



Rulemaking Advisory Committee

Suspension & Expulsion Prevention Program

HB2166

June 13, 2022

Welcome

Share in the chat:

Share a highlight from the weekend.

Today's Agenda



Photo by [Hope House Press - Leather Diary Studio](#) on [Unsplash](#)

- ❑ Summary of Meeting 4 Feedback
- ❑ Two Advisory Conversations
 - Define 2 Terms from the Legislation: Anti-bias education, Anti-bias practices
 - Rule Set items related to early care and education provider
- ❑ Next Steps
 - Requesting a 6th meeting
 - Review feedback across the meetings
 - Next steps beyond the RAC



Facilitation Principles

- Hope – believe that a better future is possible
- Honor the collective wisdom of the group
- Equity is at the heart of this effort
- Anticipate experiencing discomfort, prioritize safety

Group Agreements

Way of Being Present in the Meeting

- Be open, respectful
- Respect others' lived experiences and ideas
- Respect other cultures
- Assume positive and best intent
- Remain focused on the goal

Understanding and Learning

- Listen to understand
- Open to learn other perspectives
- Open to new possibilities
- Have respectful curiosity

Communications

- Give others an opportunity to speak
- Respect privacy and confidentiality
- Ensure that all voices are considered: family, child, provider, educator, etc.

Hope & Strengths-Based

- Reflect on strengths and assets of children, families, providers
- Center parents/families

Shared Space

- Give grace
- Be collaborative
- Offer constructive criticism
- Move within the RAC as though we have years of experience working together
- Respect other folks' languages and means of communication
- Create opportunities and space for multiple truths

Reflection

- Reflect on your own bias
- Engage tension, don't indulge drama
- Ensuring all voices are considered



Feedback from Meeting 4

Anti-Racist Draft Definition

Anti-Racist

means a person whose actions and beliefs actively counteract political, social, educational, and economic policies and practices that place value on the behaviors and values of certain racial groups over other racial groups.

Feedback on “Anti-Racist”

- As we introduce this new language, the definition needs to acknowledge white supremacy culture, not individuals. We have responsibility to include clear definitions in this language
- Instead of person, means a way of being. Could also include both, a person and a system that is taking action. Person/policy/system
- Can we update the wording so it is not limited to "political, social, educational, economic"? Might be possible to identify gaps here.
- Last sentence is "chunky"- needs cleaning up. Values mentioned twice. One value synonymous to worth.
- "Certain racial groups over others"- it is vague. We know that in this country we are primarily speaking of values of whiteness over others.
- How can we show active participation in anti-racist approaches of the programs, entities, agencies - in their policies, stance, practices
- If we want to be preventative we should have required training around this and implicit bias and more. should be part of the licensing requirements in a series of training
- Should be more than "person"
- Is "over other racial groups" needed? There's more to being anti-racist than valuing one group over another.

Implicit Bias Draft Definition

Implicit Bias

means the unconscious mental process resulting in feelings and attitudes about people based on race, age, and appearance. These feelings and beliefs are expressed automatically, without conscious awareness, and have an impact on other people and groups of people.

Feedback on “Implicit Bias”

- Add "perception" and "behavior" after feelings and attitudes.
- Unconscious 'mental' process may not be the perfect way to describe. what is other words that describe what is happening. taking out mental
- Add disability and intersectionality would be important
- Unconscious internal processes maybe
- Take out other ... and have an impact on people
- What's the specific context of Implicit bias in this rule language?

Regional Service Providers Draft Definition

“Regional Service Providers” Draft Definition

means an entity that provides IECMHC services to Early Care and Education Providers and coordinates IECMHC services with other early childhood technical assistance providers, to promote early care and education provider access to resources, training and other technical assistance opportunities.

