

House Bill 3435

Sponsored by Representative REYNOLDS (at the request of Early Learning Division of Department of Education)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Renames "Oregon prekindergarten program" to "Oregon Prenatal to Kindergarten Program" to reflect changes in purpose of program.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to early learning; creating new provisions; amending ORS 289.005, 305.720, 305.747, 326.425,
3 327.274, 329.160, 329.165, 329.172, 329.175, 329.183, 329.185, 329.195, 329.200, 329A.030, 336.211,
4 336.213, 336.214, 343.455, 343.499, 343.507, 417.728, 634.700, 680.020 and 680.026; repealing ORS
5 329.153 and 329.170; and declaring an emergency.

6 **Be It Enacted by the People of the State of Oregon:**

7 **SECTION 1.** ORS 329.175 is amended to read:

8 329.175. (1) **As used in this section:**

9 (a) **"Oregon Prenatal to Kindergarten Program" means the program for which the Early**
10 **Learning Division allocates, awards and monitors state funds to provide comprehensive**
11 **health, education and social services to children and their parents or other key family**
12 **members, at any time beginning with prenatal care and continuing until the children enter**
13 **kindergarten, in order to maximize the potential of those children prior to kindergarten**
14 **entry.**

15 (b) **"Providers under the Oregon Prenatal to Kindergarten Program" means entities that**
16 **use grants received under the Oregon Prenatal to Kindergarten Program to provide services**
17 **through the program, in compliance with requirements prescribed by the Early Learning**
18 **Council and the Early Learning Division.**

19 [(1)] (2) The Early Learning Division shall administer the [*Oregon prekindergarten program*]
20 **Oregon Prenatal to Kindergarten Program** to assist eligible children with comprehensive services
21 including educational, social, health and nutritional development to enhance their chances for suc-
22 cess in school and life. Eligible children, upon request of a parent or guardian, [*shall be admitted to*
23 *approved Oregon prekindergartens*] **may be admitted to receive services from providers under**
24 **the Oregon Prenatal to Kindergarten Program** to the extent that the Legislative Assembly pro-
25 vides funds.

26 [(2)(a)] (3)(a) In administering the [*Oregon prekindergarten program*] **Oregon Prenatal to**
27 **Kindergarten Program**, the Early Learning Division shall adopt a funding formula and methodol-
28 ogy that will ensure that [*Oregon prekindergartens*] **providers under the Oregon Prenatal to**
29 **Kindergarten Program** offer high-quality services, **including prenatal care and other services**,
30 to eligible children and their families.

31 (b) **Until the children enter kindergarten**, services may be provided under this section to

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 pregnant women and families with children [*under the age of five years old*] who are not participating
 2 in a federal, state or local program providing comprehensive services and who qualify for eligibility
 3 under the federal Head Start program.

4 [(3)(a)] (4)(a) Nonsectarian organizations, including school districts and Head Start grantees, are
 5 eligible to compete for funds to [*establish an Oregon prekindergarten*] **become providers under the**
 6 **Oregon Prenatal to Kindergarten Program.**

7 (b)(A) [*Grant recipients*] **Providers under the Oregon Prenatal to Kindergarten Program**
 8 shall serve children eligible according to federal Head Start guidelines and other children who meet
 9 criteria of eligibility adopted by rule by the Early Learning Council.

10 (B) [*Grant recipients*] **Providers under the Oregon Prenatal to Kindergarten Program** may
 11 serve children not described in subparagraph (A) of this paragraph, but not more than 20 percent
 12 of the total enrollment with a [*grant recipient*] **provider** shall consist of children who do not meet
 13 federal Head Start guidelines.

14 (c) School districts may contract with other governmental or nongovernmental nonsectarian or-
 15 ganizations to conduct a portion of the **Oregon Prenatal to Kindergarten Program.**

16 (d) [*Funds appropriated for the program shall be used to establish and maintain new or expanded*
 17 *Oregon prekindergartens and may not be used to supplant federally supported Head Start programs.*
 18 *Oregon prekindergartens also*] **Providers under the Oregon Prenatal to Kindergarten Program**
 19 may accept gifts, grants and other funds for the purposes of this section.

20 [(4)] (5) Applicants shall identify how they will serve the target population and provide all
 21 components as specified in the federal Head Start performance standards and guidelines, including
 22 staff qualifications and training, facilities and equipment, transportation and fiscal management.

23 [(5)] (6) Applicants shall identify how they will provide, at a minimum, the annual number of
 24 instructional hours required under performance guidelines and standards of the federal Head Start
 25 programs.

26 [(6)] (7) [*Oregon prekindergartens*] **Providers under the Oregon Prenatal to Kindergarten**
 27 **Program** shall provide lead teachers and teaching assistants with a salary that meets the minimum
 28 salary requirements established by the Early Learning Council.

29 [(7)] (8) [*Oregon prekindergartens*] **Providers under the Oregon Prenatal to Kindergarten**
 30 **Program** must demonstrate an ability to maximize all available federal, state and local funds.

31 [(8)] (9) [*Oregon prekindergartens*] **Providers under the Oregon Prenatal to Kindergarten**
 32 **Program** shall coordinate with each other and with federal Head Start programs to ensure efficient
 33 delivery of services and prevent overlap. [*Oregon prekindergartens*] **Providers** shall also work with
 34 local organizations such as local education associations serving young children and make the max-
 35 imum use of local resources.

36 [(9)] (10) [*Oregon prekindergartens*] **Providers under the Oregon Prenatal to Kindergarten**
 37 **Program** shall coordinate services with other services provided through the Oregon Early Learning
 38 System. The coordination of services must be consistent with federal and state law.

39 [(10)(a)] (11)(a) The governing body of a recipient of grant funds under this section shall be
 40 subject to ORS 192.610 to 192.690 but is subject to ORS 192.311 to 192.478 only:

41 (A) With respect to records created at a meeting of the governing body, minutes of a meeting
 42 of a governing body or records presented at a meeting of the governing body; or

43 (B) As otherwise provided by law other than this subsection.

44 (b) As used in this subsection, “governing body” means a board or other entity of two or more
 45 persons who are authorized to make decisions with respect to a recipient or who are authorized to

1 advise or make recommendations to a governing body of the recipient.

2 **SECTION 2.** ORS 329.175, as amended by section 27, chapter 631, Oregon Laws 2021, is
3 amended to read:

4 329.175. (1) **As used in this section:**

5 (a) **“Oregon Prenatal to Kindergarten Program”** means the program for which the De-
6 partment of Early Learning and Care allocates, awards and monitors state funds to provide
7 comprehensive health, education and social services to children and their parents or other
8 key family members, at any time beginning with prenatal care and continuing until the
9 children enter kindergarten, in order to maximize the potential of those children prior to
10 kindergarten entry.

11 (b) **“Providers under the Oregon Prenatal to Kindergarten Program”** means entities that
12 use grants received under the Oregon Prenatal to Kindergarten Program to provide services
13 through the program, in compliance with requirements prescribed by the Early Learning
14 Council and the Department of Early Learning and Care.

15 [(1)] (2) The Department of Early Learning and Care shall administer the [*Oregon*
16 *prekindergarten program*] **Oregon Prenatal to Kindergarten Program** to assist eligible children
17 with comprehensive services including educational, social, health and nutritional development to
18 enhance their chances for success in school and life. Eligible children, upon request of a parent or
19 guardian, [*shall be admitted to approved Oregon prekindergartens*] **may be admitted to receive**
20 **services from providers under the Oregon Prenatal to Kindergarten Program** to the extent
21 that the Legislative Assembly provides funds.

22 [(2)(a)] (3)(a) In administering the [*Oregon prekindergarten program*] **Oregon Prenatal to**
23 **Kindergarten Program**, the department shall adopt a funding formula and methodology that will
24 ensure that [*Oregon prekindergartens*] **providers under the Oregon Prenatal to Kindergarten**
25 **Program** offer high-quality services, **including prenatal care and other services**, to eligible chil-
26 dren and their families.

27 (b) **Until the children enter kindergarten**, services may be provided under this section to
28 pregnant women and families with children [*under the age of five years old*] who are not participating
29 in a federal, state or local program providing comprehensive services and who qualify for eligibility
30 under the federal Head Start program.

31 [(3)(a)] (4)(a) Nonsectarian organizations, including school districts and Head Start grantees, are
32 eligible to compete for funds to [*establish an Oregon prekindergarten*] **become providers under the**
33 **Oregon Prenatal to Kindergarten Program**.

34 (b)(A) [*Grant recipients*] **Providers under the Oregon Prenatal to Kindergarten Program**
35 shall serve children eligible according to federal Head Start guidelines and other children who meet
36 criteria of eligibility adopted by rule by the Early Learning Council.

37 (B) [*Grant recipients*] **Providers under the Oregon Prenatal to Kindergarten Program** may
38 serve children not described in subparagraph (A) of this paragraph, but not more than 20 percent
39 of the total enrollment with a [*grant recipient*] **provider** shall consist of children who do not meet
40 federal Head Start guidelines.

41 (c) School districts may contract with other governmental or nongovernmental nonsectarian or-
42 ganizations to conduct a portion of the **Oregon Prenatal to Kindergarten Program**.

43 (d) [*Funds appropriated for the program shall be used to establish and maintain new or expanded*
44 *Oregon prekindergartens and may not be used to supplant federally supported Head Start programs.*
45 *Oregon prekindergartens also*] **Providers under the Oregon Prenatal to Kindergarten Program**

1 may accept gifts, grants and other funds for the purposes of this section.

2 [(4)] (5) Applicants shall identify how they will serve the target population and provide all
 3 components as specified in the federal Head Start performance standards and guidelines, including
 4 staff qualifications and training, facilities and equipment, transportation and fiscal management.

5 [(5)] (6) Applicants shall identify how they will provide, at a minimum, the annual number of
 6 instructional hours required under performance guidelines and standards of the federal Head Start
 7 programs.

8 [(6)] (7) [*Oregon prekindergartens*] **Providers under the Oregon Prenatal to Kindergarten**
 9 **Program** shall provide lead teachers and teaching assistants with a salary that meets the minimum
 10 salary requirements established by the Early Learning Council.

11 [(7)] (8) [*Oregon prekindergartens*] **Providers under the Oregon Prenatal to Kindergarten**
 12 **Program** must demonstrate an ability to maximize all available federal, state and local funds.

13 [(8)] (9) [*Oregon prekindergartens*] **Providers under the Oregon Prenatal to Kindergarten**
 14 **Program** shall coordinate with each other and with federal Head Start programs to ensure efficient
 15 delivery of services and prevent overlap. [*Oregon prekindergartens*] **Providers** shall also work with
 16 local organizations such as local education associations serving young children and make the max-
 17 imum use of local resources.

18 [(9)] (10) [*Oregon prekindergartens*] **Providers under the Oregon Prenatal to Kindergarten**
 19 **Program** shall coordinate services with other services provided through the Oregon Early Learning
 20 System. The coordination of services must be consistent with federal and state law.

21 [(10)(a)] (11)(a) The governing body of a recipient of grant funds under this section shall be
 22 subject to ORS 192.610 to 192.690 but is subject to ORS 192.311 to 192.478 only:

23 (A) With respect to records created at a meeting of the governing body, minutes of a meeting
 24 of a governing body or records presented at a meeting of the governing body; or

25 (B) As otherwise provided by law other than this subsection.

26 (b) As used in this subsection, “governing body” means a board or other entity of two or more
 27 persons who are authorized to make decisions with respect to a recipient or who are authorized to
 28 advise or make recommendations to a governing body of the recipient.

29 **SECTION 3.** ORS 289.005 is amended to read:

30 289.005. (1) As used in this chapter, unless the context requires otherwise:

31 (a) “Authority” means the Oregon Facilities Authority created by this chapter.

32 (b) “Bonds” or “revenue bonds” means revenue bonds, as defined in ORS 286A.001.

33 (c) “Cost” means the cost of:

34 (A) Construction, acquisition, alteration, enlargement, reconstruction and remodeling of a
 35 project, including all lands, structures, real or personal property, rights, rights of way, air rights,
 36 franchises, easements and interests acquired or used for or in connection with a project;

37 (B) Demolition or removal of buildings or structures on land as acquired, including the cost of
 38 acquiring lands to which the buildings or structures may be moved;

39 (C) All machinery and equipment;

40 (D) Financing charges, interest prior to, during and for a period after completion of construction
 41 and acquisition, reasonably required amounts to make the project operational, provisions for re-
 42 serves for principal and interest and for extensions, enlargements, additions, replacements, reno-
 43 vations and improvements;

44 (E) Architectural, actuarial engineering, financial and legal services, plans specifications,
 45 studies, surveys, estimates of costs and of revenues, administrative expenses, expenses necessary or

1 incident to determining the feasibility or practicability of constructing the project;

2 (F) Management, operation or funding of a qualified program; and

3 (G) Other expenses that are necessary or incident to a project, the financing of the project or
4 the placing of the project in operation.

5 (d) "Cultural institution" means a public or nonprofit institution within this state which engages
6 in the cultural, intellectual, scientific, environmental, educational or artistic enrichment of the peo-
7 ple of this state. "Cultural institution" includes, without limitation, aquaria, botanical societies,
8 historical societies, land conservation organizations, libraries, museums, performing arts associations
9 or societies, scientific societies, wildlife conservation organizations and zoological societies. "Cul-
10 tural institution" does not mean any school or any institution primarily engaged in religious or
11 sectarian activities.

12 (e) "Health care institution" means a public or nonprofit organization within this state that
13 provides health care and related services, including but not limited to the provision of inpatient and
14 outpatient care, diagnostic or therapeutic services, laboratory services, medicinal drugs, nursing
15 care, assisted living, elderly care and housing, including retirement communities, and equipment
16 used or useful for the provision of health care and related services.

17 (f) "Housing institution" means a public or nonprofit organization within this state that provides
18 decent, affordable housing to [*low income*] **low-income** persons.

19 (g) "Institution" means a cultural institution, a health care institution, a housing institution, an
20 institution for higher education, an institution for prekindergarten through grade 12 education, a
21 school for persons with disabilities or another nonprofit.

22 (h) "Institution for higher education" means a public or nonprofit educational institution within
23 this state authorized by law to provide a program of education beyond the high school level, in-
24 cluding community colleges and associate degree granting institutions. "Institution for higher edu-
25 cation" does not mean any school or any institution primarily engaged in religious or sectarian
26 activities.

27 (i) "Institution for prekindergarten through grade 12 education" means [*an Oregon*
28 *prekindergarten as defined in ORS 329.170*] **a provider under the Oregon Prenatal to**
29 **Kindergarten Program as defined in ORS 329.175**, a public educational institution within this
30 state authorized by law to provide a program of education for kindergarten through grade 12 or a
31 nonprofit educational institution within this state that provides a program of education for
32 prekindergarten through grade 12 as a private school. "Institution for prekindergarten through
33 grade 12 education" does not mean a school or institution primarily engaged in religious or
34 sectarian activities.

35 (j) "Nonprofit" means an institution, organization or entity within this state exempt from taxa-
36 tion under section 501(c)(3) of the Internal Revenue Code as defined in ORS 314.011.

