

Early Childhood Care and Education

In 2021, the legislature enacted [House Bill 3073](#), which laid the groundwork for converting the Oregon Department of Education’s (ODE) Early Learning Division into a separate agency called the Department of Early Learning and Care (DELC). This new agency will be overseen by the Early Learning Council (ELC) and charged with administering the state’s publicly funded preschool programs, regulating child care providers, and taking over responsibility for the Employment Related Day Care (ERDC) subsidy program from the Oregon Department of Human Services (DHS). The launch date for DELC as an independent agency was subsequently changed to July 1, 2023, by [House Bill 4005](#) (2022).

Administration and Regulation

During the 2023 session, in anticipation of the DELC launch on July 1, the legislature enacted several bills to modify, clarify, and expand DELC’s administrative authority. To that end, [Senate Bill 427](#) clarifies DELC’s authority to access funds in the Early Learning Account that was created to fund early learning programs under the Student Success Act, as well as facilitate shared access to data and records between DELC, ODE, and DHS for background checks, ERDC, early childhood special education, and early intervention services. Additionally, [House Bill 3558](#) transforms the statutorily mandated structure of the agency by removing references to the Office of Child Care, granting DELC more discretion to organize into administrative divisions and share information across divisions within the agency. The bill also

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See the 2023 **Legislative Summary Report for Education and Early Childhood**, which highlights policy measures that received a public hearing during Oregon’s 2023 Regular Legislative Session.

expands DELC’s regulatory authority over child care providers, prohibits providers from retaliating against individuals who file complaints against child care facilities, and makes technical changes related to the agency’s new responsibility for ERDC. Finally, DELC’s regulatory relationship with providers of family child care homes was modified by [House Bill 2468](#). This bill exempts a provider’s own children between the ages of 10 and 12 from adult-to-child ratio requirements unless the children require additional care, requires DELC to issue a supplemental penalty payment to ERDC providers if it fails to disburse reimbursements promptly, and establishes a retirement benefits trust for providers with union representation through collective bargaining.

The legislature also changed the state’s publicly funded prekindergarten and child care subsidy programs. Acknowledging recent expansions of the mission of the Oregon Prekindergarten

program (OPK) to include services for infants, toddlers, and parents-to-be as well as preschool-age children and their families. [House Bill 3435](#) changes the program's name to the Oregon Prenatal to Kindergarten Program and updates all corresponding statutes. [House Bill 2683](#) changes the eligibility requirements for ERDC to align with federal regulations and allow families to qualify through non-income criteria, such as involvement with child welfare, teen parent, domestic violence, and youth homelessness services.

The legislature considered [House Bill 3027 A](#) (*not enacted*), which would have established a work group to study the implementation of navigators who would assist families with enrolling in publicly funded preschool and child care programs such as OPK, Preschool Promise, and ERDC. Other bills not enacted include [House Bill 2726 A](#) (*not enacted*), which would have created a pilot program of wraparound services for low-income children and their families; [House Bill 2872 A](#) (*not enacted*), would have established the Imagination Library of Oregon Program, affiliated with Dolly Parton's Imagination Library book-gifting initiative; and [House Bill 2954 A](#) (*not enacted*), would have created a pilot program to assist employees of long-term care facilities with child care costs.

Early Childhood Workforce

In recognition of the persistent challenges in both access to and supply of child care, the legislature enacted several bills intended to reinforce the early learning workforce pipeline and respond to staffing shortages in the early childhood sector, made worse by high turnover, low pay, and barriers to professional development for those working in the field. [House Bill 2504](#) directs DELC to examine and streamline its professional certification requirements for child care workers in order to reduce barriers for those with credentials from foreign countries. [House Bill 2991](#) mandates an

independent study, with subsequent reports to the legislature and administrative rulemaking, to identify additional barriers to a high-quality early childhood workforce and develop guidance for future professional development. Lastly, [House Bill 3561](#) allows students pursuing a postsecondary degree in early childhood behavioral and mental health to apply for a scholarship program intended for early childhood educators.

