#### OFFICE OF THE SECRETARY OF STATE

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### **ARCHIVES DIVISION**

STEPHANIE CLARK **DIRECTOR** 

800 SUMMER STREET NE **SALEM, OR 97310** 503-373-0701

# NOTICE OF PROPOSED RULEMAKING

INCLUDING STATEMENT OF NEED & FISCAL IMPACT

**CHAPTER 414** OREGON DEPARTMENT OF EDUCATION **EARLY LEARNING DIVISION** 

**FILED** 

03/31/2022 2:21 PM **ARCHIVES DIVISION** SECRETARY OF STATE

FILING CAPTION: Updating the Kindergarten Readiness Partnership & Innovation Fund.

## LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 04/21/2022 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.

**CONTACT: Remy Watts** 

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971-701-1535

700 Summer St. NE

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: 04/19/2022

TIME: 5:30 PM - 6:30 PM **OFFICER: Remy Watts** 

ADDRESS: Virtual access only

700 Summer St. NE Salem, OR 97301

SPECIAL INSTRUCTIONS:

Please visit the Early Learning Division website for information on registering for the hearing.

https://oregonearlylearning.com/meeting/kpi\_hearing

Please arrive to the meeting no later than 5:45 p.m. to submit testimony. Please request an in-person hearing at the ELD Salem office at least 48 hours in advance.

# NEED FOR THE RULE(S)

HB 2054 (2021 Oregon Legislative Session) updates the Kindergarten Readiness Partnership & Innovation (KPI) Program, requiring administrative rule updates.

## DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

HB 2054 (2021): https://olis.oregonlegislature.gov/liz/2021R1/Measures/Overview/HB2054

## STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

There are no anticipated negative impacts to racial equity in this State. The KPI bolsters kindergarten readiness programs for priority populations across Oregon to address racial/ethnic, linguistic, geographic, and socioeconomic disparities in outcomes for young children.

#### FISCAL AND ECONOMIC IMPACT:

Organizations who apply for and receive KPI funding will be financially supported. Organizations who do not apply or who do apply and are rejected will have no negative impact on operation budget.

### **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) Early Learning Hubs will receive KPI funds through the ELD for grant distribution in their communities. Organizations receiving KPI funds will be supported in their work.
- (2)(a) 16 Early Learning Hubs will receive KPI funding for distribution in their regions.
- (2)(b) Early Learning Hubs and KPI grantees must separately account for KPI funds and usage in their budgets, as well as report on data points to Portland State University. KPI grants have allowable administration costs to cover staff time to produce reporting.
- (2)(c) Additional administration to comply with the rules will only apply to Early Learning Hubs and KPI grantees, who are allowed 15% administrative costs in grants (except for planning grants, which has a higher administration allowance).

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

A Rulemaking Advisory Committee comprised of Early Learning Hubs, KPI grantees, and other governmental partners was convened to debate and finalize rule language.

## WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

### **RULES PROPOSED:**

414-800-0005, 414-800-0010, 414-800-0015, 414-800-0020, 414-800-0025, 414-800-0030, 414-800-0035, 414-800-0105, 414-800-0110, 414-800-0115, 414-800-0120, 414-800-0125, 414-800-0130

AMEND: 414-800-0005

RULE SUMMARY: Updated definitions for the Kindergarten Readiness Partnership & Innovation Program to accurately reflect administrative rule language. Clean up of former program administrative rule.