37 (k)(A) "Project" means the financing or refinancing of the costs, including, without limitation,
38 acquisition, construction, enlargement, remodeling, renovation, improvement, furnishing and equip-
39 ping, of the following:

40 (i) In the case of a participating institution that is an institution for higher education, an insti-
41 tution for prekindergarten through grade 12 education or a school for persons with disabilities, a
42 structure, within this state or outside this state, that is suitable for use as a dormitory or other
43 multiunit housing facility for students, faculty, officers or employees, or a dining hall, student union,
44 administration building, academic building, library, laboratory, research facility, classroom, athletic
45 facility, health care facility, maintenance, storage or utility facility and other structures or facilities,

1 within this state or outside this state, that are related to any of the structures required or used for
2 the instruction of students, the conducting of research or the operation of an institution for higher
3 education, an institution for prekindergarten through grade 12 education or a school for persons
4 with disabilities. A project defined in this sub-subparagraph includes landscaping, site preparation,
5 furniture, equipment and machinery and other similar items necessary or convenient for the opera-
6 tion of a particular facility or structure in the manner for which its use is intended and also in-
7 cludes any furnishings, equipment, machinery and other similar items necessary or convenient for
8 the operation of an institution of higher education, an institution for prekindergarten through grade
9 12 education or a school for persons with disabilities, whether or not the items are related to a
10 particular facility or structure financed under this chapter.

11 (ii) In the case of a participating institution that is a housing institution, a structure, within this
12 state or outside this state, that is suitable for use as housing, including residences or multiunit
13 housing facilities, administration buildings, maintenance, storage or utility facilities and other
14 structures or facilities, within this state or outside this state, that are related to any of the struc-
15 tures required or used for the operation of the housing, including parking and other facilities or
16 structures essential or convenient for the orderly provision of the housing. A project defined in this
17 sub-subparagraph includes landscaping, site preparation, furniture, equipment and machinery and
18 other similar items necessary or convenient for the particular housing facility or structure in the
19 manner for which its use is intended and also includes any furnishings, equipment, machinery and
20 other similar items necessary or convenient for the provision of housing, whether or not the items
21 are related to a particular facility or structure financed under this chapter.

22 (iii) In the case of a participating institution that is a cultural institution, a structure, within
23 this state or outside this state, that is suitable for the institution's purposes, whether or not to be
24 used to provide educational services, or research resources, including use as or in connection with
25 an administrative facility, aquarium, assembly hall, auditorium, botanical garden, exhibition hall,
26 gallery, greenhouse, library, museum, scientific laboratory, theater or zoological facility. A project
27 defined in this sub-subparagraph includes supporting facilities, landscaping, site preparation, furni-
28 ture, equipment, machinery and other similar items necessary or convenient for the operation of a
29 cultural institution, whether or not the items are related to a particular facility or structure fi-
30 nanced under this chapter, including books, works of art or other items for display or exhibition.

31 (iv) In the case of a participating institution that is a health care institution, a structure, within
32 this state or outside this state, that is suitable for the institution's purposes, including hospital fa-
33 cilities, inpatient and outpatient clinics, doctors' offices, administration buildings, parking, mainte-
34 nance, storage or utility facilities, nursing care or assisted living facilities, elderly care and housing
35 facilities, including retirement communities, and other structures or facilities, within this state or
36 outside this state, that are related to any of the structures required or used for the operation of the
37 health care institution, including other facilities or structures essential or convenient for the orderly
38 provision of the health care. A project defined in this sub-subparagraph includes landscaping, site
39 preparation, furniture, equipment and machinery and other similar items necessary or convenient for
40 the particular health care facility or structure in the manner for which its use is intended and also
41 includes any working capital, furnishings, equipment, machinery and other similar items necessary
42 or convenient for the provision of health care, whether or not the items are related to a particular
43 facility or structure financed under this chapter.

44 (v) In the case of a participating institution that is a nonprofit not otherwise specified in this
45 paragraph, a structure, within this state or outside this state, that is suitable for the institution's

1 purposes, including facilities or structures essential or convenient for the orderly operations of the
 2 nonprofit. A project defined in this sub-subparagraph includes acquisition of interests in land, land-
 3 scaping, site preparation, furniture, equipment and machinery and other similar items necessary or
 4 convenient for the nonprofit, whether or not the items are related to a particular facility or struc-
 5 ture financed under this chapter, including borrowings needed to alleviate interim cash flow deficits
 6 of the nonprofit.

7 (vi) In the case of a participating institution, costs to manage, operate or fund a qualified pro-
 8 gram or costs to alleviate interim cash flow deficits of the institution.

9 (B) "Project" also includes any combination of one or more of the projects undertaken jointly
 10 by one or more participating institutions with each other or with other parties.

11 (C) "Project" does not include the financing or refinancing of the costs of a facility used or to
 12 be used for sectarian instruction or as a place of religious worship or any facility which is used or
 13 to be used primarily in connection with any part of the program of a school or department of di-
 14 vinity for any religious denomination.

15 (L) "Qualified program" means a financing program, or other activities, of a participating insti-
 16 tution that is eligible for financing through the issuance of revenue bonds the interest on which is:

17 (A) Excluded from gross income for federal income tax purposes; or

18 (B) Eligible for a federal tax credit or subsidy under the Internal Revenue Code.

19 (m) "School for persons with disabilities" means a public or nonprofit primary, secondary or
 20 post-secondary school within this state or outside this state that serves students at least 70 percent
 21 of whom are persons with disabilities as determined by one or more appropriate education, rehabil-
 22 itation, medical or mental health authorities, is accredited by a recognized accrediting body and is
 23 determined by the authority to be a major resource of benefit to persons with disabilities. "School
 24 for persons with disabilities" does not mean any school or any institution primarily engaged in re-
 25 ligious or sectarian activities.

26 (2) As used in subsection (1) of this section in relation to an institution, "within this state"
 27 means that the institution:

28 (a) Maintains its headquarters, principal office or primary place of business in the State of
 29 Oregon;

30 (b) Owns or operates one or more facilities in the State of Oregon at which it conducts oper-
 31 ations in furtherance of its institutional mission; or

32 (c) Is owned or controlled by, or affiliated under common ownership with, an institution de-
 33 scribed in paragraph (a) or (b) of this subsection.

34 (3) As used in subsection (1) of this section in relation to a project, "within this state" means
 35 that:

36 (a) A structure to be financed will be located in the State of Oregon; or

37 (b) A structure to be financed will be financed for the primary benefit of an institution within
 38 this state.

39 **SECTION 4.** ORS 326.425, as amended by section 18, chapter 631, Oregon Laws 2021, is
 40 amended to read:

41 326.425. (1) The Early Learning Council is established.

42 (2) The council is established to coordinate a unified and aligned system of early learning ser-
 43 vices for the purposes of ensuring that:

44 (a) Children enter school ready to learn; and

45 (b) Families are healthy, stable and attached.

1 (3) The Early Learning Council shall accomplish the purposes described in subsection (2) of this
 2 section by:

3 (a) Designating a committee to serve as the state advisory council for purposes of:

4 (A) The federal Head Start Act, as provided by ORS 417.796.

5 (B) Providing advice on matters related to the [*Oregon prekindergarten program*] **Oregon**
 6 **Prenatal to Kindergarten Program.**

7 (b) Coordinating an integrated system that aligns the delivery of early learning services.

8 (c) Coordinating the Oregon Early Learning System created by ORS 417.727.

9 (4) The council consists of members appointed as provided by subsections (5) and (6) of this
 10 section.

11 (5)(a) The Governor shall appoint nine voting members who are appointed for a term of four
 12 years and serve at the pleasure of the Governor. A person appointed under this subsection may not
 13 be appointed to serve more than two consecutive full terms as a council member.

14 (b) When determining whom to appoint to the council under this subsection, the Governor shall:

15 (A) Ensure that each congressional district of this state is represented;

16 (B) Ensure that at least one member represents the tribes of this state;

17 (C) Ensure that at least one member represents the workforces for child care and early learning;

18 (D) Ensure that each member meets the following qualifications:

19 (i) Demonstrates leadership skills in civics or the member's profession;

20 (ii) To the greatest extent practicable, contributes to the council's representation of the ge-
 21 ographic, ethnic, gender, racial and economic diversity of this state; and

22 (iii) Contributes to the council's expertise, knowledge and experience in early childhood devel-
 23 opment, early childhood care, early childhood education, family financial stability, populations dis-
 24 proportionately burdened by poor education outcomes and outcome-based best practices; and

25 (E) Solicit recommendations from the Speaker of the House of Representatives for at least two
 26 members and from the President of the Senate for at least two members.

27 (6) In addition to the members appointed under subsection (5) of this section, the Governor shall
 28 appoint nonvoting, ex officio members who represent relevant state agencies.

29 (7) The activities of the council shall be directed and supervised by the Early Learning System
 30 Director.

31 (8) In accordance with applicable provisions of ORS chapter 183, the council may adopt rules
 32 necessary for the administration of the laws that the council is charged with administering. When
 33 adopting rules related to child care, the council must appoint an advisory committee in accordance
 34 with ORS 183.333 that includes representatives of child care providers that are licensed or not li-
 35 censed, as appropriate.

36 **SECTION 5.** ORS 327.274, as amended by section 29, chapter 27, Oregon Laws 2022, is amended
 37 to read:

38 327.274. (1) The Department of Education and the Early Learning Division shall use moneys in
 39 the Early Learning Account to provide funding for early learning programs in a manner consistent
 40 with a statewide early learning system plan overseen by the Early Learning Council. Early learning
 41 programs that may receive moneys from the Early Learning Account include:

42 (a) Early childhood special education or early intervention services, as provided by ORS 343.475;

43 (b) Relief nurseries;

44 (c) Programs funded by the Early Childhood Equity Fund;

45 (d) The [*Oregon prekindergarten program*] **Oregon Prenatal to Kindergarten Program** and

1 other public **early learning and** preschool programs established under ORS 329.170 to 329.200, by
 2 increasing:

- 3 (A) The total number of spaces for children served by the programs; or
- 4 (B) Existing spaces for full-day programs from half-day programs; **and**
- 5 (e) Professional development for early childhood educators.[: *and*]
- 6 [(f) *Early Head Start programs.*]

7 (2) In addition to the uses identified in subsection (1) of this section, moneys in the Early
 8 Learning Account may be used for:

- 9 (a) Staffing needs of the Early Learning Division for the purpose of implementing this section.
- 10 (b) Costs incurred by the division in conducting the biennial evaluation of programs that receive
 11 grants under ORS 417.782.

12 (3) The State Board of Education and the Early Learning Council shall adopt rules necessary
 13 for the distribution of moneys under this section.

14 **SECTION 6.** ORS 327.274, as amended by section 21, chapter 631, Oregon Laws 2021, and sec-
 15 tion 30, chapter 27, Oregon Laws 2022, is amended to read:

16 327.274. (1) The Department of Early Learning and Care shall use moneys in the Early Learning
 17 Account to provide funding for early learning programs in a manner consistent with a statewide
 18 early learning system plan overseen by the Early Learning Council. Early learning programs that
 19 may receive moneys from the Early Learning Account include:

- 20 (a) Early childhood special education or early intervention services, as provided by ORS 343.475;
- 21 (b) Relief nurseries;
- 22 (c) Programs funded by the Early Childhood Equity Fund;
- 23 (d) The [*Oregon prekindergarten program*] **Oregon Prenatal to Kindergarten Program** and

24 other public **early learning and** preschool programs established under ORS 329.170 to 329.200, by
 25 increasing:

- 26 (A) The total number of spaces for children served by the programs; or
- 27 (B) Existing spaces for full-day programs from half-day programs; **and**
- 28 (e) Professional development for early childhood educators.[: *and*]
- 29 [(f) *Early Head Start programs.*]

30 (2) In addition to the uses identified in subsection (1) of this section, moneys in the Early
 31 Learning Account may be used for:

- 32 (a) Staffing needs of the Department of Early Learning and Care for the purpose of implementing
 33 this section.
- 34 (b) Costs incurred by the department in conducting the biennial evaluation of programs that
 35 receive grants under ORS 417.782.

36 (3) The Early Learning Council shall adopt rules necessary for the distribution of moneys under
 37 this section.

38 **SECTION 7.** ORS 329.160 is amended to read:

39 329.160. It is the policy of this state to implement programs for early childhood education, for
 40 parenting education including instruction about prenatal care, for child-parent centers and for [*ex-*
 41 *tended Oregon prekindergarten programs*] **the Oregon Prenatal to Kindergarten Program**. The
 42 [*Oregon prekindergarten program*] **Oregon Prenatal to Kindergarten Program** shall be operated
 43 in coordination with the federal Head Start program in order to avoid duplication of services and
 44 so as to ensure maximum use of resources. The state shall continue funding [*Oregon prekindergarten*
 45 *programs*] **the Oregon Prenatal to Kindergarten Program** with a goal to have full funding for all

1 eligible children.

2 **SECTION 8.** ORS 329.165 is amended to read:

3 329.165. (1) The Early Learning Council shall develop a long-range plan for serving eligible
4 children and their families and shall report to each odd-numbered year regular session of the Leg-
5 islative Assembly on the funds necessary to implement the long-range plan, including but not limited
6 to regular programming costs, salary enhancements and program improvement grants. The council
7 shall determine the rate of increase in funding for programs necessary each biennium to provide
8 service to all children eligible for the [*Oregon prekindergarten program*] **Oregon Prenatal to**
9 **Kindergarten Program.**

10 (2) Each biennial report shall include but not be limited to estimates of the number of eligible
11 children and families to be served, projected cost of programs and evaluation of the programs.

12 **SECTION 9.** ORS 329.165, as amended by section 24, chapter 631, Oregon Laws 2021, is
13 amended to read:

14 329.165. (1) The Department of Early Learning and Care, in consultation with the Early Learn-
15 ing Council, shall develop a long-range plan for serving eligible children and their families and shall
16 report to each odd-numbered year regular session of the Legislative Assembly on the funds neces-
17 sary to implement the long-range plan, including but not limited to programming costs, salary en-
18 hancements, infrastructure and other continuous quality improvement costs. The department shall
19 determine the rate of increase in funding for programs necessary each biennium to provide service
20 to all children eligible for the [*Oregon prekindergarten program*] **Oregon Prenatal to Kindergarten**
21 **Program.**

22 (2) Each biennial report shall include but not be limited to estimates of the number of eligible
23 children and families to be served, projected cost of programs and evaluation of the programs.

24 **SECTION 10.** ORS 329.172 is amended to read:

25 329.172. (1)(a) The Preschool Promise Program is established. The Early Learning Division shall
26 administer the Preschool Promise Program as provided by this section. The Preschool Promise Pro-
27 gram shall expand preschool options available to the children of this state.

28 (b) In administering the Preschool Promise Program, the Early Learning Division shall identify
29 local entities as provided under subsection (3) of this section within the region served by each Early
30 Learning Hub to serve as a preschool provider that meets the eligibility criteria established under
31 subsections (4) and (5) of this section.

