

# EARLY CHILDHOOD CARE AND EDUCATION



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The legislature addressed several issues relating to early childhood care and education in 2021. In a major change for state governance, legislators enacted [House Bill 3073](#) (HB 3073), making the Oregon Department of Education’s Early Learning Division an independent agency named the Department of Early Learning and Care (DELIC).

The state’s early learning system has been governed by the Early Learning Division since 2013. DELIC will bring governance of child care licensing, public preschool programs, and child care subsidies together. HB 3073 also makes several changes to the Employment Related Day Care subsidy [program](#), capping copayments at seven percent of a child’s family income, requiring provider payments to be based on enrollment rather than attendance, and modifying eligibility requirements to extend to non-citizens and be continuous for 12 months.

To address equity concerns in Oregon’s early childhood system, the legislature took action on four major items: it established a Tribal Early Learning Hub to serve Oregon’s tribal communities; it addressed suspension and expulsion issues in early childhood; it modified the requirements of Oregon’s child care rating system; and it prohibited local governments from restricting child care homes and centers.

The Tribal Early Learning Hub, established in [House Bill 2055](#), was added to Oregon’s current system of 16 regional hubs charged with serving communities in specific geographic regions. The Tribal Early Learning Hub will coordinate the child care and early childhood education needs of tribal communities throughout the state.

To address the issues of suspension and expulsion in early childhood care and education settings, the legislature enacted both [House Bill 2166](#), providing support and training for child care providers facing ongoing behavioral challenges with the children in

## CONTENTS

- [Early Childhood Care and Education](#)
- [K-12 Education](#)
- [Higher Education](#)
- [Prison Education](#)

See the [2021 Legislative Summary Report for Education and Early Childhood](#), which highlights policy measures that received a public hearing during Oregon’s 2021 Regular Legislative Session.

their care, and [Senate Bill 236](#), which includes both a study of the use of suspension and expulsion and a prohibition on suspension or expulsion.

Oregon’s SPARK child care rating [system](#), in which providers progress from one-star to five-star ratings, presented equity barriers for child care providers. [House Bill 2059](#) allows the Early Learning Division to modify that system by changing the SPARK from a quality ratings system to a quality recognition system and removes the statutory requirement that each program receive a tiered rating.

The legislature also considered the impact of COVID-19 on the state’s child care supply. In order to ensure space for providers, [House Bill 3109](#) prohibits local governments from enacting restrictions and fees on family child care homes and child care centers, and allows the use of multi-family dwellings, such as apartments, as family child care homes.

## K-12 EDUCATION

Several bills made substantive changes to K-12 policy during the 2021 legislative session. [House Bill 2631](#) adds a requirement that school districts notify parents or guardians in instances of bullying or harassment,

while [Senate Bill 297](#) allows private rights of action to compel private schools to comply with statutes on teen dating violence, sexual harassment, and reporting of suspected child abuse or sexual conduct.

### **Assessments**

Statewide standardized assessments were the subject of several bills. [Senate Bill 602](#) removes the statutory sunset that allows parents and adult students to opt out of assessments, while [Senate Bill 744](#) pauses the requirement that high school juniors demonstrate proficiency in nine essential skills, a requirement commonly met by achieving a proficient score on the Smarter Balanced summative assessment.

### **Charter Schools**

Notable changes to state laws relating to charter schools include [House Bill 2954](#) (HB 2954), which allows charter schools to implement a weighted lottery selection process. Historically, charter schools were limited in their ability to weight admissions requirements. HB 2954 will now allow charter schools to ensure a more diverse and representative student body by giving students from historically underserved groups preference in lottery-based admission systems.

The state's current system allows districts to calculate extended average daily membership based on two years of data which allows students to be counted twice in instances where many students enrolled in online charter schools for the 2020-2021 school year and re-enrolled in brick and mortar schools for 2021-2022. [Senate Bill 743](#) modifies the weighted average daily membership calculation for virtual charter schools and the districts that sponsor them in order to moderate enrollment fluctuations that occurred as a result of COVID-19.

### **Content Standards and Graduation Requirements**

The legislature made changes to content standards requirements and graduation requirements. In addition to temporarily suspending the essential skills proficiency requirement as mentioned above, [Senate Bill 744](#) requires the Oregon Department of Education to study the state's graduation requirements and submit a report, including recommendations to the legislature, by September 1, 2022.

Oregon's social studies content standards require instruction in civics and government at a variety of grade levels. [Senate Bill 513](#) adds a half-credit of civics to statutory graduation requirements. The functional result is civics will be offered as a stand-alone course in Oregon high schools, in contrast to embedding civics content in American History courses, for example. In addition, [Senate Bill 702](#) requires a review of the state's Social Studies content standards.

