

OFFICE OF THE SECRETARY OF STATE

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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 414
OREGON DEPARTMENT OF EDUCATION
EARLY LEARNING DIVISION

FILED

05/31/2022 1:17 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Creation of the Tribal Early Learning Hub.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 06/28/2022 10:00 AM

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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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: 06/22/2022

TIME: 5:00 PM - 5:30 PM

OFFICER: Remy Watts

ADDRESS: Virtual access only

700 Summer St NE

Salem, OR 97310

SPECIAL INSTRUCTIONS:

Please arrive no later than 15 minutes past meeting start time. Find more information on attending the public hearing on the ELD calendar: <https://oregonearlylearning.com/meeting/telh-ruleset>

NEED FOR THE RULE(S)

Implementation of HB 2055 of the 2021 Oregon Legislative Session to create the Tribal Early Learning Hub.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

ORS 417.831 https://www.oregonlegislature.gov/bills_laws/ors/ors417.html

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

The Tribal Early Learning Hub will build and coordinate early childhood systems in each of Oregon's nine Tribal Nations, building much-needed early childhood equity for the Native American population in Oregon.

FISCAL AND ECONOMIC IMPACT:

The Tribal Early Learning Hub will distribute funding to individual Tribal Nations in Oregon to support early childhood services.

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 Division will be the backbone agency of the hub.
- 2) a) Only the Tribal Early Learning Hub will be affected by these rules.
- b) The reporting and recordkeeping will be within the capacity of the Tribal Early Learning Hub organization.
- c) All costs of compliance are anticipated to be within the scope of the Tribal Early Learning Hub budget.

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

A Rulemaking Advisory Committee was convened of tribally appointed representatives from each of Oregon's nine Tribal Nations to ensure equity in policy making.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

RULES PROPOSED:

414-875-0000, 414-875-0010, 414-875-0020, 414-875-0030, 414-875-0040, 414-875-0050

ADOPT: 414-875-0000

RULE SUMMARY: Definitions for the Tribal Early Learning Hub.

CHANGES TO RULE:

414-875-0000

Definitions

The following definitions apply to Oregon Administrative Rules 414-875-0000 through 414-875-0050.¶

(1) "Culturally Specific Organization" means an organization that serves a particular cultural community and is primarily staffed and led by members of that community and that demonstrates: 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.¶

(2) "Division" means the Early Learning Division of the Oregon Department of Education.¶

(3) "Early Learning Services" means programs and services for children ages prenatal through five that address language and literacy development, cognition and general knowledge, learning approaches, physical health and well-being, motor development, and social and emotional development. Providers of Early Learning Services include, but are not limited to: Tribal Nations; Early Learning Hubs; Relief Nurseries; home visiting programs; child care providers; preschools; Head Start programs; Oregon Prenatal to Kindergarten programs; and Preschool Promise programs.¶

(4) "Tribal Early Learning Hub" means the entity designated by the Early Learning Council under ORS 417.831.¶

(5) "Tribal Advisory Committee" means the committee established by the Division for the purpose of advising the Early Learning Council on the Tribal Early Learning Hub, as established in ORS 417.831.¶

(6) "Tribal Nations Early Care & Education Sector Plan" means a community plan developed and distributed by the Tribal Early Learning Hub to Tribal Nations to gather data on needs of Young Children served by Oregon's Tribal Nations.¶

(7) "Young Children" means children being served by an individual Tribal Nation, including, but not limited to: children aged 0 to 5, prenatal women.

Statutory/Other Authority: 417.831

Statutes/Other Implemented: 417.831

ADOPT: 414-875-0010

RULE SUMMARY: Outlining who the Tribal Early Learning Hub will serve.

CHANGES TO RULE:

414-875-0010

Purpose

The Tribal Early Learning Hub is established to coordinate Early Learning Services to Young Children and their families served by Tribal communities in Oregon.

Statutory/Other Authority: 417.831

Statutes/Other Implemented: 417.831

ADOPT: 414-875-0020

RULE SUMMARY: Establishing the Tribal Early Learning Hub and outlining oversight between entities.

CHANGES TO RULE:

414-875-0020

Establishment & Funding

(1) The Tribal Advisory Committee advises the Early Learning Council in oversight of the Tribal Early Learning Hub in accordance with ORS 417.831 to ensure coordination of Early Learning Services.¶

(2) The Division will allocate available funding to the Tribal Early Learning Hub.¶

(3) The Tribal Early Learning Hub will disburse this funding to each Tribal Nation using a methodology approved by the Division after consultation with the Tribal Advisory Committee.

Statutory/Other Authority: 417.831

Statutes/Other Implemented: 417.831

ADOPT: 414-875-0030

RULE SUMMARY: Requiring the Tribal Early Learning Hub to coordinate early childhood services for children served by Tribal Nations in Oregon.

CHANGES TO RULE:

414-875-0030

Requirements of Tribal Early Learning Hub

(1) The Tribal Early Learning Hub must assess the state of Early Learning Services in tribal communities and establish and monitor measurable outcomes aligned with Raise Up Oregon, found on the Division website, that benefit Young Children. ¶

(2) The Tribal Early Learning Hub must coordinate Early Learning Services for Young Children that incorporate cultural best practices by:¶

(a) Aligning Early Learning System delivery to create a coordinated system of care by partnering with organizations, including Culturally Specific Organizations when possible, representing the following functional sectors:¶

(A) Health care services, including social-emotional and behavioral health;¶

(B) Human and social services;¶

(C) Housing services;¶

(D) Education services;¶

(E) Early Learning Services; and¶

(F) Private sector organizations, including, but not limited to, private businesses or nonprofit organizations.¶

(b) Submitting a Tribal Nations Early Care & Education Sector Plan that assesses the status of Early Learning System coordination on a date and frequency established by the Tribal Advisory Committee for approval by the Division after consultation with the Tribal Advisory Committee.¶

(c) Connecting with organizations allocating resources toward Early Learning Services representing as many sectors as possible described above in (2)(a) to coordinate resources and collaborate toward the set of shared goals outlined in Raise Up Oregon.

Statutory/Other Authority: 417.831

Statutes/Other Implemented: 417.831

ADOPT: 414-875-0040

RULE SUMMARY: Outlining how agreements are formed between entities.

CHANGES TO RULE:

414-875-0040

Administration

(1) The Division will administer agreements with the Tribal Early Learning Hub to disburse funding and may administer agreements with the nine federally recognized tribal governments located in Oregon. ¶

(2) The Tribal Early Learning Hub will administer agreements with the nine federally recognized tribal governments located in Oregon to disburse funding.

Statutory/Other Authority: 417.831

Statutes/Other Implemented: 417.831

ADOPT: 414-875-0050

RULE SUMMARY: The Tribal Early Learning Hub must share information with the Division for monitoring.

CHANGES TO RULE:

414-875-0050

Reporting

Upon request by the Division, the Tribal Early Learning Hub shall make available all information and data that demonstrates that the Tribal Early Learning Hub is meeting the minimum required services, or any data or information necessary to monitor and evaluate the Tribal Early Learning Hub program in a manner specified by the Division after consultation with the Tribal Advisory Committee.

Statutory/Other Authority: 417.831

Statutes/Other Implemented: 417.831