

SB 236-A5  
(LC 1502)  
5/24/21 (HRL/ps)

Requested by HOUSE COMMITTEE ON EARLY CHILDHOOD (at the request of Representative Karin Power)

**PROPOSED AMENDMENTS TO  
A-ENGROSSED SENATE BILL 236**

1 On page 1 of the printed A-engrossed bill, delete lines 4 through 22 and  
2 delete page 2 and insert:

3 **“SECTION 1. (1) The Early Learning Division shall conduct a study**  
4 **on:**

5 **“(a) The use of suspension and expulsion in early childhood care**  
6 **and education programs;**

7 **“(b) Efforts to reduce and prevent the use of suspension and ex-**  
8 **pulsion in early childhood care and education programs; and**

9 **“(c) The use of screening procedures in early childhood care and**  
10 **education programs to exclude any children perceived to potentially**  
11 **require future discipline, based on the collection of data related to:**

12 **“(A) The number of applications for placement that are submitted;**

13 **“(B) The number of applications for placement that are accepted;**  
14 **and**

15 **“(C) Any probationary or trial periods imposed before a child is ac-**  
16 **cepted for full placement.**

17 **“(2) When conducting the study, the division shall consult with**  
18 **other state and local entities that provide state public funds for early**  
19 **childhood care and education programs, including entities identified**  
20 **in section 3 (1)(a) of this 2021 Act.**

21 **“(3) No later than September 15, 2024, the division shall report the**

1 results of the study required under this section to the appropriate in-  
2 terim committees of the Legislative Assembly. The report must in-  
3 clude:

4 “(a) Recommendations for the definition of the term ‘early child-  
5 hood care and education program’ for the purpose of section 3 of this  
6 2021 Act; and

7 “(b) Any other recommendations for amendments to section 3 of  
8 this 2021 Act.

9 **“SECTION 2. Section 1 of this 2021 Act is repealed on December 31,  
10 2024.**

11 **“SECTION 3. (1) As used in this section:**

12 **“(a) ‘Public body’ means:**

13 **“(A) The Early Learning Division;**

14 **“(B) The Department of Education;**

15 **“(C) The Department of Human Services;**

16 **“(D) The Oregon Council on Developmental Disabilities;**

17 **“(E) The Oregon Health Authority;**

18 **“(F) A school district;**

19 **“(G) An education service district;**

20 **“(H) A community college operated under ORS chapter 341; and**

21 **“(I) A public university listed in ORS 352.002.**

22 **“(b) ‘Rulemaking body’ means:**

23 **“(A) For the Early Learning Division, the Early Learning Council;**

24 **“(B) For the Department of Education, the State Board of Educa-  
25 tion;**

26 **“(C) For the Department of Human Services, the Department of  
27 Human Services;**

28 **“(D) For the Oregon Council on Developmental Disabilities, the  
29 Oregon Council on Developmental Disabilities;**

30 **“(E) For the Oregon Health Authority, the Oregon Health Author-**

1 **ity;**

2 **“(F) For a school district, the State Board of Education;**

3 **“(G) For an education service district, the State Board of Educa-**  
4 **tion;**

5 **“(H) For a community college operated under ORS chapter 341, the**  
6 **Higher Education Coordinating Commission; and**

7 **“(I) For a public university listed in ORS 352.002, the Higher Edu-**  
8 **cation Coordinating Commission.**

9 **“(2) An early childhood care and education program that receives**  
10 **state public funds from a public body for the operation of the program**  
11 **or for services provided in relation to the program may not suspend**  
12 **or expel any child in the program.**

13 **“(3) Except as otherwise provided by state or federal law, an early**  
14 **childhood care and education program that violates subsection (2) of**  
15 **this section shall cease to be eligible to receive state public funds from**  
16 **a public body for the program or for services provided in relation to**  
17 **the program.**

18 **“(4)(a) Each rulemaking body shall adopt rules and policies neces-**  
19 **sary for the administration of this section, including providing for:**

20 **“(A) A waiver of the prohibition described in subsection (2) of this**  
21 **section. The rules must provide that a waiver:**

22 **“(i) Will be provided when the public body determines that the early**  
23 **childhood care and education program was not provided with technical**  
24 **assistance or mental health supports in a timely manner.**

25 **“(ii) Will not be provided in a manner that allows for discrimination**  
26 **based on race or disability or that allows for any other violation of**  
27 **state or federal law.**

28 **“(B) A method for resolving disputes between parents and providers**  
29 **related to suspensions and expulsions, while taking into consideration**  
30 **the best placement of the child.**

1       **“(b) To the extent practicable and for the purpose of providing**  
2 **consistency among early childhood care and education programs, rules**  
3 **and policies adopted under this section shall take into consideration**  
4 **rules and policies adopted by the Early Learning Council under this**  
5 **section.**

6       **“SECTION 4. (1) Section 3 of this 2021 Act becomes operative on**  
7 **July 1, 2026.**

8       **“(2) Notwithstanding the operative date set forth in subsection (1)**  
9 **of this section, a rulemaking body identified in section 3 (1)(b) of this**  
10 **2021 Act and a public body identified in section 3 (1)(a) of this 2021 Act**  
11 **may take any action before the operative date set forth in subsection**  
12 **(1) of this section that is necessary to enable the bodies to exercise,**  
13 **on and after the operative date set forth in subsection (1) of this sec-**  
14 **tion, all of the duties, functions and powers conferred on the bodies**  
15 **by section 3 of this 2021 Act.**

16       **“SECTION 5. This 2021 Act being necessary for the immediate**  
17 **preservation of the public peace, health and safety, an emergency is**  
18 **declared to exist, and this 2021 Act takes effect July 1, 2021.”.**

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