Other bills related to workforce that were not enacted include [House Bill 2623](#) (*not enacted*), which would have created an income tax credit for certain child care workers in rural areas of Oregon, and [House Bill 3029](#) (*not enacted*), which would have created a workforce incentive program to attract early childhood professionals by providing loan repayment subsidies, stipends, scholarships, and other forms of financial assistance.

Early Childhood Infrastructure

The legislature also addressed the multifaceted infrastructure challenges that inhibit the supply of early childhood care providers, including renovation and expansion costs, zoning and building codes, and restrictions in lease agreements for residential properties, resulting in a package of bills that require collaboration between several state agencies from various policy sectors. [House Bill 3005](#) creates a financial assistance program--administered by the Oregon Business Development Department with coordination and technical assistance from DELC, ODE, and Oregon Housing and Community Services--which is intended to help providers pay for the costs of renovating and expanding their child care facilities. In addition, a workgroup, established by [House Bill 2727](#) and convened by the Department of Land Conservation and Development, will examine the land use regulations that create barriers to the supply of early childhood care providers, including zoning regulations, building codes,



and permitting processes, and recommend solutions for the next biennium.

Early Childhood Care Providers

Legislators also approved proposals for innovative approaches to expanding the types of early learning and child care. [Senate Bill 1040](#) creates a pilot program through DELC that will explore the sustainability of “micro centers,” which are small child care programs located inside buildings that are primarily used for other purposes, such as residences and businesses. New authority was also granted to ELC and DELC, through [House Bill 2717](#), to regulate outdoor preschools, which are early learning programs based in outdoor and wilderness settings rather than traditional child care facilities and often feature an environmentally focused curriculum. Lastly, due to [Senate Bill 599](#), landlords must allow family child care homes to operate in residential dwellings, provided that child care providers adhere to all regulations required by DELC and ELC and pay for any necessary renovation costs.

K-12 Education

The 2023 legislative session saw several key changes to system governance enacted. [Senate Bill 271](#) requires the state to collect, for the first time, geographic information on school district boundaries. Additionally, [Senate Bill 275](#) repealed changes to the structure of the Educator Advancement Council that were made in 2021 and requires a study of merging the Teacher Standards and Practices Commission staff responsibilities into the Oregon Department of Education. Other significant changes to system governance include the paid stipends for school board members allowed under [House Bill 2753](#) and the modifications to board memberships enacted in [House Bill 3383](#), which placed classified staff on several education boards for the first time.

Another key change for the K-12 system is a reduction in the required minutes for physical education enacted in [House Bill 3199](#), which reduced the middle school requirement from 225 minutes to 150 minutes each week and allows the calculation to be a weekly average.

Accountability and Oversight

While the legislature considered several bills relating to accountability and state oversight of local school districts, one significant change was enacted in [Senate Bill 923](#). Under the provisions of that measure, school districts will no longer be able to claim State School Fund dollars for a student unless that student is enrolled in one of the district’s schools. Prior to passage of this measure, school districts had been able to claim funding for students enrolled solely in programs, but not schools. This led to enrollment challenges for some students with disabilities.

Among the bills not enacted, [Senate Bill 1045](#) (*not enacted*) was requested by the Governor and would have limited districts’ ability to adopt curricular materials not approved by the state, and enacted more stringent requirements for ODE to enforce existing nondiscrimination laws. [Senate Bill 289](#) (*not enacted*) would have required ODE to make an annual determination about whether each school district in the state was adhering to requirements enough to be considered standard, and [Senate Bill 290](#) (*not enacted*) would have clarified the roles and responsibilities of ODE, the State Board, and local districts.

Charter Schools

Two measures changed the policy landscape for charter schools. [Senate Bill 767](#) prohibits new brick-and-mortar charter schools from opening outside the boundaries of their sponsoring districts, and [House Bill 3204](#) changed the timelines for informing students



about decisions regarding their enrollment in virtual charter schools.