32 (2) For the purpose of expanding and coordinating preschool options under the Preschool
33 Promise Program, Early Learning Hubs shall:

34 (a) Once every two years, in consultation with resource and referral entities established under
35 ORS 329A.100 to 329A.135, complete a community plan. The community plan must include the fol-
36 lowing for the region served by the Early Learning Hub:

37 (A) Identification of priority populations of children and families to enroll in the program;

38 (B) Assessment of the availability of high-quality preschool programs;

39 (C) Identification of existing preschool providers and opportunities to increase the number and
40 enrollment capacity of preschool providers;

41 (D) Prioritization of local entities to serve as preschool providers based on community need and
42 enrollment capacity;

43 (E) Identification of methods for increasing the enrollment capacity of preschool providers and
44 for providing professional development to preschool providers; and

45 (F) Identification of other services related to preschool programs.

1 (b) After completing a community plan described in paragraph (a) of this subsection, the Early
 2 Learning Hub shall submit the plan to the Early Learning Division for approval based on rules
 3 adopted by the Early Learning Council.

4 (c) Based on the results of the most recent community plan, annually coordinate and collaborate
 5 with preschool providers to:

6 (A) Determine the preschool program that best meets the needs of eligible children and their
 7 families within the Early Learning Hub; and

8 (B) Enroll eligible children in preschool programs.

9 (3) A local entity may apply to the Early Learning Division to be awarded grants or contracts
 10 to be a preschool provider under this section if the local entity is:

11 (a) An Early Learning Hub designated under ORS 417.827;

12 (b) A resource and referral entity established under ORS 329A.100 to 329A.135;

13 (c) An education service district;

14 (d) A school district;

15 (e) A federal Head Start program;

16 (f) A community-based organization; or

17 (g) Another entity identified by the Early Learning Division.

18 (4) A preschool provider that meets the requirements of this subsection may apply to participate
 19 in the Preschool Promise Program to receive grants or contracts under the program. The preschool
 20 provider:

21 (a) Must be establishing a new preschool program or expanding an existing preschool program.

22 (b) Must meet or exceed the requirements of subsection (5) of this section.

23 (c) May be a federal Head Start program, [*an Oregon prekindergarten*] **a provider under the**
 24 **Oregon Prenatal to Kindergarten Program**, a child care provider, a relief nursery, a private
 25 preschool, a public school, a public charter school, an education service district or a community-
 26 based organization that provides a preschool program.

27 (5) A preschool provider may participate in the Preschool Promise Program if the provider's
 28 preschool program:

29 (a) Provides, at a minimum, the annual number of instructional hours required for full-day
 30 kindergarten.

31 (b) Takes into consideration the scheduling needs of families who need full-time child care.

32 (c) Serves children who:

33 (A) Are at least three years of age but not older than five years of age, as determined by the
 34 date used to determine kindergarten eligibility; and

35 (B)(i) Are members of families whose incomes, at the time of enrollment, are at or below 200
 36 percent of the federal poverty guidelines; or

37 (ii) Otherwise meet criteria established by the Early Learning Council by rule.

38 (d) Provides continuity from infant and toddler services to early elementary grades.

39 (e) Demonstrates an ability to maximize available federal, state and local funds.

40 (f) Demonstrates quality through meeting standards, including:

41 (A) Participating in the quality rating and improvement system for early childhood programs.

42 (B) Adopting culturally responsive teaching methods and practices.

43 (C) Providing a high-quality, culturally responsive family engagement environment that supports
 44 parents as partners in a child's learning and development.

45 (D) Providing high-quality, culturally responsive curricula, assessments and professional devel-

1 opment that are linked to one another and to the state’s comprehensive early learning standards.

2 (E) Providing a classroom environment that is inclusive of all children, regardless of ability or
3 family income.

4 (F) Providing highly trained lead preschool teachers who have:

5 (i) At least a bachelor’s degree in:

6 (I) Early childhood education or a field related to early childhood education; or

7 (II) A field not related to early childhood education if the Early Learning Division, based on
8 rules adopted by the Early Learning Council, determines that the teacher has completed coursework
9 that is equivalent to a major in early childhood education and has sufficient training in early
10 childhood education;

11 (ii) An associate degree with additional training or additional certification in early childhood
12 education or a field related to early childhood education, as determined by the Early Learning Di-
13 vision based on rules adopted by the Early Learning Council; or

14 (iii) Sufficient alternative credentialing to indicate that the teacher is highly trained, as deter-
15 mined by the Early Learning Division based on rules adopted by the Early Learning Council.

16 (G) Providing lead preschool teachers and teaching assistants with a salary that meets the
17 minimum salary requirements established by the Early Learning Council.

18 (H) Providing at least one teaching assistant in each classroom who provides support for aca-
19 demic instruction and who meets the state’s personnel qualification requirements of one of the top
20 two tiers for the quality rating and improvement system for early childhood programs.

21 (I) Providing children and families with additional health and child development supports, such
22 as screening, referrals and coordination with health care providers.

23 (g) Incorporates best practices in outreach, enrollment and programming for diverse cultural and
24 linguistic populations and children who have been historically underserved in preschool programs.

25 (h) Works in collaboration with community programs to ensure that families have knowledge of,
26 and are connected to, community resources and supports to meet the needs of children and families
27 served by the preschool program.

28 (i) Participates in an ongoing monitoring and program evaluation system that is used for con-
29 tinuous program improvement.

30 (6)(a) While any moneys received under a grant received or a contract entered into as provided
31 by this section must be used to serve children described in subsection (5)(c) of this section, nothing
32 in subsection (5)(c) of this section prevents a preschool provider from serving additional children,
33 including children who:

34 (A) Pay tuition for the preschool program and whose family income at the time of enrollment
35 exceeds 200 percent of federal poverty guidelines.

36 (B) Are funded by the [*Oregon prekindergarten program*] **Oregon Prenatal to Kindergarten**
37 **Program**, a federal Head Start program or another source of funding.

38 (b) If a preschool provider participating in the Preschool Promise Program serves children de-
39 scribed in paragraph (a) of this subsection, moneys received under a grant or contract as provided
40 by this section may not be used to pay for expenses incurred for the children described in paragraph
41 (a) of this subsection.

42 (7) A preschool provider participating in the Preschool Promise Program may receive a waiver
43 of any of the requirements described in subsection (5) of this section if the waiver:

44 (a) Is for a preschool program that is maintaining progress toward quality; and

45 (b) Is anticipated for the first years of the preschool program only.

1 (8) To assist the Early Learning Division in administering this section, the Early Learning
2 Council shall:

3 (a) Identify resources necessary for the Early Learning Division to develop, support and sustain
4 the implementation of a high-quality preschool program, including evaluations, professional devel-
5 opment opportunities, technical assistance, monitoring guidance and administrative assistance.

6 (b) Ensure that pathways and supports are available to teaching staff to increase culturally and
7 linguistically diverse staff to teach and assist in preschool classrooms.

8 (c) Establish minimum salary requirements and target salary guidelines for lead preschool
9 teachers and teaching assistants at preschool providers participating in the Preschool Promise Pro-
10 gram. Minimum salary requirements may be differentiated by program type. Target salary guidelines
11 shall be, to the extent practicable, comparable to lead kindergarten teacher and teaching assistant
12 salaries in public schools. The Early Learning Division shall provide guidelines and technical as-
13 sistance to preschool providers participating in the Preschool Promise Program to address salary
14 disparities among preschool teachers and preschool staff.

15 (d) Develop strategies that strive to increase the mean salary for lead teachers, teaching as-
16 sistants and other preschool staff employed by preschool providers participating in the Preschool
17 Promise Program.

18 (e) Administer waivers as described in subsection (7) of this section.

19 (f) Develop strategies to ensure preschool providers have the resources necessary to maintain
20 children in placement in the Preschool Promise Program.

21 (9) Each biennium, the Early Learning Division shall submit a report to the Legislative Assem-
22 bly that describes:

23 (a) The number of children served by the Preschool Promise Program, including the number of
24 children:

25 (A) Whose family incomes are at or below 200 percent of the federal poverty guidelines;

26 (B) Whose family incomes are between 100 and 200 percent of the federal poverty guidelines;

27 (C) Who pay tuition;

28 (D) Who are eligible for Head Start programs; and

29 (E) Who are eligible for early childhood special education.

30 (b) The cost to serve each child described in subsection (5)(c) of this section.

31 (c) The level of state support received for implementing the Preschool Promise Program.

32 (d) The effectiveness of the Preschool Promise Program, including student progress and out-
33 comes.

34 (e) Improvements that have been made to the administration and evaluation of the Preschool
35 Promise Program to improve the effectiveness of the program.

36 (f) The salary, education levels and turnover rates of lead preschool teachers and teaching as-
37 sistants employed by preschool providers participating in the Preschool Promise Program.

38 (10) The Early Learning Division shall coordinate with the Department of Education and other
39 state agencies in support of the Preschool Promise Program.

40 (11) The Early Learning Division shall prescribe the form and timeline for applications to par-
41 ticipate in the Preschool Promise Program.

42 **SECTION 11.** ORS 329.172, as amended by section 26, chapter 631, Oregon Laws 2021, is
43 amended to read:

44 329.172. (1)(a) The Preschool Promise Program is established. The Department of Early Learn-
45 ing and Care shall administer the Preschool Promise Program as provided by this section. The Pre-

1 school Promise Program shall expand preschool options available to the children of this state.

2 (b) In administering the Preschool Promise Program, the Department of **Early Learning and**
 3 **Care** shall identify local entities as provided under subsection (3) of this section within the region
 4 served by each Early Learning Hub to serve as a preschool provider that meets the eligibility cri-
 5 teria established under subsections (4) and (5) of this section.

6 (2) For the purpose of expanding and coordinating preschool options under the Preschool
 7 Promise Program, Early Learning Hubs shall:

8 (a) Once every two years, in consultation with resource and referral entities established under
 9 ORS 329A.100 to 329A.135, complete a community plan. The community plan must include the fol-
 10 lowing for the region served by the Early Learning Hub:

11 (A) Identification of priority populations of children and families to enroll in the program;

12 (B) Assessment of the availability of high-quality preschool programs;

13 (C) Identification of existing preschool providers and opportunities to increase the number and
 14 enrollment capacity of preschool providers;

15 (D) Prioritization of local entities to serve as preschool providers based on community need and
 16 enrollment capacity;

17 (E) Identification of methods for increasing the enrollment capacity of preschool providers and
 18 for providing professional development to preschool providers; and

19 (F) Identification of other services related to preschool programs.

20 (b) After completing a community plan described in paragraph (a) of this subsection, the Early
 21 Learning Hub shall submit the plan to the department for approval based on rules adopted by the
 22 Early Learning Council.

23 (c) Based on the results of the most recent community plan, annually coordinate and collaborate
 24 with preschool providers to:

25 (A) Determine the preschool program that best meets the needs of eligible children and their
 26 families within the Early Learning Hub; and

27 (B) Enroll eligible children in preschool programs.

28 (3) A local entity may apply to the department to be awarded grants or contracts to be a pre-
 29 school provider under this section if the local entity is:

30 (a) An Early Learning Hub designated under ORS 417.827;

31 (b) A resource and referral entity established under ORS 329A.100 to 329A.135;

32 (c) An education service district;

33 (d) A school district;

34 (e) A federal Head Start program;

35 (f) A community-based organization; or

36 (g) Another entity identified by the department.

37 (4) A preschool provider that meets the requirements of this subsection may apply to participate
 38 in the Preschool Promise Program to receive grants or contracts under the program. The preschool
 39 provider:

40 (a) Must be establishing a new preschool program or expanding an existing preschool program.

41 (b) Must meet or exceed the requirements of subsection (5) of this section.

42 (c) May be a federal Head Start program, [*an Oregon prekindergarten*] **a provider under the**
 43 **Oregon Prenatal to Kindergarten Program**, a child care provider, a relief nursery, a private
 44 preschool, a public school, a public charter school, an education service district or a community-
 45 based organization that provides a preschool program.

1 (5) A preschool provider may participate in the Preschool Promise Program if the provider's
 2 preschool program:

3 (a) Provides, at a minimum, the annual number of instructional hours required for full-day
 4 kindergarten.

5 (b) Takes into consideration the scheduling needs of families who need full-time child care.

6 (c) Serves children who:

7 (A) Are at least three years of age but not older than five years of age, as determined by the
 8 date used to determine kindergarten eligibility; and

9 (B)(i) Are members of families whose incomes, at the time of enrollment, are at or below 200
 10 percent of the federal poverty guidelines; or

11 (ii) Otherwise meet criteria established by the Early Learning Council by rule.

12 (d) Provides continuity from infant and toddler services to early elementary grades.

13 (e) Demonstrates an ability to maximize available federal, state and local funds.

14 (f) Demonstrates an ability to meet quality standards adopted by the Early Learning Council,
 15 including:

16 (A) Participating in the quality recognition and improvement system for early childhood pro-
 17 grams as established by ORS 329A.261.

18 (B) Adopting culturally responsive teaching methods and practices.

19 (C) Providing a high-quality, culturally responsive family engagement environment that supports
 20 parents as partners in a child's learning and development.

21 (D) Providing high-quality, culturally responsive curricula, assessments and professional devel-
 22 opment that are linked to one another and to the state's comprehensive early learning standards.

23 (E) Providing a classroom environment that is inclusive of all children, regardless of ability or
 24 family income.

25 (F) Providing highly trained lead preschool teachers who have:

26 (i) At least a bachelor's degree in:

27 (I) Early childhood education or a field related to early childhood education; or

28 (II) A field not related to early childhood education if the department, based on rules adopted
 29 by the Early Learning Council, determines that the teacher has completed coursework that is
 30 equivalent to a major in early childhood education and has sufficient training in early childhood
 31 education;

32 (ii) An associate degree with additional training or additional certification in early childhood
 33 education or a field related to early childhood education, as determined by the department based
 34 on rules adopted by the Early Learning Council; or

35 (iii) Sufficient alternative credentialing to indicate that the teacher is highly trained, as deter-
 36 mined by the department based on rules adopted by the Early Learning Council.

37 (G) Providing lead preschool teachers and teaching assistants with a salary that meets the
 38 minimum salary requirements established by the Early Learning Council.

39 (H) Providing at least one teaching assistant in each classroom who provides support for aca-
 40 demic instruction and who meets the state's personnel qualification requirements as established by
 41 rule by the Early Learning Council.

42 (I) Providing children and families with additional health and child development supports, such
 43 as screening, referrals and coordination with health care providers.

44 (g) Incorporates best practices in outreach, enrollment and programming for diverse cultural and
 45 linguistic populations and children who have been historically underserved in preschool programs.

1 (h) Works in collaboration with community programs to ensure that families have knowledge of,
2 and are connected to, community resources and supports to meet the needs of children and families
3 served by the preschool program.

4 (i) Participates in an ongoing monitoring and program evaluation system that is used for con-
5 tinuous program improvement.

6 (6)(a) While any moneys received under a grant received or a contract entered into as provided
7 by this section must be used to serve children described in subsection (5)(c) of this section, nothing
8 in subsection (5)(c) of this section prevents a preschool provider from serving additional children,
9 including children who:

10 (A) Pay tuition for the preschool program and whose family income at the time of enrollment
11 exceeds 200 percent of federal poverty guidelines.

