

Early Childhood Equity Fund Rules Advisory Committee



December 9, 2019
1:00 – 3:00 p.m.
Oregon Community Foundation
1221 SW Yamhill, 2nd Floor
Portland, Oregon

Time	Topic	Discussion/Action
1:00 – 1:20 p.m.	Welcome and Introductions Public Testimony	
1:20 – 1:30 p.m.	Early Childhood Equity Fund Statute Role/Purpose of RAC	Review Statutes
	Early Childhood Equity Fund Administrative Rules Structure	Review Draft Rule Structure
1:30 – 2:30 p.m.	Rule Definitions	Delete/add definitions Modify definition language
2:30 – 2:55 p.m.	Eligibility Criteria	Review draft eligibility criteria/modify
2:55 – 3:00 p.m.	Wrap up and next steps	

Early Childhood Equity Fund Rules Advisory Committee



December 10, 2019
12:00 – 2:00 p.m.
Oregon Community Foundation
1221 SW Yamhill, 2nd Floor
Portland, Oregon

Time	Topic	Discussion
12:00 – 12:20 p.m.	Welcome and Agenda Review Public Testimony	
12:20 – 12:50 p.m.	Program Selection and Grant Award	Review draft selection criteria/modify
12:50 – 1:30 p.m.	Scoring Criteria: Program Grants Planning Grants	Application Walk through draft criteria Discuss/delete/add criteria
1:30 – 1:45 p.m.	Administration/Evaluation	Review/modify
1:45 – 1:55 p.m.	Fiscal Impact	Review Potential Fiscal Impact on Small Businesses
1:55 – 2:00 p.m.	Wrap up and next steps	

EARLY CHILDHOOD EQUITY FUND SECTION 53. Early Childhood Equity Fund. (1) The Early Childhood Equity Fund is established in the State Treasury, separate and distinct from the General Fund. Moneys in the Early Childhood Equity Fund are continuously appropriated to the Department of Education for the Early Learning Division to make grants under section 54 of this 2019 Act to culturally specific early learning, early childhood and parent support programs and to promote the capacity of culturally specific organizations to deliver these programs.

(2) The fund shall consist of:

(a) Moneys appropriated or otherwise transferred to the fund from the Legislative Assembly;

(b) Earnings received on moneys in the fund; and

(c) Other amounts deposited into the fund from any source.

SECTION 54. Early childhood support grant program. (1) The Early Learning Division may make grants from the Early Childhood Equity Fund established under section 53 of this 2019 Act to culturally specific early learning, early childhood and parent support programs in this state that build capacity in communities, ensure children start kindergarten ready to succeed and support families to be stable, healthy and attached. For purposes of this subsection, a program is in this state if the program serves communities within the geographic boundaries of this state, including communities within Indian country of a federally recognized Oregon Indian tribe that is within the geographic boundaries of this state.

(2) To receive a grant under this section, a program must:

(a) Provide outreach, support and resources to children and families who are at risk because of any combination of two or more factors, including their race, ethnicity, English language proficiency, socioeconomic status and geographic location; and

(b) Demonstrate a proven ability to provide outreach, support and resources to children and families described in paragraph (a) of this subsection.

(3) The division shall monitor capacity needs and provide technical assistance to grantees.

(4) The division shall conduct a biennial evaluation of programs that receive grants under this section. The evaluation shall include measurement of outcomes that align with:

(a) Current research regarding positive child and family indicators, including family stability and early childhood school readiness; and

(b) Culturally specific approaches.

(5) The Early Learning Council, in consultation with the division, shall adopt rules necessary to carry out the provisions of this section. The rules shall include requirements for grant eligibility under this section.

(6) On or before September 15 of each odd numbered year, the division shall submit to the interim committees of the Legislative Assembly related to early childhood and child welfare a report on the status and impact of grants made to programs under this section. The report shall include changes in the capacity of culturally specific organizations and the results of any biennial evaluations conducted in accordance with subsection (4) of this section.