## **CHANGES TO RULE:**

# 414-800-0005

Definitions ¶

- (1) "Achievement gap" means the research-based gap in achievement that often exists among students who are economically disadvantaged, students learning English as a second language and students who are African American, Hispanic or Native American and their peers.¶
- (2) "At Risk" means a child who is at risk of not entering school ready to learn due to factors including but not limited to:¶
- (a) Living in a household that is at or near poverty, as determined under federal poverty guidelines;¶ (b) Living in inadequate or unsafe housing; having inadequate nutrition;¶
- (c) Living in a household where there is significant or documented domestic conflict, disruption or violence;¶ (d) Having a parent who suffers from mental illness, who engages in substance abuse or who experiences a developmental disability or an intellectual disability; Early Learning Kindergarten Readiness Partnership and Innovation Program (KPI)" means the program established by ORS 336.101.¶
- (e2) L"Diving in circumstances under which there is neglectful or abusive care-giving; or \$\frac{1}{2}\$

- (f) Having unmet health care and medical treatment needs and having a racial or ethnic minority status that is historically consistent with disproportionate overrepresentation in academic achievement gaps or in the systems of child welfare, foster care or juvenile or adult correction" means the Early Learning Division of the Oregon Department of Educations.¶
- (3) "Early childhood services" means programs and services for children ages birth through sixfive years of age that address: language and literacy development; cognition and general knowledge and; learning approaches; physical health and well-being; motor development andor social and emotional development. Providers of early childhood services include, but are not limited to, Early Learning Hubs, relief nurseries, home visiting programs, child care providers, preschools, Head Start, Oregon Pre-Knatal to Kindergarten, Preschool Promise, and others who provide programs and services for children ages birth through sixfive.¶
- (4) "Early Learning Hub" means an existing or newly created entity designated by regional partners to coordinate early learning services designed to produce better outcomes for children: increase kindergarten readiness for atriskunder ORS 417.827.¶
- (5) "Early Care & Education Sector Plan" means the community plan completed by Early Learning Hubs under ORS 417.784.¶
- (6) "Inclusive" or "inclusion" means the principle of enabling all children, to increase the stable and attached families and to ensure system coordination and efficiency in order to attain Oregon's 40-40-20 Educational Goal. Regional partners may include counties, cities, school districregardless of their diverse backgrounds or abilities. (7) "Oregon Parenting Education Collaborative Parenting Hub" or "OPEC Parenting Hub" means a regional entity in the State of Oregon that supports, education service districts, community collegxpanded access to bes, to public universities, private educational institution ractice parenting education programs, faw ith based organizations, nonprofit service providers, and tribes. §
- (5) "English Language Learners" means children whose native language is other than English or who speak a language other than English in their homa focus on reaching parents of children prenatal to age six, as identified and funded through the Oregon Parenting Education Collaborative.¶
- (68) "Non-profit organization" means:¶
- (a) An organization established as a nonprofit organization under the laws of Oregon; and ¶
- (b) Qualifies as an exempt organization under section 501-(c)(3) of the Internal Revenue Code as defined in ORS 314.011.  $\P$
- (9) "Postsecondary Institution" means a: ¶
- (a) A community college operated under ORS chapter 341.¶
- (b) The following public universities within the Oregon University System:¶
- (A) University of Oregon.¶
- (B) Oregon State University.¶
- (C) Portland State University.¶
- (D) Oregon Institute of Technology.¶
- (E) Western Oregon University.¶
- (F) Southern Oregon University.¶
- (G) Eastern Oregon University.¶
- (c) Oregon Health and Science University.¶
- (d) An Oregon-based, generally accredited, not-for-profit institution of higher education.¶
- (10) "State" means State of Oregon.

RULE SUMMARY: Clean-up of former program administrative rule. Updated purpose for KPI fund.