12 (B) Are funded by the [*Oregon prekindergarten program*] **Oregon Prenatal to Kindergarten**
13 **Program**, a federal Head Start program or another source of funding.

14 (b) If a preschool provider participating in the Preschool Promise Program serves children de-
15 scribed in paragraph (a) of this subsection, moneys received under a grant or contract as provided
16 by this section may not be used to pay for expenses incurred for the children described in paragraph
17 (a) of this subsection.

18 (7) A preschool provider participating in the Preschool Promise Program may receive a waiver
19 of any of the requirements described in subsection (5) of this section if the waiver:

20 (a) Is for a preschool program that is maintaining progress toward quality; and

21 (b) Is anticipated for the first years of the preschool program only.

22 (8) To assist the department in administering this section, the Early Learning Council shall:

23 (a) Identify resources necessary for the department to develop, support and sustain the imple-
24 mentation of a high-quality preschool program, including evaluations, professional development op-
25 portunities, technical assistance, monitoring guidance and administrative assistance.

26 (b) Ensure that pathways and supports are available to teaching staff to increase culturally and
27 linguistically diverse staff to teach and assist in preschool classrooms.

28 (c) Establish minimum salary requirements and target salary guidelines for lead preschool
29 teachers and teaching assistants at preschool providers participating in the Preschool Promise Pro-
30 gram. Minimum salary requirements may be differentiated by program type. Target salary guidelines
31 shall be, to the extent practicable, comparable to lead kindergarten teacher and teaching assistant
32 salaries in public schools. The department shall provide guidelines and technical assistance to pre-
33 school providers participating in the Preschool Promise Program to address salary disparities among
34 preschool teachers and preschool staff.

35 (d) Develop strategies that strive to increase the mean salary for lead teachers, teaching as-
36 sistants and other preschool staff employed by preschool providers participating in the Preschool
37 Promise Program.

38 (e) Administer waivers as described in subsection (7) of this section.

39 (f) Develop strategies to ensure preschool providers have the resources necessary to maintain
40 children in placement in the Preschool Promise Program.

41 (9) Each biennium, the department shall submit a report to the Legislative Assembly that de-
42 scribes:

43 (a) The number of children served by the Preschool Promise Program, including the number of
44 children:

45 (A) Whose family incomes are at or below 200 percent of the federal poverty guidelines;

1 (B) Whose family incomes are between 100 and 200 percent of the federal poverty guidelines;

2 (C) Who pay tuition;

3 (D) Who are eligible for Head Start programs; and

4 (E) Who are eligible for early childhood special education.

5 (b) The cost to serve each child described in subsection (5)(c) of this section.

6 (c) The level of state support received for implementing the Preschool Promise Program.

7 (d) The effectiveness of the Preschool Promise Program, including student progress and out-
8 comes.

9 (e) Improvements that have been made to the administration and evaluation of the Preschool
10 Promise Program to improve the effectiveness of the program.

11 (f) The salary, education levels and turnover rates of lead preschool teachers and teaching as-
12 sistants employed by preschool providers participating in the Preschool Promise Program.

13 (10) The Department of **Early Learning and Care** shall coordinate with the Department of
14 Education and other state agencies in support of the Preschool Promise Program.

15 (11) The Department of **Early Learning and Care** shall prescribe the form and timeline for
16 applications to participate in the Preschool Promise Program.

17 **SECTION 12.** ORS 329.185 is amended to read:

18 329.185. When the federal Head Start program provides funding for programs for eligible chil-
19 dren at or greater than the 1990-1991 per child level, eligibility for the [*state funded Oregon*
20 *prekindergarten program*] **state-funded Oregon Prenatal to Kindergarten Program** shall be ex-
21 panded to include programs for children whose family income exceeds the federal Head Start limits
22 or who are in an underserved or unserved age category. After determining the increase in income
23 limits or age level that would make children most in need of state programs eligible for them, the
24 Early Learning Division may direct expenditure of any unexpended or unobligated funds appropri-
25 ated for the biennium for eligible children to be expended for the additional children considered to
26 be most in need. In the following biennium, the Early Learning Division shall include the cost of
27 any added program for the children most in need in its biennial budget.

28 **SECTION 13.** ORS 329.185, as amended by section 30, chapter 631, Oregon Laws 2021, is
29 amended to read:

30 329.185. When the federal Head Start program provides funding for programs for eligible chil-
31 dren at or greater than the 1990-1991 per child level, eligibility for the [*state funded Oregon*
32 *prekindergarten program*] **state-funded Oregon Prenatal to Kindergarten Program** shall be ex-
33 panded to include programs for children whose family income exceeds the federal Head Start limits
34 or who are in an underserved or unserved age category. After determining the increase in income
35 limits or age level that would make children most in need of state programs eligible for them, the
36 Department of Early Learning and Care may direct expenditure of any unexpended or unobligated
37 funds appropriated for the biennium for eligible children to be expended for the additional children
38 considered to be most in need. In the following biennium, the department shall include the cost of
39 any added program for the children most in need in its biennial budget.

40 **SECTION 14.** ORS 329.195 is amended to read:

41 329.195. (1)(a) The Early Learning Council shall adopt rules for the establishment of the [*Oregon*
42 *prekindergarten program*] **Oregon Prenatal to Kindergarten Program**.

43 (b) Rules adopted under this section specifically shall require:

44 (A) Performance standards and operating standards that are at a level no less than the level
45 required under the federal Head Start program guidelines.

1 (B) Processes and procedures for recompetition that are substantially similar to the processes
 2 and procedures required under the rules and guidelines adopted under the federal Head Start Act.

3 (C) Implementation plans for any changes to the federal Head Start program rules or guidelines.

4 (c) Federal Head Start program guidelines shall be considered as guidelines for the [*Oregon*
 5 *prekindergarten program*] **Oregon Prenatal to Kindergarten Program.**

6 (d) Notwithstanding paragraph (b) of this subsection, the council may adopt rules that allow for
 7 the provision of a half-day program or a full-day program, or a combination thereof, to meet com-
 8 munity needs, as determined by the council based on community assessments.

9 (2) In developing rules for the [*Oregon prekindergarten program*] **Oregon Prenatal to**
 10 **Kindergarten Program**, the council shall consider such factors as coordination with existing pro-
 11 grams, the preparation necessary for instructors, qualifications of instructors, training of staff, ade-
 12 quate space and equipment and special transportation needs.

13 (3) The Early Learning Division shall review **received** applications for **entities to become**
 14 **providers under the Oregon Prenatal to Kindergarten Program** [*the Oregon prekindergarten*
 15 *program received and designate those programs as eligible to commence operation by July 1 of each*
 16 *year*]. When approving [*grant*] applications, to the extent practicable, the council shall distribute
 17 funds regionally based on percentages of unmet needs for the county or region.

18 **SECTION 15.** ORS 329.195, as amended by section 31, chapter 631, Oregon Laws 2021, is
 19 amended to read:

20 329.195. (1)(a) The Early Learning Council shall adopt rules for the establishment of the [*Oregon*
 21 *prekindergarten program*] **Oregon Prenatal to Kindergarten Program.**

22 (b) Rules adopted under this section specifically shall require:

23 (A) Performance standards and operating standards that are at a level no less than the level
 24 required under the federal Head Start program guidelines.

25 (B) Processes and procedures for recompetition that are substantially similar to the processes
 26 and procedures required under the rules and guidelines adopted under the federal Head Start Act.

27 (C) Implementation plans for any changes to the federal Head Start program rules or guidelines.

28 (c) Federal Head Start program guidelines shall be considered as guidelines for the [*Oregon*
 29 *prekindergarten program*] **Oregon Prenatal to Kindergarten Program.**

30 (d) Notwithstanding paragraph (b) of this subsection, the council may adopt rules that allow for
 31 the provision of a half-day program or a full-day program, or a combination thereof, to meet com-
 32 munity needs, as determined by the council based on community assessments.

33 (2) In developing rules for the [*Oregon prekindergarten program*] **Oregon Prenatal to**
 34 **Kindergarten Program**, the council shall consider such factors as coordination with existing pro-
 35 grams, the preparation necessary for instructors, qualifications of instructors, training of staff, ade-
 36 quate space and equipment and special transportation needs.

37 (3) The Department of Early Learning and Care shall review **received** applications for **entities**
 38 **to become providers under the Oregon Prenatal to Kindergarten Program** [*the Oregon*
 39 *prekindergarten program received and designate those programs as eligible to commence operation by*
 40 *July 1 of each year*]. When approving [*grant*] applications, to the extent practicable, the department
 41 shall distribute funds regionally based on percentages of unmet needs for the county or region.

42 **SECTION 16.** ORS 329.200 is amended to read:

43 329.200. (1) The Early Learning Division shall report to the Legislative Assembly on the merits
 44 of continuing and expanding the [*Oregon prekindergarten program*] **Oregon Prenatal to**
 45 **Kindergarten Program** or instituting other means of providing early childhood development as-

1 sistance.

2 (2) The division’s report shall include specific recommendations on at least the following issues:

3 (a) The relationship of the state-funded [*Oregon prekindergarten program*] **Oregon Prenatal to**
 4 **Kindergarten Program** with the common school system;

5 (b) The types of children and their needs that the program should serve;

6 (c) The appropriate level of state support for implementing the program for all eligible children,
 7 including related projects to prepare instructors and provide facilities, equipment and transporta-
 8 tion;

9 (d) The state administrative structure necessary to implement the program; and

10 (e) Licensing or endorsement of early childhood teachers.

11 (3) The division shall examine, monitor and assess the effectiveness of the [*Oregon*
 12 *prekindergarten program*] **Oregon Prenatal to Kindergarten Program** and make biennial reports
 13 to the Legislative Assembly on the effectiveness of the program.

14 **SECTION 17.** ORS 329.200, as amended by section 32, chapter 631, Oregon Laws 2021, is
 15 amended to read:

16 329.200. (1) The Department of Early Learning and Care shall report to the Legislative Assembly
 17 on the merits of continuing and expanding the [*Oregon prekindergarten program*] **Oregon Prenatal**
 18 **to Kindergarten Program** or instituting other means of providing early childhood development
 19 assistance.

20 (2) The department’s report shall include specific recommendations on at least the following is-
 21 sues:

22 (a) The relationship of the state-funded [*Oregon prekindergarten program*] **Oregon Prenatal to**
 23 **Kindergarten Program** with the common school system;

24 (b) The types of children and their needs that the program should serve;

25 (c) The appropriate level of state support for implementing the program for all eligible children,
 26 including related projects to prepare instructors and provide facilities, equipment and transporta-
 27 tion;

28 (d) The state administrative structure necessary to implement the program; and

29 (e) Licensing or endorsement of early childhood teachers.

30 (3) The department shall examine, monitor and assess the effectiveness of the [*Oregon*
 31 *prekindergarten program*] **Oregon Prenatal to Kindergarten Program** and make biennial reports
 32 to the Legislative Assembly on the effectiveness of the program.

33 **SECTION 18.** ORS 329A.030, as amended by section 1, chapter 90, Oregon Laws 2022, is
 34 amended to read:

35 329A.030. (1) The Office of Child Care shall establish a Central Background Registry and may
 36 maintain information in the registry through electronic records systems.

37 (2)(a) A subject individual shall apply to and must be enrolled in the Central Background Reg-
 38 istry as part of the individual’s application to operate a program or serve in a position described in
 39 subsection (10) of this section.

40 (b) An individual who has been the subject of a founded or substantiated report of child abuse
 41 shall apply to and must be enrolled in the Central Background Registry prior to providing any of
 42 the types of care identified in ORS 329A.250 (4)(b)(A), (G) or (H) if:

43 (A) The child abuse occurred on or after January 1, 2017, and involved a child who died or
 44 suffered serious physical injury, as defined in ORS 161.015; or

45 (B) The child abuse occurred on or after September 1, 2019, and involved any child for whom

1 the individual was providing child care, as defined in ORS 329A.250 (4), or care identified in ORS
 2 329A.250 (4)(b)(A), (C), (F), (G), (H) or (I).

3 (c) Notwithstanding paragraph (a) of this subsection, an individual described in paragraph (b)(B)
 4 of this subsection is not required to enroll in the Central Background Registry if more than seven
 5 years has elapsed since the date of the child abuse determination.

6 (3)(a) Upon receiving an application for enrollment in the Central Background Registry, the of-
 7 fice shall complete:

8 (A) A criminal records check under ORS 181A.195;

9 (B) A criminal records check of other registries or databases in accordance with rules adopted
 10 by the Early Learning Council;

11 (C) A child abuse and neglect records check in accordance with rules adopted by the council;
 12 and

13 (D) A foster care certification check and an adult protective services check in accordance with
 14 rules adopted by the council.

15 (b) In addition to the information that the office is required to check under paragraph (a) of this
 16 subsection, the office may consider any other information obtained by the office that the office, by
 17 rule, determines is relevant to enrollment in the Central Background Registry.

18 (4)(a) The office shall enroll the individual in the Central Background Registry if the individual:

19 (A) Is determined to have no criminal, child abuse and neglect, negative adult protective ser-
 20 vices or negative foster home certification history, or to have dealt with the issues and provided
 21 adequate evidence of suitability for the registry;

22 (B) Has paid the applicable fee established pursuant to ORS 329A.275; and

23 (C) Has complied with the rules of the Early Learning Council adopted pursuant to this section.

24 (b) Notwithstanding subsection (3) of this section and paragraph (a) of this subsection, the office
 25 may enroll an individual in the registry if the Department of Human Services has completed a
 26 background check on the individual and the individual has received approval from the department
 27 for purposes of providing child care.

28 (5)(a) Notwithstanding subsections (3) and (4) of this section, the office may not enroll an indi-
 29 vidual in the Central Background Registry if:

30 (A) The individual has a disqualifying condition as defined in rules adopted by the council; or

31 (B) The individual is an exempt prohibited individual, as provided by ORS 329A.252.

32 (b) If an individual prohibited from enrolling in the registry as provided by this subsection is
 33 enrolled in the registry, the office shall remove the individual from the registry.

34 (6)(a) The office may conditionally enroll an individual in the Central Background Registry
 35 pending the results of a nationwide criminal records check through the Federal Bureau of Investi-
 36 gation if the individual has successfully completed the criminal records check and the child abuse
 37 and neglect records check in this state and in the state of the individual's residence, if other than
 38 Oregon.

39 (b) The office may enroll an individual in the registry subject to limitations identified in rules
 40 adopted by the council.

41 (7) An enrollment in the Central Background Registry may be renewed upon application to the
 42 office, payment of the fee established pursuant to ORS 329A.275 and compliance with rules adopted
 43 by the Early Learning Council pursuant to this section. However, an individual who is determined
 44 to be ineligible for enrollment in the registry after the date of initial enrollment shall be removed
 45 or suspended from the registry by the office.

1 (8)(a) A child care facility, preschool recorded program or school-age recorded program may not
 2 hire or employ an individual if the individual is not enrolled in the Central Background Registry.

