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**NOTICE OF PROPOSED RULEMAKING**  
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 414  
OREGON DEPARTMENT OF EDUCATION  
EARLY LEARNING DIVISION

**FILED**

03/27/2020 3:30 PM  
ARCHIVES DIVISION  
SECRETARY OF STATE

FILING CAPTION: Removing Oregon Pre-Kindergarten program rules made obsolete by HB 2025 (2019 Legislative Session).

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 04/22/2020 5:00 PM

*The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.*

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Salem, OR 97301

Filed By:  
Remember Watts  
Rules Coordinator

HEARING(S)

*Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.*

DATE: 04/16/2020

TIME: 2:00 PM - 3:00 PM

OFFICER: Remy Watts

ADDRESS: Virtual Meeting ONLY

700 Summer Street NE, Suite 350

Salem, OR 97301

SPECIAL INSTRUCTIONS:

Due to COVID-19 prevention, this hearing will be held virtually. Please see the ELD website for access information.

(<https://oregonearlylearning.com/mee-ting/opk-rules-hearing-april>) Please sign-in by 2:15PM if you wish to submit testimony.

NEED FOR THE RULE(S):

The Early Learning Division (ELD) of the Oregon Department of Education must revise its administrative rules to incorporate changes to the Oregon Pre-Kindergarten made by HB 2025 passed by the 2019 Legislature. Rules no longer necessary with statutory updates of HB 2025 will be cleaned up from the OPK ruleset; there will be no further change in language.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

Statutory Authority: ORS 326.425(7), [https://www.oregonlegislature.gov/bills\\_laws/ors/ors326.html](https://www.oregonlegislature.gov/bills_laws/ors/ors326.html)

FISCAL AND ECONOMIC IMPACT:

As a grant program, organizations that apply and are approved to administer programs through the Oregon Pre-Kindergarten program will receive state monies to move forward with approved programming. There is no anticipated adverse impact on organizations whose programs are denied funding or do not apply for funding. The repeal of these rules will not affect applicants' ability to apply.

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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). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

(1) 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).

(2) (a) There are no anticipated impacts to small businesses.

(b) There are no anticipated impacts to small businesses.

(c) There are no anticipated impacts to small businesses.

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DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

The ELD has already engaged stakeholders for input on recent (January 2020) rules updates beginning in fall of 2019. As there will be no substantive change in language and current programs will be unaffected, the ELD has not conducted further engagement.

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WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

The ELD has already engaged stakeholders for input on recent (January 2020) rules updates beginning in fall of 2019. As there will be no substantive change in language and current programs will be unaffected, the ELD has not conducted further engagement.

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RULES PROPOSED:

414-460-0060, 414-460-0065, 414-460-0075

REPEAL: 414-460-0060

RULE SUMMARY: Rule is redundant under revised statute and therefore unnecessary.

CHANGES TO RULE:

~~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; and~~

~~(9) Minority families; and~~

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

~~Statutory/Other Authority: ORS 684~~

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

REPEAL: 414-460-0065

RULE SUMMARY: Rule is redundant under revised statute and therefore unnecessary.

CHANGES TO RULE:

~~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~~

REPEAL: 414-460-0075

RULE SUMMARY: Rule is redundant under revised statute and therefore unnecessary.

CHANGES TO RULE:

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~~