

SB 236 A -A3, -A5, -A6 STAFF MEASURE SUMMARY

House Committee On Early Childhood

Prepared By: Lisa Gezelter, LPRO Analyst

Meeting Dates: 5/17, 5/24, 5/26

WHAT THE MEASURE DOES:

Requires Early Learning Division to report to legislature by September 15, 2024 on efforts to reduce suspension and expulsion in early learning and care settings. Prohibits early learning and care providers who receive state funding from suspending or expelling any child beginning July 1, 2026. Allows Early Learning System Director or designee to waive prohibition. Requires rulemaking that provides for waivers and a dispute resolution process that considers the best placement for the child. Declares emergency, effective July 1, 2021.

Senate: Passed. Ayes, 20; Nays, 7--Boquist, Findley, Girod, Hansell, Linthicum, Thatcher, Thomsen; Excused, 3--Heard, Johnson, President Courtney.

Minimal fiscal impact.

No revenue impact.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-A3 Requires Early Learning Division to consult Department of Education, Department of Human Services, Oregon Council on Developmental Disabilities, Oregon Health Authority, school districts, education service districts, community colleges, or public universities in conducting required study. Replaces Sections 3 and 4 of the measure. Beginning July 1, 2026, establishes ban on suspension and expulsion in publicly funded early childhood care or education programs run by or receiving funding through the Early Learning Division, Department of Education, Department of Human Services, Oregon Council on Developmental Disabilities, Oregon Health Authority, school districts, education service districts, community colleges, and public universities. Eliminates eligibility for public funding for any early childhood care or education program that violates ban. Requires rulemaking bodies associated with above named entities to adopt rules and policies for the ban that provide for waivers for providers and dispute resolution processes for parents and providers. Requires dispute resolution processes to consider best placement for the child. Requires other rulemaking bodies to consider the rules and policies adopted by the Early Learning Council. Allows for action prior to operative date as necessary for implementation.

-A5 Replaces the measure. Expands scope of study to include the use of screening procedures prior to enrollment. Requires study to include recommendations for definition of term "early childhood care and education program." Requires Early Learning Division to consult Department of Education, Department of Human Services, Oregon Council on Developmental Disabilities, Oregon Health Authority, school districts, education service districts, community colleges, or public universities in conducting required study. Beginning July 1, 2026, establishes ban on suspension and expulsion in publicly funded early childhood care or education programs run by or receiving funding through the Early Learning Division, Department of Education, Department of Human Services, Oregon Council on Developmental Disabilities, Oregon Health Authority, school districts, education service districts, community colleges, and public universities. Eliminates eligibility for public funding for any early childhood care or education program that violates ban. Requires rulemaking bodies associated with above named entities to adopt rules and policies for the ban that provide for waivers for providers under certain circumstances and dispute resolution processes for parents and providers. Requires dispute resolution processes to consider

This summary has not been adopted or officially endorsed by action of the committee.

best placement for the child. Requires other rulemaking bodies to consider the rules and policies adopted by the Early Learning Council. Allows for action prior to operative date as necessary for implementation.

-A6 Replaces the measure. Expands scope of study to include the use of screening procedures prior to enrollment. Requires study to include recommendations for definition of term "early childhood care and education program." Requires Early Learning Division to consult Department of Education, Department of Human Services, Oregon Council on Developmental Disabilities, Oregon Health Authority, school districts, education service districts, community colleges, or public universities in conducting required study. Beginning July 1, 2026, establishes ban on suspension and expulsion in publicly funded early childhood care or education programs run by or receiving funding through the Early Learning Division, Department of Education, Department of Human Services, Oregon Council on Developmental Disabilities, Oregon Health Authority, school districts, education service districts, community colleges, and public universities. Eliminates eligibility for public funding for any early childhood care or education program that violates ban. Requires rulemaking bodies associated with above named entities to adopt rules and policies for the ban that provide for waivers for providers under certain circumstances and dispute resolution processes for parents and providers. Requires dispute resolution processes to consider best placement for the child. Requires other rulemaking bodies to consider the rules and policies adopted by the Early Learning Council. Allows for action prior to operative date as necessary for implementation.

BACKGROUND:

In 2016, the U.S. Department of Health and Human Service's Administration for Children and Families issued a policy statement on expulsion and suspension policies in early childhood settings. That statement recommended that states establish policies applicable in both publicly and privately funded settings to promote mental and behavioral health and eliminate or limit the use of exclusionary discipline in early childhood settings. The National Association for the Education of Young Children estimates that over 8,000 children are suspended or expelled from early learning settings annually in the United States. Senate Bill 236 A requires the Early Learning Division to study the use of suspension and expulsion in early learning settings and prohibits recipients of state funding from suspending or expelling any child. The measure establishes waiver and dispute resolution processes and requires the Early Learning Council to promulgate related rules.