3 (b) Notwithstanding paragraph (a) of this subsection, a child care facility, preschool recorded
 4 program or school-age recorded program may employ on a probationary basis an individual who is
 5 conditionally enrolled in the Central Background Registry.

6 (9) The Early Learning Council may adopt any rules necessary to carry out the purposes of this
 7 section, including but not limited to rules regarding expiration and renewal periods and limitations
 8 related to the subject individual's enrollment in the Central Background Registry.

9 (10) As used in this section, "subject individual" means a subject individual as defined by the
 10 Early Learning Council by rule, an individual subject to subsection (2)(b) of this section or a person
 11 who applies to be:

12 (a) The operator or an employee of a child care or treatment program;

13 (b) The operator or an employee of *[an Oregon prekindergarten program]* **a provider under the**
 14 **Oregon Prenatal to Kindergarten Program** under ORS 329.170 to 329.200;

15 (c) The operator or an employee of a federal Head Start program regulated by the United States
 16 Department of Health and Human Services;

17 (d) An individual in a child care facility, preschool recorded program or school-age recorded
 18 program who may have unsupervised contact with children as identified by the office;

19 (e) A contractor or an employee of the contractor who provides early childhood special educa-
 20 tion or early intervention services pursuant to ORS 343.455 to 343.534;

21 (f) A child care provider who is required to be enrolled in the Central Background Registry by
 22 any state agency;

23 (g) A contractor, employee or volunteer of a metropolitan service district organized under ORS
 24 chapter 268 who may have unsupervised contact with children and who is required to be enrolled
 25 in the Central Background Registry by the metropolitan service district;

26 (h) A provider of respite services, as defined in ORS 418.205, for parents pursuant to a properly
 27 executed power of attorney under ORS 109.056 who is providing respite services as a volunteer with
 28 a private agency or organization that facilitates the provision of such respite services;

29 (i) The operator or an employee of an early learning program as defined in rules adopted by the
 30 council; or

31 (j) The operator or an employee of a preschool recorded program or a school-age recorded pro-
 32 gram.

33 (11)(a) Information provided to a metropolitan service district organized under ORS chapter 268
 34 about the enrollment status of the persons described in subsection (10)(g) of this section shall be
 35 subject to a reciprocal agreement with the metropolitan service district. The agreement must pro-
 36 vide for the recovery of administrative, including direct and indirect, costs incurred by the office
 37 from participation in the agreement. Any moneys collected under this paragraph shall be deposited
 38 in the Child Care Fund established under ORS 329A.010.

39 (b) Information provided to a private agency or organization facilitating the provision of respite
 40 services, as defined in ORS 418.205, for parents pursuant to a properly executed power of attorney
 41 under ORS 109.056 about the enrollment status of the persons described in subsection (10)(h) of this
 42 section shall be subject to an agreement with the private agency or organization. The agreement
 43 must provide for the recovery of administrative, including direct and indirect, costs incurred by the
 44 office from participation in the agreement. Any moneys collected under this paragraph shall be de-
 45 posited in the Child Care Fund established under ORS 329A.010.

1 (c) Information provided to a private agency or organization about the enrollment status of the
 2 persons described in subsection (10)(i) of this section shall be subject to an agreement with the pri-
 3 vate agency or organization. The agreement must provide for the recovery of administrative, in-
 4 cluding direct and indirect, costs incurred by the office from participation in the agreement. Any
 5 moneys collected under this paragraph shall be deposited in the Child Care Fund established under
 6 ORS 329A.010.

7 **SECTION 19.** ORS 329A.030, as amended by section 26, chapter 27, Oregon Laws 2022, and
 8 section 1, chapter 90, Oregon Laws 2022, is amended to read:

9 329A.030. (1) The Office of Child Care shall establish a Central Background Registry and may
 10 maintain information in the registry through electronic records systems.

11 (2)(a) A subject individual described in subsection (10)(a), (c) or (d) of this section shall apply
 12 to and must be enrolled in the Central Background Registry prior to the provision of care.

13 (b) An individual who has been the subject of a founded or substantiated report of child abuse
 14 shall apply to and must be enrolled in the Central Background Registry prior to providing any of
 15 the types of care identified in ORS 329A.250 (4)(b)(A), (G) or (H) if:

16 (A) The child abuse occurred on or after January 1, 2017, and involved a child who died or
 17 suffered serious physical injury, as defined in ORS 161.015; or

18 (B) The child abuse occurred on or after September 1, 2019, and involved any child for whom
 19 the individual was providing child care, as defined in ORS 329A.250 (4), or care identified in ORS
 20 329A.250 (4)(b)(A), (C), (F), (G), (H) or (I).

21 (c) Notwithstanding paragraph (a) of this subsection, an individual described in paragraph (b)(B)
 22 of this subsection is not required to enroll in the Central Background Registry if more than seven
 23 years has elapsed since the date of the child abuse determination.

24 (3)(a) Upon receiving an application for enrollment in the Central Background Registry, the of-
 25 fice shall complete:

26 (A) A criminal records check under ORS 181A.195;

27 (B) A criminal records check of other registries or databases in accordance with rules adopted
 28 by the Early Learning Council;

29 (C) A child abuse and neglect records check in accordance with rules adopted by the council;
 30 and

31 (D) A foster care certification check and an adult protective services check in accordance with
 32 rules adopted by the council.

33 (b) In addition to the information that the office is required to check under paragraph (a) of this
 34 subsection, the office may consider any other information obtained by the office that the office, by
 35 rule, determines is relevant to enrollment in the Central Background Registry.

36 (4) The office shall enroll the individual in the Central Background Registry if the individual:

37 (a) Is determined to have no criminal, child abuse and neglect, negative adult protective services
 38 or negative foster home certification history, or to have dealt with the issues and provided adequate
 39 evidence of suitability for the registry;

40 (b) Has paid the applicable fee established pursuant to ORS 329A.275; and

41 (c) Has complied with the rules of the Early Learning Council adopted pursuant to this section.

42 (5)(a) Notwithstanding subsections (3) and (4) of this section, the office may not enroll an indi-
 43 vidual in the Central Background Registry if:

44 (A) The individual has a disqualifying condition as defined in rules adopted by the council; or

45 (B) The individual is an exempt prohibited individual, as provided by ORS 329A.252.

1 (b) If an individual prohibited from enrolling in the registry as provided by this subsection is
 2 enrolled in the registry, the office shall remove the individual from the registry.

3 (6)(a) The office may conditionally enroll an individual in the Central Background Registry
 4 pending the results of a nationwide criminal records check through the Federal Bureau of Investi-
 5 gation if the individual has successfully completed the criminal records check and the child abuse
 6 and neglect records check in this state and in the state of the individual's residence, if other than
 7 Oregon.

8 (b) The office may enroll an individual in the registry subject to limitations identified in rules
 9 adopted by the council.

10 (7) An enrollment in the Central Background Registry may be renewed upon application to the
 11 office, payment of the fee established pursuant to ORS 329A.275 and compliance with rules adopted
 12 by the Early Learning Council pursuant to this section. However, an individual who is determined
 13 to be ineligible for enrollment in the registry after the date of initial enrollment shall be removed
 14 or suspended from the registry by the office.

15 (8)(a) A child care facility, preschool recorded program or school-age recorded program may not
 16 hire or employ an individual if the individual is not enrolled in the Central Background Registry.

17 (b) Notwithstanding paragraph (a) of this subsection, a child care facility, preschool recorded
 18 program or school-age recorded program may employ on a probationary basis an individual who is
 19 conditionally enrolled in the Central Background Registry.

20 (9) The Early Learning Council may adopt any rules necessary to carry out the purposes of this
 21 section, including but not limited to rules regarding expiration and renewal periods and limitations
 22 related to the subject individual's enrollment in the Central Background Registry.

23 (10) As used in this section, "subject individual" means:

24 (a) A subject individual as defined by the Early Learning Council by rule;

25 (b) An individual subject to subsection (2)(b) of this section;

26 (c) A person who applies to be:

27 (A) The operator or an employee of a child care or treatment program;

28 (B) The operator or an employee of [*an Oregon prekindergarten program*] **a provider under the**
 29 **Oregon Prenatal to Kindergarten Program** under ORS 329.170 to 329.200;

30 (C) The operator or an employee of a federal Head Start program regulated by the United States
 31 Department of Health and Human Services;

32 (D) An individual in a child care facility, preschool recorded program or school-age recorded
 33 program who may have unsupervised contact with children, as determined by the council by rule;

34 (E) A contractor or an employee of the contractor who provides early childhood special educa-
 35 tion or early intervention services pursuant to ORS 343.455 to 343.534;

36 (F) A child care provider who is required to be enrolled in the Central Background Registry by
 37 any state agency;

38 (G) A contractor, employee or volunteer of a metropolitan service district organized under ORS
 39 chapter 268 who may have unsupervised contact with children and who is required to be enrolled
 40 in the Central Background Registry by the metropolitan service district;

41 (H) A provider of respite services, as defined in ORS 418.205, for parents pursuant to a properly
 42 executed power of attorney under ORS 109.056 who is providing respite services as a volunteer with
 43 a private agency or organization that facilitates the provision of such respite services;

44 (I) The operator or an employee of an early learning program as defined in rules adopted by the
 45 council; or

1 (J) The operator or an employee of a preschool recorded program or a school-age recorded
 2 program; or

3 (d)(A) An individual who operates a subsidized care facility;

4 (B) An individual who has attained 18 years of age and resides in a subsidized care facility; or

5 (C) An individual in a subsidized care facility who has attained 18 years of age and who may
 6 have unsupervised contact with children, as determined by the council by rule.

7 (11)(a) Information provided to a metropolitan service district organized under ORS chapter 268
 8 about the enrollment status of the persons described in subsection (10)(c)(G) of this section shall be
 9 subject to a reciprocal agreement with the metropolitan service district. The agreement must pro-
 10 vide for the recovery of administrative, including direct and indirect, costs incurred by the office
 11 from participation in the agreement. Any moneys collected under this paragraph shall be deposited
 12 in the Child Care Fund established under ORS 329A.010.

13 (b) Information provided to a private agency or organization facilitating the provision of respite
 14 services, as defined in ORS 418.205, for parents pursuant to a properly executed power of attorney
 15 under ORS 109.056 about the enrollment status of the persons described in subsection (10)(c)(H) of
 16 this section shall be subject to an agreement with the private agency or organization. The agree-
 17 ment must provide for the recovery of administrative, including direct and indirect, costs incurred
 18 by the office from participation in the agreement. Any moneys collected under this paragraph shall
 19 be deposited in the Child Care Fund established under ORS 329A.010.

20 (c) Information provided to a private agency or organization about the enrollment status of the
 21 persons described in subsection (10)(c)(I) of this section shall be subject to an agreement with the
 22 private agency or organization. The agreement must provide for the recovery of administrative, in-
 23 cluding direct and indirect, costs incurred by the office from participation in the agreement. Any
 24 moneys collected under this paragraph shall be deposited in the Child Care Fund established under
 25 ORS 329A.010.

26 **SECTION 20.** ORS 336.211 is amended to read:

27 336.211. (1) As used in this section:

28 (a) "Education provider" means:

29 (A) An entity that *[offers a program that is recognized as an Oregon prekindergarten program]*
 30 **is a provider under the Oregon Prenatal to Kindergarten Program** under ORS 329.170 to
 31 329.200.

32 (B) A school district board.

33 (b) "Eye examination" means an eye examination that:

34 (A) Is conducted by a person licensed by the Oregon Board of Optometry under ORS 683.010 to
 35 683.340 or a person licensed by the Oregon Medical Board under ORS chapter 677 and trained in
 36 eye surgery and eye disease; and

37 (B) Involves any diagnosis of the eye and any measurement or assistance of the powers or range
 38 of vision of the eye.

39 (c) "Vision screening" means an eye screening test to identify potential vision health problems
 40 that is conducted by a person who is:

41 (A) Licensed by the Oregon Board of Optometry under ORS 683.010 to 683.340;

42 (B) Licensed by the Oregon Medical Board under ORS chapter 677 and trained in eye surgery
 43 and eye disease;

44 (C) A health care practitioner acting in accordance with rules adopted by the State Board of
 45 Education; or

1 (D) A school nurse, an employee of an education provider or a person or nonprofit entity des-
 2 ignated by the Department of Education to provide vision screening to students who is acting in
 3 accordance with rules adopted by the State Board of Education.

4 (2)(a) Except as provided in subsection (3) of this section, each education provider shall require
 5 a student who is seven years of age or younger and who is beginning an educational program with
 6 the education provider for the first time to submit certification that the student received:

7 (A) A vision screening or an eye examination; and

8 (B) Any further examinations or necessary treatments of the eye or assistance of the powers or
 9 range of vision of the eye.

10 (b) The certification required by this subsection must be provided no later than 120 days after
 11 the student begins the educational program.

12 (3) A student is not required to submit certification as required under subsection (2) of this
 13 section if the student provides a statement from the parent or guardian of the student that:

14 (a) The student submitted certification to a prior education provider; or

15 (b) The vision screening or eye examination is contrary to the religious beliefs of the student
 16 or the parent or guardian of the student.

17 (4) Each education provider shall:

18 (a) Ensure that the requirements of this section are met. Failure by a student to meet the re-
 19 quirements of this section may not result in a program's or school's prohibiting the student from
 20 attending the program or school, but may result in withholding report cards or similar actions.

21 (b) File in the student's vision health record any certifications and any results of a vision
 22 screening or an eye examination known by the education provider.

23 (c) Provide the parent or guardian of each student with information about the vision screenings
 24 and eye examinations, and information about further examinations or necessary treatments.

25 (5)(a) Upon application of a person that provides students with vision screenings, the Depart-
 26 ment of Education shall reimburse the person for any necessary expenses incurred by the person in
 27 the provision of the vision screenings.

28 (b) A person may receive reimbursement under this subsection for the provision of a vision
 29 screening to any student of an education provider, regardless of whether the student has complied
 30 with subsection (2) or (3) of this section. Nothing in this paragraph removes the requirement that
 31 a student must comply with subsection (2) or (3) of this section.

32 (c) Reimbursements made under this subsection:

33 (A) May not exceed \$3.20 per vision screening per student per school year.

34 (B) Must be paid from the Vision Health Account established under ORS 336.212.

35 (C) May not exceed amounts available in the Vision Health Account.

36 (6)(a) The State Board of Education, in consultation with the Oregon Health Policy Board, shall
 37 adopt by rule any standards for the implementation of this section.

38 (b) The State Board of Education shall adopt rules that:

39 (A) Prescribe the process by which a person or nonprofit entity is designated by the Department
 40 of Education to provide vision screenings; and

41 (B) Establish the process for providing reimbursements under subsection (5) of this section, in-
 42 cluding the prioritization of persons to receive a reimbursement if the total amount available for
 43 reimbursements exceeds the total amount requested for reimbursements.