Rules Advisory Committee – Excerpts from Oregon Revised Statute (2017 Edition)

183.333 Policy statement; public involvement in development of policy and drafting of rules; advisory committees. (1) The Legislative Assembly finds and declares that it is the policy of this state that whenever possible the public be involved in the development of public policy by agencies and in the drafting of rules. The Legislative Assembly encourages agencies to seek public input to the maximum extent possible before giving notice of intent to adopt a rule. The agency may appoint an advisory committee that will represent the interests of persons likely to be affected by the rule, or use any other means of obtaining public views that will assist the agency in drafting the rule.

(2) Any agency in its discretion may develop a list of interested parties and inform those parties of any issue that may be the subject of rulemaking and invite the parties to make comments on the issue.

(3) If an agency appoints an advisory committee for consideration of a rule under subsection (1) of this section, the agency shall seek the committee's recommendations on whether the rule will have a fiscal impact, what the extent of that impact will be and whether the rule will have a significant adverse impact on small businesses. If the committee indicates that the rule will have a significant adverse impact on small businesses, the agency shall seek the committee's recommendations on compliance with ORS 183.540.

(4) An agency shall consider an advisory committee's recommendations provided under subsection (3) of this section in preparing the statement of fiscal impact required by ORS 183.335 (2)(b)(E).

...

[2003 c.749 §4; 2005 c.807 §4; 2013 c.273 §1]

(Effects of Rules on Small Business)

183.540 Reduction of economic impact on small business. If the statement of cost of compliance effect on small businesses required by ORS 183.335 (2)(b)(E) shows that a rule has a significant adverse effect upon small business, to the extent consistent with the public health and safety purpose of the rule, the agency shall reduce the economic impact of the rule on small business by:

(1) Establishing differing compliance or reporting requirements or time tables for small business;

(2) Clarifying, consolidating or simplifying the compliance and reporting requirements under the rule for small business;

(3) Utilizing objective criteria for standards;

(4) Exempting small businesses from any or all requirements of the rule; or

(5) Otherwise establishing less intrusive or less costly alternatives applicable to small business. [1981 c.755 §4; 2003 c.749 §7; 2005 c.807 §6]

Early Childhood Equity Fund Administrative Rules – DRAFT

OAR 414-575-0000

Purpose

The purpose of this division is to establish a process for making grants from the Early Childhood Equity Fund for culturally specific early learning, early childhood and parent support programs, to promote the capacity of culturally specific organizations to deliver these programs, to monitor capacity needs and provide technical assistance to grantees.

Statutory/Other Authority: Oregon Laws 2019, Chapter 122

OAR 414-575-0005

Definitions

As used in this division, unless the context requires otherwise:

- (1) “Children and families at risk” means children and families who are at risk because of any combination of two or more of the following factors: race, ethnicity, English language proficiency, socioeconomic status, and geography.
- (2) “Culturally specific methods” means programs and interventions that are designed or adapted by and for members of the community, reflect the values, beliefs, practices and worldview of the community served, and provided in the first language of the community served.
- (3) “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.
- (4) “Culturally Specific Early Learning Program” means a program that is designed to serve a particular cultural community and is primarily staffed and led by members of that community; the Culturally Specific Early Learning Program is designed by or adapted by members of the cultural community that it serves; this program may or may not exist within a Culturally Specific Organization.

- (5) “Early Childhood School Readiness” means indicators related to children’s success in kindergarten including (1) children’s readiness to engage in and benefit from early learning experiences; (2) families’ ability to support children as evidenced parental and caregiver attitudes and involvement in their children’s early learning and development and transition to school; and (3) public schools’ ability to provide a learning environment along with practices that foster and support a smooth transition for children into kindergarten and advance and promote the learning of all children.
- (6) “Family Stability” means the characteristics of a family that support healthy child development, including parental mental health, stable relationships, and a supportive, flexible, and nurturing home environment.
- (7) “Fund” means the Early Childhood Equity Fund established by Oregon Laws 2019, Chapter 122.
- (8) “Positive Child Indicators” means markers of skills, knowledge, and experiences necessary to support child mastery as based on approved early learning standards.
- (3) “Positive Family Indicators” means markers of skills, knowledge, and experiences necessary to support positive family skills, knowledge, and experiences necessary to support child mastery of key social, emotional and cognitive development.

