be named to the committee. The grant review committee will review and score applications deemed eligible as identify in OAR 414-470-0025. Applications will be scored on the Preschool Promise Provider’s ability to meet Preschool Promise requirements as established in OAR 414-470-0040.
- (3) The review committee will make funding recommendations to the Director. The Director will make final decisions for funding.
- (4) The Division will notify grant recipients of awards and announce the awards on its website.
- (5) The Division will offer to enter into a grant agreement with each prospective grant recipient using terms and conditions acceptable to the Division.
- (6) Prospective grant recipients forfeit the awarded grant if a signed grant agreement is not returned to the Division within 90 calendar days of receiving a grant agreement. This provision does not apply to federally recognized Oregon Indian tribes.
- (7) Forfeited grant funds will be used to fund next highest scored application(s).
- (8) An applicant not receiving funding may appeal for review to the Council. An appeal must be received by the Council 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.

OAR 414-470-0045

Minimum Salary requirements for Lead Preschool Teacher and Teacher Assistant

The Early Learning Council shall establish a methodology to determine a target and minimum salary for Lead Preschool Teachers and Teacher Assistants.

Statutory/Other Authority: ORS 326.425(7)

Statutes/Other Implemented: ORS 329.172

History:

ODE 32-2016, f. & cert. ef. 5-3-16

OAR 414-470-0047

Administration

- (1) The Division will administer grant agreements with the grant recipients and provide program guidelines.

- (2) Grant recipients must comply with the terms and conditions of the grant agreement including, but not limited to, cooperating with the Division’s program monitoring, technical assistance, program evaluations, and reporting requirements.
- (3) Noncompliance with program and agreement requirements may make the grant recipient ineligible for future grants.
- (4) Grant recipients must provide information as requested by the Division.

OAR 414-470-0050

~~Use of funds by Preschool Provider~~ Preschool Promise Provider Use of Funds

~~(2) Funds may not be used to pay for expenses incurred for children who:~~

~~(a) Pay tuition for the preschool program and whose family income at the time of enrollment exceeds 200 percent of federal poverty guidelines in effect at the time of enrollment.~~

~~(b) Are funded by the Oregon prekindergarten program, a Head Start program or another source of funding.~~

1. Funds received by grant recipients for the Preschool Promise Program may be used only to support and deliver the Preschool Promise Program.

2. Grant recipients must use appropriate internal fiscal controls and generally accepted accounting procedures to ensure the proper disbursement and accounting for all funds provided.

3. Approved Preschool Promise Provider shall use funds to supplement, not to supplant, public funds from any other source that are used to serve otherwise eligible students, including, but not limited to federal, state or local public funds.

Statutory/Other Authority: ORS 326.425(7)

Statutes/Other Implemented: ORS 329.172

History:

ODE 32-2016, f. & cert. ef. 5-3-16

OAR 414-470-0055

Program Monitoring and Evaluation

Programs will be monitored and evaluated on program quality and outcomes ~~improvement~~ using a process established by the Division.

Statutory/Other Authority: ORS 326.425(7)

Statutes/Other Implemented: ORS 329.172

History:

ODE 32-2016, f. & cert. ef. 5-3-16

OAR 414-470-0060

Waiver Application Process

(1) A Preschool [Promise](#) Provider may request a waiver of the requirements of ORS 329.172(7) and ~~581-019-0043~~ [414-470-0040](#) during the first years of the [Preschool Promise](#) pProvider's participation in the Preschool Promise [Program](#).

(2) The Division administers the waiver application and approval process. ~~under the direction of the Early Learning Council.~~

(3) Waiver requests must be accompanied by a quality improvement plan for approval by the Division The quality improvement plan will provide information including, but not limited to, how the program will meet the requirement for which a waiver is requested and a timeline for completing that plan.

(4) The ~~Early Learning Council~~ Division may withdraw approval of a waiver at any time, if deemed necessary to ensure the health, safety and well-being of children in the program.

(5) A waiver granted for any of the requirements does not negate the need for a waiver for other requirements.

(6) ~~The granting of a waiver for one year shall not entitle a Preschool Provider to any further waivers.~~ The granting of a waiver shall not set a precedent.

Statutory/Other Authority: ORS 326.425(7)

Statutes/Other Implemented: ORS 329.172

History:

ODE 32-2016, f. & cert. ef. 5-3-16

OAR 414-470-0065

Reporting: ~~Early Learning Hubs~~

~~Preschool providers shall ensure that all information and data that demonstrates that providers are meeting the program requirements are made available to the Division upon request, and in a manner as provided by the Division.~~

Upon request by the Division, a Preschool Promise Provider shall make available to the Division all information and data that demonstrates that Preschool Promise Providers are meeting the program requirements and anything necessary to monitor and evaluate the Preschool Promise Program, and in a manner specified by the Division.

Statutory/Other Authority: ORS 326.425(7)

Statutes/Other Implemented: ORS 329.172

History:

ODE 124-2019, minor correction filed 09/09/2019, effective 09/09/2019

ODE 32-2016, f. & cert. ef. 5-3-16

OAR 414-470-0070

Suspected Abuse

Any [Preschool Promise Provider](#) or program staff subject to ORS 419B.005 to 419B.016 having reasonable cause to believe that any child with whom the provider or program staff comes into contact 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

History:

ODE 32-2016, f. & cert. ef. 5-3-16

OAR 414-470-0075

Fiscal Agent

The following entities are eligible to apply to be a fiscal agent for multiple Preschool Promise Providers:

- 1.) Community based organization;
- 2.) Culturally-specific organization;
- 3.) Early Learning Hub as designated in ORS 417.827;
- 4.) Education service district;
- 5.) Federal Head start program;

- 6.) Federally Recognized Oregon Indian Tribe
- 7.) Non-Profit Organizations
- 8.) Resource and referral entity established under ORS 329A.100 to 329A.135; or
- 9.) School district.

The application process will determined by the Division.