Content Standards and Graduation Requirements

Legislators enacted four major changes that impact the state's content standards and graduation requirements. In response to an evaluation of graduation requirements completed by ODE, the legislature enacted [Senate Bill 3](#), which adds a half-credit of higher education and career path skills and a half-credit of personal financial education to the statutory coursework requirements for graduation. Additionally, [Senate Bill 238](#) responds to the ongoing fentanyl epidemic by requiring curricular supplements related to the dangers of synthetic opioids.

In terms of the state's diploma options, [Senate Bill 992](#) changed the alternative certificate to a certificate of attendance in response to misunderstandings about the certificate's validity for certain post-secondary uses. At the same time, [House Bill 3068](#) makes it easier for students aged 16 or 17 to take a high school equivalency test by eliminating all requirements other than parental permission.

Early Literacy

This session saw a major new funding effort for early literacy. [House Bill 3198](#) replaced existing laws relating to early literacy and allocated \$95 million. While portions of the funding were allocated for early childhood care, education, and community-based organizations, most of the funding will go toward matching funds for districts that choose to invest in improving early literacy using a science-of-reading approach.

Equity

In 2023, the legislature enacted three significant measures designed to improve educational

equity in Oregon. [House Bill 2281](#) requires school districts to identify for the state at least one civil rights coordinator; [House Bill 2905](#) specifies that the contributions of Jewish individuals must be taught; and [House Bill 3144](#) establishes a statewide education plan for students who are Native Hawaiian or Pacific Islander similar to existing statewide education plans for other groups of students.

Facilities

Two measures enacted in 2023 will have a major impact on school facilities. [Senate Bill 1002](#) repealed the facility grants distributions that were part of the State School Fund and instead allocated that money to respond to threats or hazards facing school districts.

Marking a significant shift in how the state regulates school facilities, [House Bill 3031](#) establishes new requirements for school districts using federal or state funding for heating, ventilation, and air conditioning (HVAC) improvements. Under the provisions of this measure, school districts must use that funding to assess ventilation systems, place and assess carbon dioxide monitors in every classroom, and submit a report to a mechanical engineer for review. The measure also requires school districts to carry out the improvements recommended by the reviewing engineer, abide by certain labor requirements, and submit a report to the Oregon Department of Education.

[Senate Bill 426 A](#) (*not enacted*) would have modified Oregon schools' requirements for integrated pest management.

Finance

Major changes in school finance were enacted in [House Bill 3135](#), which allows districts to keep their small-school funding even after a merger that would otherwise disqualify them from that funding; and [House Bill 3014](#), which allows districts to receive reimbursement for alternative



transportation costs, such as bike buses or walking school buses, and allows the State Board of Education to approve districts' plans for alternative transportation.

Health, Safety, and School Climate

[House Bill 3584](#) requires school district boards to adopt policies for notifying parents, guardians, and school employees when a school initiates emergency procedures in response to a threat. This measure, enacted in response to a parent whose child experienced a lockdown but was unable to get any information from the school district, marks a significant shift in state requirements for districts to communicate to their communities.

[House Bill 3036](#) (*not enacted*) would have allowed school districts to place traffic-ticket cameras on school bus stop signs to issue traffic citations to motorists who fail to stop.

Special Populations

Several measures enacted in 2023 significantly impact the provision of education to specific populations of students across Oregon.

For students enrolled in special education, three key bills passed in 2023. [Senate Bill 819](#) establishes a consent mechanism to ensure that schools adhere to existing laws guaranteeing students' rights to full-length school days. As the measure was being considered, the Oregon Department of Education was responding to a federal class-action lawsuit, [J.N. v. ODE](#), that alleged the department had failed to ensure that school districts abide by federal and state laws that guarantee the rights of students with

disabilities.¹ Additionally, [Senate Bill 756](#) guarantees for the first time that classified staff who work with special education students have access to those students' education plans. [Senate Bill 758](#) prohibits school districts from requiring parents to enter into nondisclosure agreements and from limiting the ability of school employees or volunteers to participate in investigations or report violations.

For students who are deaf, hard-of-hearing, or deaf-blind, [House Bill 2669](#) establishes that they have the same rights as children who are not deaf, hard-of-hearing, or deaf-blind and that schools must serve their needs appropriately.