Statutory/Other Authority: Oregon Laws 2019, Chapter 122

OAR 414-575-0010

Application Process

- (1) A call for applications shall be announced publicly on the division’s website. 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 up to one year, but may be extended.
- (2) Applicants must submit in the format prescribed by the division, which contains information required by the division, including evaluation outcomes as described in 414-575-0035.

Statutory/Other Authority: Oregon Laws 2019, Chapter 122

Eligibility Criteria

To be eligible to apply for a grant, a program must:

- (1) Be a culturally specific organization or culturally specific early learning program,
- (2) Serve communities within Indian country of a federally recognized Oregon Indian tribe that is within the geographic boundaries of Oregon or operate within the geographic boundaries of Oregon,
- (3) Demonstrate experience providing outreach, support and resources to children and families who are at risk, and
- (4) Provide outreach, support and resources to children and families who are at risk because of two or more of the following factors:
 - (a) Race
 - (b) Ethnicity
 - (c) English language proficiency
 - (d) Socioeconomic status
 - (e) Geographic location

Statutory/Other Authority: Oregon Laws 2019, Chapter 122

Scoring Criteria and Process

- (1) Applications will be accepted from programs that meet all of the eligibility criteria established in OAR 414-575-0015.
- (2) **Program Grants.** Applications will be considered for programs established to deliver culturally specific early learning programs. Applications will be scored as follows:
 - (a) The application will be scored on how well it demonstrates the applicant's experience in providing outreach, support and resources to children and families who are at risk.
 - (b) The application will be scored on how well it demonstrates the applicant's experience in providing outreach, support and resources to children and families who are at risk because of two or more of the following factors:
 - (1) Race
 - (2) Ethnicity
 - (3) English language proficiency
 - (4) Socioeconomic status
 - (5) Geographic location
 - (c) Preference will be given to applications that demonstrate they meet three or more of the factors identified in OAR 414-575-0015(4).
 - (d) Preference will be given for a program that is aligned with community needs identified through a local community planning process.
- (3) **Planning Grants.** Applications will be considered for programs that have limited experience in delivering culturally specific early learning programs.
 - (a) The application will be scored on how it demonstrates the applicant's capacity to develop and implement a culturally specific early learning program.
 - (b) The application will be scored on how well it meets the eligibility criteria described in OAR 414-575-0015 (4).
 - (c) Preference will be considered to applications that demonstrate they meet more than two of the factors identified in OAR 414-575-0015(4).
 - (d) Preference will be considered for a program that is aligned with community needs identified through a local community planning process.
 - (e) Preference will be considered for awarding planning grants that meet a geographic community need.
 - (f) Planning grants are available once to develop a program are not available for future Early Learning Equity Fund planning grants.

Statutory/Other Authority: Oregon Laws 2019, Chapter 122

OAR 414-575-0025

Program Selection and Grant Award

- (1) A review committee, made up of representatives of the community recommended by one or more members of the Early Learning Council, and appointed by the ELD director, ELD staff, will review and score applications using selection criteria established by the division.
- (2) The review committee will make recommendations for funding prioritizing statewide where practicable, to the Director. The Director will make final decisions for funding.
- (3) The division will notify grant recipients of awards and announce the awards on its website.
- (4) The division will enter into a grant agreement with each prospective grant recipient using terms and conditions acceptable to the division.
- (5) Grant recipients who have not signed and returned to the division within 90 calendar days of receiving a grant agreement forfeit the awarded grant.
- (6) Forfeited grant funds will be used to fund next highest scored application(s).

Statutory/Other Authority: Oregon Laws 2019, Chapter 122

OAR 414-575-0030

Administration

The Early Learning Division will administer grant agreements with the grant recipients and provide program guidelines.