44 **SECTION 21.** ORS 336.213 is amended to read:

45 336.213. (1) As used in this section:

1 (a) “Dental screening” means a dental screening test to identify potential dental health problems
2 that is conducted by:

3 (A) A dentist licensed under ORS chapter 679;

4 (B) A dental hygienist licensed under ORS 680.010 to 680.205;

5 (C) A health care practitioner who is acting in accordance with rules adopted by the State
6 Board of Education; or

7 (D) A person who:

8 (i) Is one of the following:

9 (I) An employee of an education provider; or

10 (II) Trained in accordance with guidelines established by the dental director appointed by the
11 Oregon Health Authority; and

12 (ii) Is acting in accordance with rules adopted by the State Board of Education in collaboration
13 with the dental director appointed by the Oregon Health Authority.

14 (b) “Education provider” means:

15 (A) An entity that *[offers a program that is recognized as an Oregon prekindergarten program]*
16 **is a provider under the Oregon Prenatal to Kindergarten Program** under ORS 329.170 to
17 329.200.

18 (B) A school district board.

19 (2)(a) Except as provided in subsection (3) of this section, each education provider shall require
20 a student who is seven years of age or younger and who is beginning an educational program with
21 the education provider for the first time to submit certification that the student received a dental
22 screening within the previous 12 months.

23 (b) The certification required by this subsection:

24 (A) Must be provided no later than 120 days after the student begins the educational program.

25 (B) May be provided by a person identified in subsection (1)(a) of this section who conducts the
26 dental screening at a location not associated with the education provider or who conducts regular
27 dental screenings of the student.

28 (3) A student is not required to submit certification as required under subsection (2) of this
29 section if the student provides a statement from the parent or guardian of the student that:

30 (a) The student submitted certification to a prior education provider;

31 (b) The dental screening is contrary to the religious beliefs of the student or the parent or
32 guardian of the student; or

33 (c) The dental screening is a burden, as defined by the State Board of Education by rule, for the
34 student or the parent or guardian of the student.

35 (4) Each education provider shall:

36 (a) File in the student’s dental health record any certifications and any results of a dental
37 screening known by the education provider.

38 (b) Provide the parent or guardian of each student with information about:

39 (A) The dental screenings;

40 (B) Further examinations or necessary treatments; and

41 (C) Preventive care, including fluoride varnish, sealants and daily brushing and flossing.

42 (5) The dental director appointed by the Oregon Health Authority shall develop standardized
43 information described in subsection (4)(b) of this section for distribution by education providers.

44 (6)(a) No later than October 1 each year, each school district shall submit to the Department
45 of Education a report that identifies the percentage of students who failed to submit the certification

1 required under this section for the previous school year.

2 (b) No later than December 1 each year, the department shall summarize the reports received
 3 under paragraph (a) of this subsection and submit the summary to the interim legislative committees
 4 on education and to the dental director appointed by the Oregon Health Authority.

5 (7) The State Board of Education, in consultation with the Oregon Health Policy Board and the
 6 Oregon Board of Dentistry, shall adopt by rule any standards for the implementation of this section.

7 **SECTION 22.** ORS 336.214 is amended to read:

8 336.214. (1) As used in this section:

9 (a) “Dental screening” has the meaning given that term in ORS 336.213.

10 (b) “Prekindergarten program” means [*a program that is recognized as an Oregon*
 11 *prekindergarten program*] **an entity that is a provider under the Oregon Prenatal to**
 12 **Kindergarten Program** under ORS 329.170 to 329.200.

13 (2) A school district or prekindergarten program that causes a dental screening to be conducted
 14 of all of the students in one or more classrooms or in one or more grades where the students are
 15 14 years of age or younger must provide the students or the parents or guardians of the students
 16 an opportunity to request not to participate in the dental screening.

17 (3) At least two weeks before a school district or prekindergarten program causes to be con-
 18 ducted a dental screening of all of the students in one or more classrooms or in one or more grades
 19 where the students are 14 years of age or younger, the school district or prekindergarten program
 20 must provide written notice of the dental screening to each student for whom the dental screening
 21 will be conducted.

22 (4) The notice required by subsection (3) of this section must:

23 (a) Explain that either a student or a parent or guardian of a student has the right to request
 24 in writing that the student not participate in the dental screening;

25 (b) Explain that, on the day of the dental screening, a student or a parent or guardian of a
 26 student may request, orally or in writing, that the student not participate in the screening;

27 (c) Explain who will administer the dental screening and who will have access to the results of
 28 screening; and

29 (d) Meet any other requirements established by the State Board of Education by rule.

30 (5) This section does not authorize a school district or a prekindergarten program to cause a
 31 dental screening to be conducted on an individual student who is 14 years of age or younger without
 32 first receiving the written consent of a parent or guardian of the student if the dental screening is
 33 not conducted as part of a dental screening of all students in one or more classrooms or one or more
 34 grades.

35 **SECTION 23.** ORS 343.455 is amended to read:

36 343.455. (1) [*Oregon prekindergartens, as defined in ORS 329.170,*] **Providers under the Oregon**
 37 **Prenatal to Kindergarten Program, as defined in ORS 329.175,** shall be responsible for providing
 38 early childhood special education as defined in ORS 343.035 (5).

39 (2) Not less than 10 percent of the population of children served [*in Oregon prekindergartens*]
 40 **by a provider under the Oregon Prenatal to Kindergarten Program** shall be children who are
 41 eligible to receive early childhood special education.

42 **SECTION 24.** ORS 343.499 is amended to read:

43 343.499. (1)(a) There is created the State Interagency Coordinating Council.

44 (b) The Governor shall appoint members of the council from a list of eligible appointees from
 45 this state that is provided by the council and agencies described in subsection (2) of this section and

1 shall ensure that the membership of the council reasonably represents the racial, ethnic, linguistic
2 and geographic population of this state.

3 (c) The Governor shall designate one member of the council to serve as the chairperson, or if
4 the Governor chooses not to name a chairperson, the council may elect one of its members to serve
5 as chairperson.

6 (d) Notwithstanding paragraph (c) of this subsection, any member of the council who represents
7 the Department of Education may not serve as the chairperson of the council.

8 (2) The membership of the council shall be composed as follows:

9 (a) At least 20 percent of the council members shall be parents of children with a disability who
10 are 12 years of age or younger at the time the council member is appointed. When appointing
11 council members under this paragraph, the Governor shall ensure that:

12 (A) At least 50 percent of the council members are parents of a child with a disability who is
13 five years of age or younger at the time the council member is appointed;

14 (B) At least 20 percent of the council members:

15 (i) Are parents of a child with a disability who is three years of age or younger at the time the
16 council member is appointed; and

17 (ii) Have knowledge of, or experience with, programs or services for infants or toddlers with a
18 disability; and

19 (C) The council members represent the racial, ethnic and linguistic diversity of children in this
20 state who are five years of age or younger.

21 (b) At least 20 percent of the council members shall be public or private providers of early
22 intervention and early childhood special education services.

23 (c) At least one council member shall be from a program responsible for preparing early inter-
24 vention and early childhood special education educators.

25 (d) At least one council member shall be from a Head Start [*or Early Head Start*] program **or**
26 **from a provider under the Oregon Prenatal to Kindergarten Program.**

27 (e) At least one council member shall be from a home-based child care program.

28 (f) At least one council member shall be from a center-based child care program.

29 (g) At least one council member shall be from the committee that serves as the state advisory
30 council, as described in ORS 326.425 (3).

31 (h) At least one council member shall be a member of the State Advisory Council for Special
32 Education created under ORS 343.287.

33 (i) At least one council member shall be from each state agency involved in the provision of,
34 or payment for, early intervention and early childhood special education services to infants and
35 toddlers with a disability and their families.

36 (j) At least one council member shall be from each state agency responsible for providing pre-
37 school services to children with a disability.

38 (k) At least one council member shall be from each state agency responsible for children's
39 mental health.

40 (L) At least two council members shall be from the Department of Human Services with exper-
41 tise in foster care or self-sufficiency programs.

42 (m) At least one council member shall be from the Office of Child Care with expertise in the
43 Child Care and Development Fund.

44 (n) At least one council member shall be a representative of the Department of Education with
45 expertise in the coordination of education of homeless children and youth.

1 (o) At least one council member shall be from the Department of Consumer and Business Ser-
 2 vices with expertise in state regulation of private health insurance.

3 (p) At least one council member shall be from the Oregon Health Authority with expertise in
 4 Medicaid and the Children’s Health Insurance Program.

5 (q) At least one council member shall be a representative from a tribal agency responsible for
 6 supporting young children with developmental delays and disabilities, from a tribal council or oth-
 7 erwise representing one or more tribes.

8 (3) An individual appointed to represent a state agency under subsection (2) of this section must
 9 have sufficient authority to engage in making and implementing policy on behalf of the agency. The
 10 Governor may appoint a council member to represent more than one program or specialty listed in
 11 subsection (2) of this section.

12 (4) In addition to the council members appointed under subsection (2) of this section:

13 (a) The Governor may appoint any other council members not listed in subsection (2) of this
 14 section.

15 (b) The President of the Senate shall appoint one member from among members of the Senate
 16 to serve as a nonvoting council member.

17 (c) The Speaker of the House of Representatives shall appoint one member from among members
 18 of the House of Representatives to serve as a nonvoting council member.

19 (5) The State Interagency Coordinating Council shall:

20 (a) Advise the Superintendent of Public Instruction, the State Board of Education, the Early
 21 Learning System Director and the Early Learning Council on unmet needs in the early childhood
 22 special education and early intervention programs for children with a disability, review and com-
 23 ment publicly on any rules proposed by the State Board of Education and the distribution of funds
 24 for the programs and assist the state in developing and reporting data on and evaluations of the
 25 programs and services.

26 (b) Advise and assist the represented public agencies regarding the services and programs they
 27 provide to children with a disability and their families, including public comments on any proposed
 28 rules affecting the target population and the distribution of funds for such services, and assist each
 29 agency in developing services that reflect the overall goals for the target population as adopted by
 30 the council.

31 (c) Advise the Department of Education, the Early Learning Division and other state agencies
 32 on the development and implementation of the policies that constitute the statewide system.

33 (d) Advise all appropriate public agencies on achieving the full participation, coordination and
 34 cooperation for implementation of a statewide system that includes but is not limited to:

35 (A) Seeking information from service providers, service coordinators, parents and others about
 36 any federal, state or local policies that impede timely service delivery; and

37 (B) Taking steps to ensure that any policy problems identified under subparagraph (A) of this
 38 paragraph are resolved.

39 (e) Advise the Superintendent of Public Instruction and the Early Learning System Director on
 40 identifying the sources of fiscal and other support for early intervention and early childhood special
 41 education services, assigning financial responsibility to the appropriate agencies and ensuring that
 42 the provisions of interagency agreements under ORS 343.511 are carried out.

43 (f) Review and comment on each agency’s services and policies regarding services for infants,
 44 toddlers and preschool children with a disability, or infants, toddlers and preschool children who
 45 are at risk of developing disabling conditions, and their families to the maximum extent possible to

1 [assure] **ensure** cost-effective and efficient use of resources.

2 (g) Advise the Department of Education and the Early Learning Division on the preparation of
3 applications and amendments thereto.

4 (h) Advise the Superintendent of Public Instruction and the Early Learning System Director
5 regarding transitions of children with a disability, including transitions to kindergarten.

6 (i) Prepare and submit an annual report to the Governor, the Deputy Superintendent of Public
7 Instruction, the Early Learning System Director, the Early Learning Council, the State Board of
8 Education, the Legislative Assembly and the United States Secretary of Education on the status of
9 early intervention and early childhood special education services provided within this state.

10 (6) The council may advise appropriate agencies about integration of services for preschool
11 children with a disability and at-risk preschool children.

12 (7) Terms of office for council members shall be three years, except that:

13 (a) The representative from the State Advisory Council for Special Education shall serve a
14 one-year term; and

15 (b) The representatives from other state agencies and the representatives from the Legislative
16 Assembly shall serve indefinite terms.

17 (8) Subject to approval by the Governor, the council may use federal funds appropriated for this
18 purpose and available to the council to:

19 (a) Conduct hearings and forums;

20 (b) Reimburse nonagency council members under ORS 292.495 for attending council meetings, for
21 performing council duties, and for necessary expenses, including child care for parent members;

22 (c) Pay compensation to a council member if the member is not employed or if the member must
23 forfeit wages from other employment when performing official council business;

24 (d) Hire staff; and

25 (e) Obtain the services of such professional, technical and clerical personnel as may be neces-
26 sary to carry out its functions.

27 (9) Except as provided in subsection (8) of this section, council members shall serve without
28 compensation.

29 (10) The Department of Education shall provide clerical and administrative support, including
30 staff, to the council to carry out the performance of the council's function as described in this sec-
31 tion.

32 (11) The council shall meet at least quarterly. The meetings shall be announced publicly and,
33 to the extent appropriate, be open and accessible to the general public.

34 (12) No member of the council shall cast a vote on any matter that would provide direct finan-
35 cial benefit to that member or otherwise give the appearance of a conflict of interest under state
36 law.

37 **SECTION 25.** ORS 343.499, as amended by section 47, chapter 631, Oregon Laws 2021, is
38 amended to read:

39 343.499. (1)(a) There is created the State Interagency Coordinating Council.

40 (b) The Governor shall appoint members of the council from a list of eligible appointees from
41 this state that is provided by the council and agencies described in subsection (2) of this section and
42 shall ensure that the membership of the council reasonably represents the racial, ethnic, linguistic
43 and geographic population of this state.

44 (c) The Governor shall designate one member of the council to serve as the chairperson, or if
45 the Governor chooses not to name a chairperson, the council may elect one of its members to serve

1 as chairperson.

2 (d) Notwithstanding paragraph (c) of this subsection, any member of the council who represents
3 the Department of Education may not serve as the chairperson of the council.

4 (2) The membership of the council shall be composed as follows:

5 (a) At least 20 percent of the council members shall be parents of children with a disability who
6 are 12 years of age or younger at the time the council member is appointed. When appointing
7 council members under this paragraph, the Governor shall ensure that:

8 (A) At least 50 percent of the council members are parents of a child with a disability who is
9 five years of age or younger at the time the council member is appointed;

10 (B) At least 20 percent of the council members:

11 (i) Are parents of a child with a disability who is three years of age or younger at the time the
12 council member is appointed; and

13 (ii) Have knowledge of, or experience with, programs or services for infants or toddlers with a
14 disability; and

15 (C) The council members represent the racial, ethnic and linguistic diversity of children in this
16 state who are five years of age or younger.

17 (b) At least 20 percent of the council members shall be public or private providers of early
18 intervention and early childhood special education services.

19 (c) At least one council member shall be from a program responsible for preparing early inter-
20 vention and early childhood special education educators.

21 (d) At least one council member shall be from a Head Start [*or Early Head Start*] program **or**
22 **from a provider under the Oregon Prenatal to Kindergarten Program.**

23 (e) At least one council member shall be from a home-based child care program.

24 (f) At least one council member shall be from a center-based child care program.

25 (g) At least one council member shall be from the committee that serves as the state advisory
26 council, as described in ORS 326.425 (3).

27 (h) At least one council member shall be a member of the State Advisory Council for Special
28 Education created under ORS 343.287.