Feedback on “Regional Service Provider”

- Some discussion about how to define eligibility factors not in rule but in requirements for contract - proven history of responsiveness
- Also having contracts describe required responsiveness timeline for regional service providers to call provider or parent back in 48 hours

Eligibility to Become a Regional Service Provider

Draft Rule Set Language

“Eligibility to Become A Regional Service Provider”

- (1) The Early Learning Division will administer a program that provides funding to eligible entities to serve as regional service providers.
- (2) The following types of entities may apply to the Early Learning Division to be a regional service provider:
 - (a) Child Care Resource & Referral Agencies;
 - (b) Early Learning Hubs;
 - (c) Relief Nurseries;
 - (d) Community-based organizations;
 - (e) Culturally specific organizations;
 - (f) Federally recognized Oregon Tribal Nations;
 - (g) Community mental health organizations;
 - (h) Coordinated Care Organizations; and
 - (i) Other Health Care Organizations.
- (3) To be eligible to become a Regional Service Providers, an entity must be able to:
 - (a) Demonstrate evidence of their commitment to equity and culturally responsive practice;
 - (b) Ensure that IECMH consultation services are accessible to populations most disproportionately impacted by suspension and expulsion; and
 - (c) Demonstrate the ability to collaborate with and coordinate services with other Technical Assistance providers to determine which person or program is best suited to respond to the request for services from an Early Care and Education Provider.

Feedback on “Eligibility of Regional Service Providers”

- Should there be ways to fund new organizations that are culturally specific to provide services in the future
- Add disability specific organizations as an option
- Add EI/ECSE providers to list of eligible entities to provide IECMHC

Funding Draft Rule Set Language

“FUNDING”

The Early Learning Division shall determine for each fiscal year the portion of the funds available for Regional Service Providers.

Feedback on “Funding”

- Needs to be based on equity. Whatever the formula is it needs to be an equitable distribution. Not equal.
- It should not be for only non-profit organizations. Include opportunities for smaller programs. Make accessible to innovative partners.
- Change ELD to DELC

Other Feedback

- Re: about transitioning plan. Helping the parent find care setting that can serve the family and child's need better shouldn't be looked at as suspension or expulsion. No matter the help there are still some settings that are just not going to work for children. There should also be a definition that defines parent participation. If a parent is refusing the help, then programs should either be able to bypass them and still receive help while the child is in care or they have the right to terminate. That would not fall under the child's behavior, but under parent's refusal to work with the program. I also disagree with including trial periods as a form of suspension. Many private care settings use this not to engage how the child interact with the group, but also how the provider and parents connect. Especially when care is in a home setting, we should not be taken away the rights of providers to feel safe from adults. We should include that suspension or exclusion also does not cover when a family is removed due to disrespect, aggression, treats of harm, persistent policy violations, or intentional defamation of the business from a parent.
- We needed place in rule some sort of amnesty to provider that if that are participation in support they will be held harmless if there I an injury etc that there is not licensing violation on their record



Four ways to make recommendations

- Electronic post-it notes on ideaboardz during small group discussions
- Zoom Chat during full group debriefs
- Feedback form: individual recommendations can be submitted through a web-based feedback form after the meeting
- Email Remy Watts directly (remy.watts@ode.oregon.gov)



Advisory Conversation 1

Role of your facilitator is to listen and help with any technology issues

Review Two Draft Definitions

“Anti-bias education” means an approach to teaching and learning designed to increase understanding of difference and their value to a respectful and civil society and to actively challenge bias, stereotyping and all forms of discrimination in schools and communities. It incorporates inclusive curriculum that reflects diverse experiences and perspectives, instructional methods that advance all students’ learning, and strategies to create and sustain safe, inclusive and respectful learning communities.

“Anti-bias practices” means an approach to providing services (e.g. early care and education, technical assistance, mental health consultation) that works to actively prevent and oppose the unfair treatment of people based on race, ethnicity, language, sex, gender, socioeconomic status, disability, immigration status.



Review Two Draft Definitions



4 small groups



15 minutes



Document comments on
Ideaboardz



Select 1 spokesperson to share 1
highlight from the conversation

Two Terms in Legislation:
Anti-bias education,
Anti-bias practices



Advisory Conversation 2

Legislation states...

(4) Under the Early Childhood Suspension and Expulsion Prevention Program, the Early Learning Division shall establish:

(g) Requirements that early childhood care and education programs certified or registered under ORS 329A.280 or 329A.330, or receiving public funding for early childhood care and education services, must request services from the Early Childhood Suspension and Expulsion Prevention Program when a young child in an early childhood care or education program is facing potential expulsion..

Early Care and Education Provider Draft Definition

Early Care and Education Provider means any of the following entities and their employees:

- a) All registered and certified family and center-based child care types described in ORS 329A.600
- b) Preschool Promise Providers;
- c) Oregon Prenatal to Kindergarten Providers;
- d) Baby Promise Programs; and
- e) Relief Nurseries.