- (1) Grant funds are generally provided quarterly on a reimbursement basis. The first quarter will be paid to grant recipients upon agreement execution for start-up costs.
- (2) Grant recipients must comply with the terms and conditions of the grant agreement including, but not limited to, cooperating with the Early Learning Division's program monitoring, technical assistance, program evaluations, and reporting requirements.
- (3) Noncompliance with program and agreement requirements could make the grant recipient ineligible for future grants.
- (4) Grant recipients are expected to provide information as requested.

Statutory/Other Authority: Oregon Laws 2019, Chapter 122

Evaluation

- (1) The Early Learning Division will conduct an evaluation of the Early Childhood Equity Fund grant program each biennium. The evaluation will measure the demonstrated impact of program outcomes on:
 - (a) Positive child indicators, including early childhood school readiness;
 - (b) Positive family indicators, including family stability;
 - (c) Use of culturally specific methods; and
 - (d) Building capacity of culturally specific organizations.
- (2) The Early Learning Division will share the results of the biennial evaluation with the Early Learning Council.

Statutory/Other Authority: Oregon Laws 2019, Chapter 122

STATEMENT OF NEED AND FISCAL IMPACT: ECEF

Filing Caption (15 words):

HB 3427 (2019 Legislative Session) requires the ELD to make grants from the Early Childhood Equity Fund.

Need for Rule(s):

HB 3427 of the 2019 Legislative Session (the 2019 Student Success Act) requires the Early Learning Division to make grants from the Early Childhood Equity Fund established under the bill. These new rules set up the new program for the ELD to govern administration of funds.

Fiscal and Economic Impact:

As a grant program, organizations that apply and are approved to administer programs through the Early Childhood Equity Fund will receive state monies to move forward with approved programming. The fund has \$10 million per year to distribute throughout the state. There is no anticipated adverse impact on organizations whose programs are denied funding or do not apply for funding.

Statement of Cost of Compliance:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s).

There are no anticipated adverse impacts for units of local governments, and members of the public are not likely to be economically affected by the rule(s). If local government programs apply and are funded, they will be economically bolstered to serve local populations.

(2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s);

(a) As a new program, the number of small businesses eligible to apply for program funding is unknown. The types of small businesses will include culturally specific organizations implementing parent-child interactions, parenting education, and early literacy and family literacy.

(b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s);

(b) There would be a minimal cost to a small business to apply for a grant. Reporting, recordkeeping, and other administrative costs would be reimbursable expenses for awarded grants and therefore would not have any net costs.

(c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

(c) There are no anticipated costs to small businesses for professional services, equipment supplies, labor and administration required by the new rules.

Describe how small businesses were involved in the development of these rule(s).

The Early Learning Division has formed a Rules Advisory Committees with stakeholders from across the state, including organizations serving populations representing racial, ethnic, geographic, socioeconomic, and linguistic diversity, to inform the development of the administrative rules.

The Early Learning Division has conducted a survey to better understand how culturally specific organizations (including small businesses) will deliver services through the Early Childhood Learning Equity Fund and how the Equity Fund can help grow the capacity of these organizations to serve more children and families.

The Early Learning Division will seek additional public comments by posting drafts of the administrative rules on its website and seeking comments both in writing and through a public hearing in January.

Documents Relied Upon, and where they are available:

Statutory Authority: Oregon Laws 2019, Chapter 122

Early Childhood Equity Fund Rules Advisory Committee Roster



Member	Organization
Annalivia Palazzo-Angulo	Salem-Keizer Coalition for Equity
Coi Vu	IRCO
Jaylyn Rae Suppah	Confederated Tribes of Warm Springs
Kali Ladd	Early Learning Council / Kairos PDX
Maritza Romero	Lower Columbia Hispanic Council
Rep. Diego Hernandez	Oregon State Legislature
Ruby Ramirez	Oregon Community Foundation
Sadie Fiebel	Latino Network
Sue Miller	Early Learning Council
Matt Morton	Meyer Memorial Trust
Andrea Valderrama	Coalition of Communities of Color

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