29 (i) At least one council member shall be from each state agency involved in the provision of,
30 or payment for, early intervention and early childhood special education services to infants and
31 toddlers with a disability and their families.

32 (j) At least one council member shall be from each state agency responsible for providing pre-
33 school services to children with a disability.

34 (k) At least one council member shall be from each state agency responsible for children's
35 mental health.

36 (L) At least two council members shall be from the Department of Human Services with exper-
37 tise in foster care or self-sufficiency programs.

38 (m) At least one council member shall be from the Department of Early Learning and Care with
39 expertise in the Child Care and Development Fund.

40 (n) At least one council member shall be a representative of the Department of Education with
41 expertise in the coordination of education of homeless children and youth.

42 (o) At least one council member shall be from the Department of Consumer and Business Ser-
43 vices with expertise in state regulation of private health insurance.

44 (p) At least one council member shall be from the Oregon Health Authority with expertise in
45 Medicaid and the Children's Health Insurance Program.

1 (q) At least one council member shall be a representative from a tribal agency responsible for
2 supporting young children with developmental delays and disabilities, from a tribal council or oth-
3 erwise representing one or more tribes.

4 (3) An individual appointed to represent a state agency under subsection (2) of this section must
5 have sufficient authority to engage in making and implementing policy on behalf of the agency. The
6 Governor may appoint a council member to represent more than one program or specialty listed in
7 subsection (2) of this section.

8 (4) In addition to the council members appointed under subsection (2) of this section:

9 (a) The Governor may appoint any other council members not listed in subsection (2) of this
10 section.

11 (b) The President of the Senate shall appoint one member from among members of the Senate
12 to serve as a nonvoting council member.

13 (c) The Speaker of the House of Representatives shall appoint one member from among members
14 of the House of Representatives to serve as a nonvoting council member.

15 (5) The State Interagency Coordinating Council shall:

16 (a) Advise the Superintendent of Public Instruction, the State Board of Education, the Early
17 Learning System Director and the Early Learning Council on unmet needs in the early childhood
18 special education and early intervention programs for children with a disability, review and com-
19 ment publicly on any rules proposed by the State Board of Education and the distribution of funds
20 for the programs and assist the state in developing and reporting data on and evaluations of the
21 programs and services.

22 (b) Advise and assist the represented public agencies regarding the services and programs they
23 provide to children with a disability and their families, including public comments on any proposed
24 rules affecting the target population and the distribution of funds for such services, and assist each
25 agency in developing services that reflect the overall goals for the target population as adopted by
26 the council.

27 (c) Advise the Department of Education, the Department of Early Learning and Care and other
28 state agencies on the development and implementation of the policies that constitute the statewide
29 system.

30 (d) Advise all appropriate public agencies on achieving the full participation, coordination and
31 cooperation for implementation of a statewide system that includes but is not limited to:

32 (A) Seeking information from service providers, service coordinators, parents and others about
33 any federal, state or local policies that impede timely service delivery; and

34 (B) Taking steps to ensure that any policy problems identified under subparagraph (A) of this
35 paragraph are resolved.

36 (e) Advise the Superintendent of Public Instruction and the Early Learning System Director on
37 identifying the sources of fiscal and other support for early intervention and early childhood special
38 education services, assigning financial responsibility to the appropriate agencies and ensuring that
39 the provisions of interagency agreements under ORS 343.511 are carried out.

40 (f) Review and comment on each agency's services and policies regarding services for infants,
41 toddlers and preschool children with a disability, or infants, toddlers and preschool children who
42 are at risk of developing disabling conditions, and their families to the maximum extent possible to
43 [assure] **ensure** cost-effective and efficient use of resources.

44 (g) Advise the Department of Education and the Department of Early Learning and Care on the
45 preparation of applications and amendments thereto.

1 (h) Advise the Superintendent of Public Instruction and the Early Learning System Director
2 regarding transitions of children with a disability, including transitions to kindergarten.

3 (i) Prepare and submit an annual report to the Governor, the Deputy Superintendent of Public
4 Instruction, the Early Learning System Director, the Early Learning Council, the State Board of
5 Education, the Legislative Assembly and the United States Secretary of Education on the status of
6 early intervention and early childhood special education services provided within this state.

7 (6) The council may advise appropriate agencies about integration of services for preschool
8 children with a disability and at-risk preschool children.

9 (7) Terms of office for council members shall be three years, except that:

10 (a) The representative from the State Advisory Council for Special Education shall serve a
11 one-year term; and

12 (b) The representatives from other state agencies and the representatives from the Legislative
13 Assembly shall serve indefinite terms.

14 (8) Subject to approval by the Governor, the council may use federal funds appropriated for this
15 purpose and available to the council to:

16 (a) Conduct hearings and forums;

17 (b) Reimburse nonagency council members under ORS 292.495 for attending council meetings, for
18 performing council duties, and for necessary expenses, including child care for parent members;

19 (c) Pay compensation to a council member if the member is not employed or if the member must
20 forfeit wages from other employment when performing official council business;

21 (d) Hire staff; and

22 (e) Obtain the services of such professional, technical and clerical personnel as may be neces-
23 sary to carry out its functions.

24 (9) Except as provided in subsection (8) of this section, council members shall serve without
25 compensation.

26 (10) The Department of Education shall provide clerical and administrative support, including
27 staff, to the council to carry out the performance of the council's function as described in this sec-
28 tion.

29 (11) The council shall meet at least quarterly. The meetings shall be announced publicly and,
30 to the extent appropriate, be open and accessible to the general public.

31 (12) No member of the council shall cast a vote on any matter that would provide direct finan-
32 cial benefit to that member or otherwise give the appearance of a conflict of interest under state
33 law.

34 **SECTION 26.** ORS 343.507 is amended to read:

35 343.507. (1) Each contractor for early childhood special education and early intervention ser-
36 vices shall assist in the development of a local early intervention interagency advisory council in
37 every county within the contractor's service area.

38 (2) Each local early intervention interagency advisory council shall include as members at least
39 20 percent parents of preschool children with disabilities, 20 percent providers of early childhood
40 special education and early intervention services or other services to preschool children with disa-
41 bilities, a representative of the Early Learning Council and representatives from public and private
42 agencies that serve young children and their families, including but not limited to Head Start **pro-**
43 **grams** and [*Oregon prekindergartens*] **providers under the Oregon Prenatal to Kindergarten**
44 **Program**, community child care, the Office of Child Care, local school districts, education service
45 districts, Department of Education regional special education programs, community mental health

1 programs, community developmental disabilities programs, Department of Human Services health
 2 programs, child welfare programs and public assistance programs, Indian education agencies,
 3 migrant programs serving young children and community colleges.

4 (3) Each local early intervention interagency advisory council shall select its own chairperson
 5 and vice chairperson and fix the duties of its officers.

6 (4) The Department of Education shall establish procedures pursuant to rules of the State
 7 Board of Education for seeking and considering local council advice regarding the selection of
 8 contractors, coordination of services and procedures for local resolution of disputes.

9 **SECTION 27.** ORS 417.728 is amended to read:

10 417.728. (1) The Early Learning Council is responsible for leading cross-sector strategic planning
 11 that establishes the goals, objectives and strategies necessary for a statewide early learning system.

12 (2) The purpose of the statewide early learning system is to make progress toward ensuring that:

13 (a) Children enter school ready to learn;

14 (b) Children are raised in families that are healthy, stable and attached; and

15 (c) Early learning is available and provided in a manner that is aligned, coordinated and family
 16 centered.

17 (3) The statewide early learning system shall include the following components:

18 (a) A process to identify as early as possible children and families who would benefit from early
 19 learning services, including the required use of standardized screening and referral procedures used
 20 throughout the statewide early learning system;

21 (b) A plan to support the identified needs of the child and family that coordinates case man-
 22 agement personnel and the delivery of services to the child and family; and

23 (c) Services to support children who are zero through six years of age and their families who
 24 give their express written consent, including:

25 (A) Screening, assessment and home visiting services pursuant to ORS 417.795;

26 (B) Specialized or targeted home visiting services;

27 (C) Community-based services such as relief nurseries, family support programs and parent ed-
 28 ucation programs;

29 (D) Affordable, quality child care, as defined by the Early Learning Council;

30 (E) Preschool and other early education services;

31 (F) Health services for children and pregnant women;

32 (G) Mental health services;

33 (H) Alcohol and drug treatment programs that meet the standards promulgated by the Oregon
 34 Health Authority pursuant to ORS 430.357;

35 (I) Developmental disability services; and

36 (J) Other state and local services.

37 (4) In establishing the definition of affordable, quality child care under subsection (3)(c)(D) of
 38 this section, the Early Learning Council shall consult with child care providers and early childhood
 39 educators. The definition established by the council shall support parental choice of child care pro-
 40 vider and shall consider differences in settings and services, including but not limited to child care
 41 for school-aged children, part-time care, odd-hour and respite care and factors of cultural appropri-
 42 ateness and competence.

43 (5) The Early Learning Council shall:

44 (a) Consolidate administrative functions relating to the statewide early learning system, to the
 45 extent practicable, including but not limited to training and technical assistance, planning and

1 budgeting.

2 (b) Adopt policies to establish training and technical assistance programs to ensure that per-
 3 sonnel have skills in appropriate areas, including screening, family assessment, competency-based
 4 home visiting skills, cultural and gender differences and other areas as needed.

5 (c) Identify research-based age-appropriate and culturally and gender appropriate screening and
 6 assessment tools that would be used as appropriate in programs and services of the statewide early
 7 learning system.

8 (d) Develop a plan for the implementation of a common data system for voluntary early child-
 9 hood programs.

10 (e) Coordinate existing and new early childhood programs to provide a range of community-
 11 based supports.

12 (f) Establish a common set of quality assurance standards to guide local implementation of all
 13 elements of the statewide early learning system, including voluntary universal screening and as-
 14 sessment, home visiting, staffing, evaluation and community-based services.

15 (g) Ensure that all plans for voluntary early childhood services are coordinated and consistent
 16 with federal and state law, including but not limited to plans for [*Oregon prekindergarten*
 17 *programs*] **the Oregon Prenatal to Kindergarten Program**, federal Head Start programs, early
 18 childhood special education services, early intervention services and public health services.

19 (h) Identify how the statewide early learning system for children who are zero through six years
 20 of age will link with systems of support for older children and their families.

21 (i) During January of each odd-numbered year, report to the Governor and the Legislative As-
 22 sembly on the statewide early learning system.

23 (6) The State Board of Education, the Employment Department, the Department of Human Ser-
 24 vices and the Oregon Health Authority when adopting rules to administer voluntary early childhood
 25 programs under their individual authority shall adopt rules:

26 (a) That are consistent with the requirements of the statewide early learning system created
 27 under this section; and

28 (b) With the direction of the Early Learning Council.

29 (7) Information gathered in conjunction with the voluntary comprehensive screening and as-
 30 sessment of children and their families may be used only for the following purposes:

31 (a) Providing services to children and families who give their express written consent;

32 (b) Providing statistical data that are not personally identifiable;

33 (c) Accomplishing other purposes for which the family has given express written consent; and

34 (d) Meeting the requirements of mandatory state and federal disclosure laws.

35 **SECTION 28.** ORS 634.700 is amended to read:

36 634.700. As used in ORS 634.700 to 634.750:

37 (1) "Campus" means the buildings, other structures, playgrounds, athletic fields and parking lots
 38 of a school and any other areas on the school property that are accessed by students on a regular
 39 basis.

40 (2) "Governing body" means a board of directors, agency or other body or person having
 41 policymaking and general oversight responsibility for a community college district, education service
 42 district, school district, other unit of education governance, private school or other educational en-
 43 tity.

44 (3) "Integrated pest management plan" means a proactive strategy that:

45 (a) Focuses on the long-term prevention or suppression of pest problems through economically

1 sound measures that:

2 (A) Protect the health and safety of students, staff and faculty;

3 (B) Protect the integrity of campus buildings and grounds;

4 (C) Maintain a productive learning environment; and

5 (D) Protect local ecosystem health;

6 (b) Focuses on the prevention of pest problems by working to reduce or eliminate conditions of
7 property construction, operation and maintenance that promote or allow for the establishment,
8 feeding, breeding and proliferation of pest populations or other conditions that are conducive to
9 pests or that create harborage for pests;

10 (c) Incorporates the use of sanitation, structural remediation or habitat manipulation or of me-
11 chanical, biological and chemical pest control measures that present a reduced risk or have a low
12 impact and, for the purpose of mitigating a declared pest emergency, the application of pesticides
13 that are not low-impact pesticides;

14 (d) Includes regular monitoring and inspections to detect pests, pest damage and unsanctioned
15 pesticide usage;

16 (e) Evaluates the need for pest control by identifying acceptable pest population density levels;

17 (f) Monitors and evaluates the effectiveness of pest control measures;

18 (g) Excludes the application of pesticides on a routine schedule for purely preventive purposes,
19 other than applications of pesticides designed to attract or be consumed by pests;

20 (h) Excludes the application of pesticides for purely aesthetic purposes;

21 (i) Includes school staff education about sanitation, monitoring and inspection and about pest
22 control measures;

23 (j) Gives preference to the use of nonchemical pest control measures;

24 (k) Allows the use of low-impact pesticides if nonchemical pest control measures are ineffective;
25 and

26 (L) Allows the application of a pesticide that is not a low-impact pesticide only to mitigate a
27 declared pest emergency or if the application is by, or at the direction or order of, a public health
28 official.

29 (4) "Low-impact pesticide" means a product that does not contain a pesticide product or active
30 ingredient described in ORS 634.705 (5).

31 (5) "Pest" means:

32 (a) An insect or other arthropod;

33 (b) A weed, moss, slime or mildew or a plant disease caused by a fungus, bacterium or virus;

34 (c) A nematode, snail, slug, rodent or predatory animal;

35 (d) A bacterium, spore, virus, fungus or other microorganism that is harmful to human health;

36 or

37 (e) Other forms of plant or animal life that may infest or be detrimental to vegetation, humans,
38 animals, structures, managed landscapes or other human environments.

39 (6) "Pest emergency" means an urgent need to eliminate or mitigate a pest situation that
40 threatens:

41 (a) The health or safety of students, staff, faculty members or members of the public using the
42 campus; or

43 (b) The structural integrity of campus facilities.

44 (7) "Registration number" means the pesticide registration number assigned by the United States
45 Environmental Protection Agency.

1 (8) "School" means:

2 (a) [A facility operating an Oregon prekindergarten or] A federal Head Start program **or a pro-**
 3 **vider under the Oregon Prenatal to Kindergarten Program;**

4 (b) A public or private educational institution offering education in all or part of kindergarten
 5 through grade 12;

6 (c) An education service district as defined in ORS 334.003;

7 (d) A community college as defined in ORS 341.005, for the community college's own buildings
 8 and ground maintenance;

9 (e) The Oregon School for the Deaf; and

10 (f) A regional residential academy operated by the Oregon Youth Authority.