For students who are in recovery from substance use disorders, [House Bill 2767](#) establishes a mechanism to allow ODE to approve special recovery schools to meet their needs. The measure also requires the Oregon Department of Education to establish standards for these schools.

Workforce

After a legislative workgroup spent two years studying issues related to Oregon's public-school workforce, the Legislative Assembly enacted four significant measures in 2023 related to that work.

[Senate Bill 279](#) enters Oregon into the Interstate Teacher Mobility Compact (ITMC), an effort led by the Council of State Governments and the Department of Defense to allow more flexibility for licensed teachers to cross state lines. Because Oregon was the tenth state to enact the ITMC, its place on the governing body is assured.

¹ *J.N. v. Oregon Department of Education* (ongoing), 6:19-cv-00096, (D. Or.) (CourtListener)



In addition to ensuring a greater ability for Oregon schools to recruit and attract talent from other states, [Senate Bill 283](#) provides funding and creates programs to benefit the state's education workforce. This measure moves the state toward establishing a data system for educators, creates task forces on educator salaries and substitutes, increases job protections for classified staff, establishes registered apprenticeship and mentorship grant funding, and eases licensure requirements for retired educators.

In a first step toward resolving long-standing challenges for Oregon's school-based speech-language pathologists, occupational therapists, and physical therapists, [House Bill 2618](#) requires the Oregon Department of Education to study and develop a workload metric for these professionals.

Higher Education

Three bills enacted in 2023 significantly modified the governance of the state's higher education institutions. [Senate Bill 273](#) alters the composition of governing boards at public universities and requires university boards to adopt transparency and accountability policies. [Senate Bill 423](#) creates permanent positions for faculty and staff members on the Oregon Health and Science University Board of Directors, aligning state policy for that institution with other public universities. While those bills focus on the institutional level, [House Bill 3564](#) modifies the composition of the Higher Education Coordinating Commission and clarifies its regulatory and administrative authority.

Notably, [House Bill 3427](#) (*not enacted*), which would have required universities to seek legislative approval for any change in affiliation with their athletic conferences, received a public hearing but was not enacted. In August 2023, the University of Oregon announced it was leaving the Pac-12 athletic conference and

moving to the B1G 10, leaving Oregon State in the Pac-12 with just three other teams.

Equity

The Legislative Assembly enacted three key measures to provide for greater equity in higher education. [House Bill 3565](#) codified the Oregon Tribal Student Grant program and established the Oregon Tribal Student Grant Fund, while [Senate Bill 424](#) ensures that students and alumni can access their transcripts regardless of outstanding account balances.

In addition, [House Bill 3456](#) focuses on improving institutional responsiveness to sexual misconduct by requiring institutions to conduct a biennial survey of students and employees on experiences of sexual misconduct, employ a certified advocate, enter into memorandums of understanding with community-based advocacy groups to provide victim services, provide annual training, waive academic success requirements for students who experience sexual misconduct, and submit annual reports.

Faculty

Two key measures were enacted in 2023 to improve conditions for the state's higher education faculty. [House Bill 2611](#) makes dental and vision benefits available to part-time faculty, makes eligibility for health care benefits dependent on eligibility for the Public Employees Retirement System, and requires institutions to notify their employees of eligibility requirements.

[House Bill 2740](#) establishes a uniform retirement plan eligibility for part-time faculty at community colleges, calculated as 2.67 multiplied by the number of hours of lecture or classroom time the faculty member accrues.



Prison Education

To improve educational opportunities for adults in custody, the Legislative Assembly enacted [Senate Bill 269](#), which requires the Department of Corrections (DOC) and the Higher Education Coordinating Commission to enter into a memorandum of understanding regarding the correctional education system, and [Senate Bill 270](#), which permits the DOC to enter into agreements to offer post-secondary academic programs to adults in custody even if such agreements include community colleges operating outside the boundaries of their districts.

Workforce Development

In terms of workforce development, the Legislative Assembly enacted [House Bill 3563](#), replacing the Oregon Youth Corps Advisory Board and the Oregon Conservation Corps Advisory Committee with the Oregon Youth Works Advisory Board.



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