**CHANGES TO RULE:** 

### 414-800-0010

Establishment and Purpose ¶

- (1) The eEarly literacy grant is established as part of the Oregon Early Reading Program Strategic Investment.¶
- (2) The purpose of the early literacy grant is to:¶
- (a) Improve the readiness of children preparing to enter kindergarten;¶
- (b) Improve the reading proficiency of students by the time students complete the third grade;¶
- (c) Encourage eLearning Kindergarten Readiness Partnership and Innovation (KPI) Program is established. The KPI is designed to establish scalable and replicable models providing early childhood services for P-3 alignment at the local level, with a focus on funding shared professional development for early learning providers and kindergarten teachers; supporting successful transitions into kindergarten for all children; or engaging families as equal partners in children's learning and development. KPI funding invests in in resources for priority populations, as identified in Early Care & Education Sector Plans developed by Early rLeadrning by involving parents, child care providers, and the community to ensure that children have an early start in reading; Hubs, or other plans as approved by the Division.¶
- (2) In addition to the criteria established in ORS 336.101(2), the purpose of KPI funding is to support children in successfully transitioning from early learning into kindergarten through:  $\P$
- (da) Expand the amount of time spent reading, adult support of reading, the availability of reading materials Building cross-sector system alignment between early learning and K-12, which includes, but is not limited to:¶
- (A) Shared professional development for early childhood educators and K-12 educators;¶
- (B) Developing shared understanding of inclusive, culturally relevancet, and promote the level of enjoyment that literacy brings; and developmentally appropriate programming between early learning and K-12;¶
- (C) Alignment of education standards between early education and K-12; or ¶
- (D) Alignment of teaching and guidance practices between early childhood educators and K-12 educators. ¶
- (eb) Create materials and curriculum that promote early literacy KPI funding may be used to establish plans to provide early childhood services. Implementation outlines, established timelines, and evaluation models must be approved by the Early Learning Hub and outlined in agreements between fund recipients and Early Learning Hubs. Statutory/Other Authority: 2013 OL Ch. 660. Sec. 2 (Enrolled HB 3232) ORS 336.101

Statutes/Other Implemented: 2013 OL Ch. 660, Sec. 2 (Enrolled HB 3232)ORS 336.104

RULE SUMMARY: Clean-up of former program. Updated application process for KPI fund.

**CHANGES TO RULE:** 

## 414-800-0015

Eligibility Application Process ¶

- (1) The following types of organizations may apply for funding:¶
- (a) Non-profit organizations;¶
- (b) Public libraries;¶
- (c) Public schools or school districts;¶
- (d) Providers of early childhood services.¶
- (2) The Early Learning Division shall give preference to receive funding to providers of early childhood services that are Early Learning Hubs.¶
- (3) A single grant proposal may include more than one eligible provider but the fiscal agent must be one of Early Learning Hubs recruit and select eligible entities pursuant to OAR 414-800-0020. Early Learning Hubs must enter into agreements with eligible applicants identified in subsections (1) or (2) of this rule entities to provide funding for KPI programming.

RULE SUMMARY: Clean-up of former program. Establishing organization eligibility for the KPI fund.

**CHANGES TO RULE:** 

### 414-800-0020

# Criteria Eligibility

- (1) The Early Learning Division shall establish a request for application with a solicitation and approval process to be conducted each biennium for which early literacy grant funds under the Oregon Early Reading Program are available. The Division shall notify eligible applicants of the proposal process and due dates, and make available necessary guidelines and application forms.¶
- (2) Grants shall be awarded based on the following generally applicable criteria: ¶
- (a) The extent to which the applicant demonstrates its ability to lead the implementation of the early literacy program, foster collaboration with other community partners, and leverage the early literacy program as a key strategy for promoting alignment between early learning and K-3.¶
- (b) The extent to which the grant application addresses equity and strategies for targeting specific sub-populations of children, including those who are economically disadvantaged, students learning English as a second language, and students who are African American, Hispanic or Native American; those who are not currently enrolled in formal Pre-K or efollowing types of organizations may be eligible to receive funding from Early Learning Hubs for KPI programming:¶
- (a) Education Service Districts:¶
- (b) K-12 school districts;¶
- (c) Child eCare programs, including those participating in license exempt and relative care; and/or those who meet criteria for being at risk of entering kindergarten with limited literacy skills. Resource & Referral Agencies:
- (cd) The extent to which the application identifies clear strategies for building the capacity of adults to engage in high quality reading experiences with children, expanding reading opportunities for children, increasing the frequency with which children are read to in the home, and expanding access to books, libraries, and/or materials and curriculum that promote early literacy.¶
- (d) The extent to which the project budget is appropriate for the number of children and adults that are proposed to be reached through the proposed eOPEC Parenting Hubs;¶
- (e) Early childhood service providers;¶
- (f) Non-profit organizations;¶
- (g) Post-Secondarly literacy program.¶
- (e) The extent to which the application demonstrates how outcomes will be measured and sustainability will be achieved institutions.¶
- (32) The Early Learning Division shall allocate funds for the grant program bas Organizations identified oin the evaluation of the grant application and the following considerations:¶
- (a) Geographic location of applicants to insure geographic diversity within the recipients of rant program funds throughout the state;  $\P$
- (b) Preference to entities that have demonstrated success in improving outcomes for children and families (1) above may collaborate and submit a joint proposal to Early Learning Hubs for KPI funding.