11 **SECTION 29.** ORS 680.020, as amended by section 6, chapter 62, Oregon Laws 2022, is amended
 12 to read:

13 680.020. (1) It is unlawful for any person not otherwise authorized by law to practice dental
 14 hygiene or purport to be a dental hygienist without a valid license to practice dental hygiene issued
 15 by the Oregon Board of Dentistry.

16 (2) Subsection (1) of this section does not apply to:

17 (a) Dental hygienists licensed in another state making a clinical presentation sponsored by a
 18 bona fide dental or dental hygiene society or association or an accredited dental or dental hygiene
 19 education program approved by the board.

20 (b) Bona fide students of dental hygiene who engage in clinical studies during the period of their
 21 enrollment and as a part of the course of study in an Oregon dental hygiene education program. The
 22 program must be accredited by the Commission on Dental Accreditation of the American Dental
 23 Association, or its successor agency, and approved by the board. The clinical study may be con-
 24 ducted on the premises of the program or in a clinical setting located off the premises. The facility,
 25 the instructional staff and the course of study at the off-premises location must meet minimum re-
 26 quirements prescribed by the rules of the board, and the clinical study at the off-premises location
 27 must be performed under the indirect supervision of a member of the faculty.

28 (c) Bona fide students of dental hygiene who engage in community-based or clinical studies as
 29 an elective or required rotation in a clinical setting located in Oregon during the period of their
 30 enrollment and as a part of the course of study in a dental hygiene education program located out-
 31 side of Oregon. The program must be accredited by the Commission on Dental Accreditation of the
 32 American Dental Association or its successor agency. The community-based or clinical studies must:

33 (A) Meet minimum requirements prescribed by the rules of the board; and

34 (B) Be performed under the indirect supervision of a member of the faculty of the Oregon Health
 35 and Science University School of Dentistry or another Oregon institution with an accredited dental
 36 hygiene education program approved by the board.

37 (d) Students of dental hygiene or graduates of dental hygiene programs who engage in clinical
 38 studies as part of a course of study or continuing education course offered by an institution with a
 39 dental or dental hygiene program. The program must be accredited by the Commission on Dental
 40 Accreditation of the American Dental Association or its successor agency.

41 (e) Candidates who are preparing for licensure examination to practice dental hygiene and
 42 whose application has been accepted by the board or its agent, if the clinical preparation is con-
 43 ducted in a clinic located on premises approved for that purpose by the board and if the procedures
 44 are limited to examination only.

45 (f) Dental hygienists practicing in the discharge of official duties as employees of the United

1 States Government and any of its agencies.

2 (g) Instructors of dental hygiene, whether full- or part-time, while exclusively engaged in teach-
3 ing activities and while employed in accredited dental hygiene educational programs.

4 (h) Dental hygienists who are employed by public health agencies and who are not engaged in
5 direct delivery of clinical dental hygiene services to patients.

6 (i) Counselors and health assistants who have been trained in the application of fluoride
7 varnishes to the teeth of children and who apply fluoride varnishes only to the teeth of children
8 enrolled in or receiving services from the Women, Infants and Children Program, the [*Oregon*
9 *prekindergarten program*] **Oregon Prenatal to Kindergarten Program** or a federal Head Start
10 grant program.

11 (j) Persons acting in accordance with rules adopted by the State Board of Education under ORS
12 336.213 to provide dental screenings to students.

13 (k) Dental hygienists licensed in another state or United States territory and practicing in this
14 state under section 1, chapter 62, Oregon Laws 2022.

15 **SECTION 30.** ORS 680.026 is amended to read:

16 680.026. Counselors and health assistants who have been trained in the application of fluoride
17 varnishes to the teeth of children may apply fluoride varnishes to the teeth of children enrolled in
18 or receiving services or benefits from the Women, Infants and Children Program, the [*Oregon*
19 *prekindergarten program*] **Oregon Prenatal to Kindergarten Program** or a federal Head Start
20 grant program.

21 **SECTION 31.** ORS 329.183 is amended to read:

22 329.183. (1) The [*Prekindergarten*] **Oregon Prenatal to Kindergarten Program Trust Fund** is
23 established as a fund in the State Treasury, separate and distinct from the General Fund. Interest
24 earned by the trust fund shall be credited to the trust fund. The primary purposes of the trust fund
25 are to:

26 (a) Assist eligible children with comprehensive services, including educational, social, health and
27 nutritional development, to enhance their chances for success in school and life;

28 (b) Provide scholarships awarded to current and prospective early childhood care and education
29 professionals, as described in ORS 329.181; and

30 (c) Provide grants to institutions of higher education to develop high-quality degree programs
31 for early childhood care and education professionals, as described in ORS 329.181.

32 (2) For the purposes identified in subsection (1) of this section, the trust fund is continuously
33 appropriated to the Early Learning Division.

34 (3) The division may solicit and accept money in the form of gifts, contributions and grants to
35 be deposited in the trust fund. Except as provided in ORS 329.185, the acceptance of federal grants
36 for purposes of ORS 329.170 to 329.200 does not commit state funds nor place an obligation upon the
37 Legislative Assembly to continue the purposes for which the federal funds are made available.

38 (4) The trust fund may be included, if otherwise qualified, on a schedule of the Oregon individual
39 income tax return for checkoff pursuant to application made to the Oregon Charitable Checkoff
40 Commission under ORS 305.690 to 305.753 by the division.

41 **SECTION 32.** ORS 329.183, as amended by section 29, chapter 631, Oregon Laws 2021, is
42 amended to read:

43 329.183. (1) The [*Prekindergarten*] **Oregon Prenatal to Kindergarten Program Trust Fund** is
44 established as a fund in the State Treasury, separate and distinct from the General Fund. Interest
45 earned by the trust fund shall be credited to the trust fund. The primary purposes of the trust fund

1 are to:

2 (a) Assist eligible children with comprehensive services, including educational, social, health and
3 nutritional development, to enhance their chances for success in school and life;

4 (b) Provide scholarships awarded to current and prospective early childhood care and education
5 professionals, as described in ORS 329.181; and

6 (c) Provide grants to institutions of higher education to develop high-quality degree programs
7 for early childhood care and education professionals, as described in ORS 329.181.

8 (2) For the purposes identified in subsection (1) of this section, the trust fund is continuously
9 appropriated to the Department of Early Learning and Care.

10 (3) The department may solicit and accept money in the form of gifts, contributions and grants
11 to be deposited in the trust fund. Except as provided in ORS 329.185, the acceptance of federal
12 grants for purposes of ORS 329.170 to 329.200 does not commit state funds nor place an obligation
13 upon the Legislative Assembly to continue the purposes for which the federal funds are made
14 available.

15 (4) The trust fund may be included, if otherwise qualified, on a schedule of the Oregon individual
16 income tax return for checkoff pursuant to application made to the Oregon Charitable Checkoff
17 Commission under ORS 305.690 to 305.753 by the department.

18 **SECTION 33.** ORS 305.720 is amended to read:

19 305.720. Subject to ORS 305.745, an entity qualifies to receive contributions by means of checkoff
20 if the entity:

21 (1) Supports private charitable causes or engages in public activities that are consistent with
22 policies and programs of the state and:

23 (a) Checkoff resources are used to augment existing programs or provide new funding to related
24 activities of proven value;

25 (b) Checkoff funds are not to be used to meet the administrative expenses of the entity;

26 (c) Programs funded by checkoff resources result in substantial and direct benefits to the human
27 and natural resources of the state that the Oregon Charitable Checkoff Commission determines are
28 unlikely to occur under existing public and private programs; and

29 (d) Unless the entity is a governmental entity, after checkoff resources are received by the en-
30 tity, the entity shows a pattern over several years of increasing its total revenues from other than
31 checkoff sources or reaches the level where no more than 50 percent of its revenues are from
32 checkoff sources.

33 (2) Is qualified to receive contributions that are tax deductible under the following:

34 (a) Section 170 of the Internal Revenue Code (relating to contributions and gifts to charitable
35 and governmental entities).

36 (b) Section 501(k) of the Internal Revenue Code (relating to contributions to certain organiza-
37 tions providing child care).

38 (c) Section 7871 of the Internal Revenue Code (relating to contributions to Indian tribal gov-
39 ernments).

40 (d) Any other federal law allowing a deduction from federal individual income tax for charitable
41 contributions to an entity classified by rule of the Department of Revenue as being an entity be-
42 longing to the general class described in paragraphs (a) to (c) of this subsection.

43 (3) Is:

44 (a) An Oregon Veterans' Home, as defined in ORS 408.362, the Nongame Wildlife Fund, the
45 Alzheimer's Disease Research Fund, the Oregon Military Emergency Financial Assistance Fund, the

1 Oregon Department of Veterans' Affairs Veterans Suicide Prevention and Outreach Program Fund,
2 the [*Prekindergarten*] **Oregon Prenatal to Kindergarten** Program Trust Fund, the Oregon Volun-
3 teer Firefighters Association, but only if contributions are dedicated to the direct costs of firefighter
4 training or to the assistance of a firefighter, or a firefighter's immediate family, who has experienced
5 hardship resulting from the death, injury or illness of the firefighter, or the subaccount described
6 in ORS 305.747 (4)(f) for contributions dedicated to the prevention of child abuse and neglect;

7 (b) A nonprofit organization described in section 501(c)(3) of the Internal Revenue Code with a
8 gross income of at least \$1 million for the year prior to application; or

9 (c) The central office for a group of affiliated nonprofit organizations with a collective gross
10 income of at least \$1 million in the year prior to the year of application.

11 (4) Collects 10,000 or more signatures from electors of this state attesting that the electors
12 support the entity qualifying for inclusion on a schedule of the Oregon individual income tax return.

13 (5) Makes application within the time and in the manner prescribed by ORS 305.725.

14 (6) Files a financial report, and other information, with the commission as described under ORS
15 305.730.

16 **SECTION 34.** ORS 305.747 is amended to read:

17 305.747. (1) Amounts equal to the amounts checked off under ORS 305.745 shall be remitted by
18 the Department of Revenue to the State Treasurer who shall deposit the amounts in a suspense ac-
19 count established under ORS 293.445.

20 (2)(a) Of the amounts remitted and deposited under subsection (1) of this section, a portion is
21 continuously appropriated for use in reimbursing the General Fund for costs paid or incurred by the
22 Oregon Charitable Checkoff Commission in administering the checkoff programs established under
23 ORS 305.690 to 305.753. No more than one percent of the moneys generated by the checkoff pro-
24 grams per fiscal year ending June 30, 1990, or per any fiscal year thereafter, is appropriated under
25 this paragraph.

26 (b) Of the amounts remitted and deposited under subsection (1) of this section, a portion is
27 continuously appropriated for use in reimbursing the General Fund for costs paid or incurred by the
28 department in administering the checkoff program established under ORS 305.690 to 305.753. The
29 department shall adopt by rule a formula or other method of determining the cost of administering
30 each checkoff program. Each program shall be charged the cost of administration not to exceed 10
31 percent of the amount received in checkoff contributions.

32 (c) Moneys appropriated under this subsection shall be transferred to the General Fund on a
33 quarterly basis.

34 (3) The records of the department shall reflect the amount that the department has credited to
35 each entity less administrative expenses. Subject to ORS 305.745 (3), the amount credited to each
36 entity shall be equal to the amount checked off for that entity under ORS 305.745 less administrative
37 expenses. The net amount of moneys credited to an entity shall be transferred by the department
38 to the entity, as specified by law, on a periodic basis, or is continuously appropriated to the de-
39 partment for payment to the entity and the department shall pay and remit the net amount credited
40 to the entity, without interest, to the entity on a periodic basis. The department shall adopt rules
41 governing the transferring or remitting of checkoff moneys to the entities for which the amounts
42 were checked off. The rules shall specify the time, no less often than quarterly, that the moneys are
43 to be transferred or remitted to the entities by the department.

44 (4) Moneys contributed in accordance with ORS 305.690 to 305.753 shall be deposited as follows:

45 (a) In the Oregon Veterans Home Account established in ORS 408.368, if contributed to an

1 Oregon Veterans' Home, as defined in ORS 408.362.

2 (b) In the Oregon Department of Veterans' Affairs Veterans Suicide Prevention and Outreach
 3 Program Fund established in ORS 406.083, if contributed to the Oregon Department of Veterans'
 4 Affairs Veterans Suicide Prevention and Outreach Program.

5 (c) In the Nongame Wildlife Fund established in ORS 496.385, if contributed to the Nongame
 6 Wildlife Fund.

7 (d) In the Alzheimer's Disease Research Fund established in ORS 431A.650, if contributed to the
 8 Alzheimer's Disease Research Fund.

9 (e) In the Oregon Military Emergency Financial Assistance Fund established in ORS 396.364, if
 10 contributed to the Oregon Military Emergency Financial Assistance Program.

11 (f) In the subaccount established pursuant to section 36 (2), chapter 1084, Oregon Laws 1999,
 12 or a successor subaccount, account or fund, an amount as credited to the subaccount or its succes-
 13 sor, if contributed to assist in child abuse and neglect prevention.

14 (g) In the [*Prekindergarten*] **Oregon Prenatal to Kindergarten** Program Trust Fund established
 15 in ORS 329.183, if contributed for the purposes of the [*Prekindergarten*] **Oregon Prenatal to**
 16 **Kindergarten** Program Trust Fund.

17 (5)(a) The department shall be responsible for the expenditure of all commission funds and the
 18 Director of the Department of Revenue shall sign all vouchers for obligations incurred or for
 19 expenditures authorized by the commission.

20 (b) The director, on behalf of the commission, shall execute all agreements, contracts or other
 21 documents entered into or approved by the commission.

22 (c) Subject to any applicable provisions of the State Personnel Relations Law and the approval
 23 of the commission, the department may employ or remove executive, technical and expert assistants
 24 and other employees as needed and fix their compensation. However, executive, technical and expert
 25 assistants shall be in the unclassified service for purposes of the State Personnel Relations Law.

26 **SECTION 35. ORS 329.153 and 329.170 are repealed.**

27 **SECTION 36. (1) The amendments to ORS 329.175 by section 1 of this 2023 Act are in-**
 28 **tended to change the term "Oregon prekindergarten program" to the "Oregon Prenatal to**
 29 **Kindergarten Program."**

30 **(2) For the purpose of harmonizing and clarifying statutory law, the Legislative Counsel**
 31 **may substitute for words designating the "Oregon prekindergarten program," wherever they**
 32 **occur in statutory law, other words designating the "Oregon Prenatal to Kindergarten Pro-**
 33 **gram."**

34 **SECTION 37. (1) The amendments to ORS 329.183 by section 31 of this 2023 Act are in-**
 35 **tended to change the name of the "Prekindergarten Program Trust Fund" to the "Oregon**
 36 **Prenatal to Kindergarten Program Trust Fund."**

37 **(2) For the purpose of harmonizing and clarifying statutory law, the Legislative Counsel**
 38 **may substitute for words designating the "Prekindergarten Program Trust Fund," wherever**
 39 **they occur in statutory law, other words designating the "Oregon Prenatal to Kindergarten**
 40 **Program Trust Fund."**

41 **SECTION 38. This 2023 Act being necessary for the immediate preservation of the public**
 42 **peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect**
 43 **on its passage.**