Requirements of ECE Providers

Draft Rule Set Language

- (1) Early Care and Education Providers are required to request services from the Early Childhood Suspension and Expulsion Program:
 - a) When a provider identifies that a Young Child's behavior or other needs have the potential to result in a future suspension or expulsion;
 - b) Before a provider may suspend a Young Child; and
 - c) Before a provider may expel a Young Child.
- (2) After initiating a request for services, and before suspending or expelling a child, Early Care and Education Providers are required to:
 - a) Engage in the IECMH consultation or other technical assistance services that are offered; and
 - b) Demonstrate a good faith effort to implement the services and strategies identified through collaboration with IECMH consultants and technical assistance providers.
- (3) A provider may not engage in exclusionary practices.

Reporting Draft Rule Set Language

Reporting

- 1) Upon request by the Division, an Early Care and Education providers receiving technical assistance from Regional Service Providers must make available to the Division information and data that the Division determines is necessary to monitor and evaluate the program.
- 2) Regional service providers must cooperate and participate in the Division's program monitoring, program evaluations, and reporting requirements.



Rule Set Items Related to ECE Provider



Return to small groups



30 minutes for 3 items



Document comments on
Ideaboardz



Select 1 spokesperson to share 1
highlight from the conversation

Definition, Requirements, Reporting

- What you like
- Anything missing
- Questions
- Recommendations



Next Steps

Individual Feedback on Rule Set Discussed Today

Option 1: Use the draft rule language feedback form:

<https://app.smartsheet.com/b/form/aa334e86727244fea72552f65b5045ff>

Link also in today's agenda.

Option 2: Email Remy Watts your comments:

remy.watts@ode.oregon.gov

➤ Fill out form or email Remy

Early Childhood Suspension & Expulsion Program Draft Rule Language Feedback Form

Thanks for sharing your feedback with the Early Learning Division! Please share your questions about or ideas for the draft rule language in the fields below, including any perspectives that feel missing from the rule. Providing your contact information is not required, but helpful in any follow-up we may provide. Please send any questions to Remy.Watts@ode.oregon.gov (971-701-1535).

Name

Email

Organization

Title

Definitions

"Suspension" means an early care and education provider temporarily removing a young child from the early care and education environment in response to behavior, through In-Program Suspension or Out-of-Program Suspension.

a) In-Program Suspension includes, but is not limited to, temporarily removing a child from the classroom or group setting by sending the child to the director's office, a different classroom, or other location within the program or building in response to behavior.

b) Out-of-Program Suspension includes, but is not limited to, sending a child home from school, prohibiting them from returning to the program for 1 or more days, or otherwise reducing the hours the child spends per week in the program in response to behavior.

"Expulsion" means an early care and education provider dismissing a young child from the early care and education program permanently due to behavior.

"Soft expulsion" means when an early care and education provider imposes conditions on or limits the hours of a child's attendance in response to the child or family's behavior, and the conditions or limitations result in circumstances in which the parent/family withdraws the child because the program no longer meets the needs of the parent/family.

"Exclusionary practices" means any action taken by an early care and education program to deny access, implement a trial service period, increase costs, or otherwise impose barriers to a family seeking enrollment in their program because of a provider's perception of the child's needs or behavior.

"Infant and Early Childhood Mental Health Consultation (IECMHC)" means a prevention-based approach that pairs a mental health consultant with adults who work with infants and young children in early care and education programs, such as child-care, preschool, early intervention, culturally specific early learning programs, and other early care and education programs. IECMHC Consultation employs a culturally responsive, trauma-informed lens to build adults' capacity to strengthen and support the healthy social and emotional development of children.

"Technical Assistance Provider" means a person or entity who provides training, consultation, coaching, or other professional development supports to early care and education programs and providers. A technical assistance provider may be employed by

Propose Meeting 6

- Review and reflect on the feedback received across the four meetings
- Discuss next steps and additional opportunities for input
- Close out the RAC process

RAC Next Steps

- Rules and definitions to be revised based on RAC feedback
- Sixth meeting to be scheduled – please answer [Doodle](#) poll
- Working draft shared with ELC in their June 29 meeting for feedback
- Public comment period of rules will close on June 28 at 10 am; re-opening September 1 with updated draft rule language
- Final rule language will be submitted to the Early Learning Council in their September 28 meeting for a vote (subject to change)



Next Meeting

To Be Determined
(Doodle Poll)