RULE SUMMARY: Updated funding administration for KPI fund. Clean-up of language around former program.

**CHANGES TO RULE:** 

414-800-0025

Funding  $\P$ 

- (1) The Early Learning Division shall determine for each fiscal year the portion of the funds available for the early literacy grant KPI fund.¶
- (2) Funds received under this section must be separately accounted for <u>by Early Learning Hubs and KPI funding recipients</u> and may be used only to provide funding for the purposes described in the application of the grant recipient OAR 414-800-0010.¶
- (3) Funds may not be used to supplant available federal or state funds.

RULE SUMMARY: Clean-up of administrative rule language around former program. Establishing administration of KPI funds.

**CHANGES TO RULE:** 

414-800-0030

Reporting Administration ¶

Recipients of early literacy grant funds must report on their grant funded program outcomes and expenditures to (1) The Division will administer agreements withe Early Learning Council on an annual basis through a written report to the Early Learning Division. The report must include: Hubs on how to allocate KPI funds and provide program guidelines.¶

- (12) Description of outputs and activities resulting from the early literacy partnership strategy, including, but not limited to trainings delivered to parents and/or providers or early learning services, books or other materials provided to families and/or providers of eFunding recipients as identified in OAR 414-800-0020 must comply with the terms and conditions of the agreement with the Early ILearning services, and number of adults and children reached.¶
- (2) Impact on changes in adult behavior related to reading to children, including but not limited to frequency and quality of reading.¶
- (3) Impact on changes in child behavior related to reading with adults, including but not limited to frequency and quality of reading Hub. Funding recipients must cooperate with the Early Learning Hub and/or Division's program monitoring, technical assistance, program evaluations, and reporting requirements.¶
- (43) Impact on adult and child attitudes toward reading, including, but not limited to, self-reports related to increased enjoyment of reading.¶
- (5) Impact on closing early literacy opportunity gaps for children who are economically disadvantaged, English language learners, African American, Hispanic, or Native American Noncompliance with program and agreement requirements may make the funding recipient ineligible for future funding opportunities.

ADOPT: 414-800-0035

RULE SUMMARY: Requiring reporting of data to the ELD for the KPI fund.

**CHANGES TO RULE:** 

# 414-800-0035

# Reporting

(1) Recipients of KPI funding must report on their funded program outcomes and expenditures as determined by the agreement with the Early Learning Hub.¶

(2) Upon request by the Division, a recipient of KPI funding must make available to the Division information and data that the Division determines is necessary to monitor and evaluate the funded program.

<u>Statutory/Other Authority: ORS 336.101</u> <u>Statutes/Other Implemented: ORS 336.104</u>

RULE SUMMARY: Clean-up of administrative rule language.

**CHANGES TO RULE:** 

### 414-800-0105

#### **Definitions**

The following definitions apply to OAR 414-800-0105 to 414-800-0130:¶

- (1) "Achievement gap" means the research-based gap in achievement that often exists among students who are economically disadvantaged, students learning English as a second language and students who are African American, Hispanic or Native American and their peers.¶
- (2) "At Risk" means a child who is at risk of not entering school ready to learn due to factors including but not limited to:¶
- (a) Living in a household that is at or near poverty, as determined under federal poverty guidelines;¶
- (b) Living in inadequate or unsafe housing; having inadequate nutrition;¶
- (c) Living in a household where there is significant or documented domestic conflict, disruption or violence;¶
- (d) Having a parent who suffers from mental illness, who engages in substance abuse or who experiences a developmental disability or an intellectual disability;¶
- (e) Living in circumstances under which there is neglectful or abusive care-giving; or ¶
- (f) Having unmet health care and medical treatment needs and having a racial or ethnic minority status that is historically consistent with disproportionate overrepresentation in academic achievement gaps or in the systems of child welfare, foster care or iuvenile or adult corrections.¶
- (3) "Early childhood services" means programs and services for children ages 0 through 6 years of age that address language and literacy development, cognition and general knowledge and learning approaches, physical health and well-being, motor development and social and emotional development. Providers of early childhood services include Early Learning Hubs, relief nurseries, home visiting programs, child care providers, preschools, Head Start, Oregon Pre-K, and others who provide programs and services for children ages 0-6.¶
- (4) "Early Learning Hub" means an existing or newly created entity designated by regional partners to coordinate early learning services designed to produce better outcomes for children; increase kindergarten readiness for atrisk children, to increase the stable and attached families and to ensure system coordination and efficiency in order to attain Oregon's 40-40-20 Educational Goal. Regional partners may include counties, cities, school districts, education service districts, community colleges, public universities, private educational institutions, faith based organizations, nonprofit service providers, and tribes.¶
- (5) "Elementary school" means any public school that has at least kindergarten, first, second, and third grade classes.¶
- (6) "English Language Learners" means children whose native language is other than English or who speak a language other than English in their home.¶
- (7) "Non-profit organization" means:¶
- (a) An organization established as a nonprofit organization under the laws of Oregon; and ¶
- (b) Qualifies as an exempt organization under section 501 (c)(3) of the Internal Revenue Code as defined in ORS 314.011.¶
- (8) "Postsecondary Institution" means a: ¶
- (a) A community college operated under ORS chapter 341.¶
- (b) The following public universities within the Oregon University System:¶
- (A) University of Oregon.¶
- (B) Oregon State University.¶
- (C) Portland State University.¶
- (D) Oregon Institute of Technology.¶
- (E) Western Oregon University.¶
- (F) Southern Oregon University.¶
- (G) Eastern Oregon University.¶
- (c) Oregon Health and Science University.¶
- (d) An Oregon-based, generally accredited, not-for-profit institution of higher education.

Statutory/Other Authority: 2013 OL Ch. 728 Sec. 26 (Enrolled HB 2013)

RULE SUMMARY: Clean-up of administrative rule language to remove former program and update KPI fund rules.

**CHANGES TO RULE:** 

## 414-800-0110

**Establishment and Purpose** 

(1) The Early Learning Kindergarten Readiness Partnership and Innovation Program is established by House Bill 2013, Section 26.¶

(2) This program creates the opportunity to increase the connection between early learning and K-12 by investing in innovative and promising models for early learning/K-12 integration across the state and to build a body of evidence that Oregon can use to create stronger alignment between its early learning and K-12 education systems. The goal of this program is to promote community and school partnerships and innovations that result in measurable increase in children's readiness for kindergarten.

Statutory/Other Authority: 2013 OL Ch. 728 Sec. 26 (Enrolled HB 2013) Statutes/Other Implemented: 2013 OL Ch. 728 Sec. 26 (Enrolled HB 2013)

RULE SUMMARY: Clean-up of administrative rule language to remove former program and update KPI fund rules.

### **CHANGES TO RULE:**

# 414-800-0115

**Eligibility** 

The following types of organizations may apply for funding:¶

- (1) Early Learning Hubs¶
- (2) Education Service Districts;¶
- (3) K-12 school districts;¶
- (4) Non-profit organizations;¶
- (5) Post-Secondary institutions; or¶
- (6) A collaboration of any of the above.

Statutory/Other Authority: 2013 OL Ch. 728 Sec. 26 (Enrolled HB 2013)

RULE SUMMARY: Clean-up of administrative rule language to remove former program and update KPI fund rules.

#### **CHANGES TO RULE:**

### 414-800-0120

#### **Criteria**

- (1) Applicants for grant funds must meet one or more of the following criteria: ¶
- (a) Form a partnership with at least one provider of early learning services, licensed childcare provider or elementary school;¶
- (b) Form partnerships with community-based providers of early childhood services to provide preschool and other early-learning strategies;¶
- (c) Establish ambitious but meaningful targets for kindergarten readiness;¶
- (d) Invest resources in serving a significant number of children in communities with high concentration of poverty, underserved racial groups, non-native English speakers, or rural and remote communities;¶
- (e) Align with and supplement federal programs to provide moneys for educational purposes;¶
- (f) Agree to report to, and partner with all Early Learning Hubs serving the region.¶
- (2) Applicants must demonstrate:¶
- (a) A proven track record of ability to achieve developmental outcomes for children.¶
- (b) A clear commitment to equity.¶
- (c) The proposed plan is likely to:¶
- (A) Result in a demonstrable connection between early learning providers and schools; and ¶
- (B) Improve kindergarten readiness as measured by the Oregon Kindergarten Assessment.¶
- (3) Priority for funding will be given to applicants that:¶
- (a) Assist children in becoming ready for kindergarten or being successful in kindergarten;¶
- (b) Share professional developments strategies and resources with providers of early learning services, child care providers and kindergarten teachers;¶
- (c) Demonstrate a commitment to family engagement and three-way partnerships among early childhood programs, school, and parents and families; or¶
- (d) Demonstrate the grant funds will serve a significant number of children in communities with high concentration of poverty, underserved racial or ethnic groups, non-native English speakers, or rural and remote communities.

Statutory/Other Authority: 2013 OL Ch. 728 Sec. 26 (Enrolled HB 2013) Statutes/Other Implemented: 2013 OL Ch. 728 Sec. 26 (Enrolled HB 2013)

RULE SUMMARY: Clean-up of administrative rule language to remove former program and update KPI fund rules.

### **CHANGES TO RULE:**

# 414-800-0125

# **Funding**

- (1) The Early Learning Council shall determine for each fiscal year the portion of the funds available for the early learning kindergarten readiness partnership and innovation fund.¶
- (2) Funds received under this section must be separately accounted for and may be used only to provide funding for the purposes described in the application of the grant recipient.¶
- (3) Funds may not be used for capital expenses or to supplant existing federal or state funds.

Statutory/Other Authority: 2013 OL Ch. 728 Sec. 26 (Enrolled HB 2013)

RULE SUMMARY: Clean-up of administrative rule language to remove former program and update KPI fund rules.

### **CHANGES TO RULE:**

## 414-800-0130

## Reporting

Recipients of these funds must report on the grant to the Early Learning Council via the Early Learning Division at the end of the grant period. The report must include at least:¶

- (1) Description of outputs and activities related to implementation of the early learning/K-12 partnership strategy.¶
- (2) Impact on kindergarten readiness, as measured by the Oregon Kindergarten Assessment.¶
- (3) Impact on the attitudes, behaviors, and instructional practices of early childhood educators and kindergarten teachers.¶
- (4) Impact on the attitudes, behaviors, and practices of children's families.
- Statutory/Other Authority: 2013 OL Ch. 728 Sec. 26 (Enrolled HB 2013)