An additional change to the statutory graduation requirements was enacted in [House Bill 2056](#), which removes the requirement that students take four years of English and replaces it with a more general language arts requirement, allowing students to take those classes in any language.

### **Equity**

K-12 equity was a focus during the 2021 session, with several bills enacted to improve equity in Oregon's education system. Modeled on an advisory committee in the Lake Oswego School District, and to increase the pipeline to school board membership for historically underserved communities, [Senate Bill 732](#) (SB 732) requires all 197 of the state's school districts to establish Equity Advisory Committees. These committees are tasked with advising the district's superintendent and school board on issues affecting historically underserved student populations.

SB 732 institutes a tiered implementation requirement, with districts serving more than 10,000 students required to establish these committees first, and smaller districts allowed an extra three years to do so. Other systemwide changes were enacted in [House Bill 2166](#), which resulted from the work of Governor Brown's Racial Justice [Council](#). The bill establishes a statewide social emotional learning framework, enacts provisions to diversify Oregon's educator workforce, and establishes a grant program for charter schools with large populations of historically underserved students.

To further the academic achievement of historically underserved students, [House Bill 2056](#) eliminates the requirement that students take four years of English to graduate high school, replacing it with a requirement that students take language arts, in any language. [Senate Bill 52](#) establishes a statewide

## EARLY CHILDHOOD CARE AND EDUCATION

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student success plan for LGBTQ2IA+ youth, similar in structure and function to the existing student success plans for Black, Latinx, and Native American students. These student success plans establish advisory boards made up of community stakeholders and provide grants to school districts to improve outcomes for plan students.

[House Bill 2052](#) requires schools and districts to allow Native American students to wear traditional items at school events such as graduation ceremonies. While prior guidance from the Oregon Department of Education had instructed districts to allow students to wear traditional items, Native American students and their communities reported that restrictions were still placed on them.

To promote welcoming environments to students, [House Bill 2697](#) requires education providers to prohibit the use or display of nooses, symbols of neo-Nazi ideology, or the Confederate flag on school property or in an education program; requires the investigation of bias incidents; and establishes penalties for noncompliance. [House Bill 3294](#) also aims to improve school environments by requiring Oregon's K-12 schools provide free period products.

### Education of Special Populations

The legislature considered the issue of education for special populations, including students experiencing a disability and those enrolled in talented and gifted programs. Oregon's regional programs for children experiencing low-incidence disabilities serve children experiencing hearing impairments, vision impairments, autism spectrum disorders, orthopedic impairments, deaf-blindness, and traumatic brain injury. [Senate Bill 53](#) requires the State Board of Education to study low-incidence disabilities and develop new methods for funding related programs. [House Bill 3183](#) establishes a requirement that parents of children who are deaf, deafblind, or hard of hearing be provided with information about specific services and available placements for their children.

To provide increased support for students enrolled in talented and gifted (TAG) programs, [Senate Bill 486](#) requires school districts to develop plans for TAG education and establish requirements for the communication of each district's plan to parents and students.

### Workforce

Prior legislative sessions have sought to protect students from sexual predation in schools. [Senate Bill 242](#) amends the definition of sexual conduct and requires certain information sharing, while [Senate Bill 649](#) expands the crime of sex abuse in the second degree to include certain sexual abuses when the defendant is the victim's teacher.

Educator workforce policies were modified in two key ways: modifications to statutes governing reductions in staff and collective bargaining. [House Bill 2001](#) requires districts to continue prioritizing seniority in layoff situations, then retain teachers with less seniority in order to maintain the proportion of teachers that demonstrate culture and linguistic expertise compared to teachers without such expertise. Additionally, class size and caseload limits are now mandatory subjects of collective bargaining for educator unions and school districts under the provisions of [Senate Bill 580](#).

Licensure policies were modified as well in 2021. [Senate Bill 129](#) allows for increased fees for teaching and administrative licenses and establishes the ability of the Teacher Standards and Practices Commission (TSPC) to levy fees on education preparation providers and on school districts. [House Bill 3354](#) now requires the use of multiple measures to evaluate teaching licensure candidates rather than a single qualification exam.

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## HIGHER EDUCATION

### General

The longstanding norm in intercollegiate athletics has been that, in the interest of amateurism, student athletes not receive any compensation for their performances as athletes. That began to change in 2019, when several states considered legislation allowing student athletes to earn compensation for use of their name, image, or likeness (NIL). In 2021, a U.S. Supreme Court case, *NCAA v. Alston*, held that the National Collegiate Athletics Association (NCAA) cannot prohibit student athletes from receiving education-related benefits as compensation. The Oregon Legislative Assembly entered the national debate surrounding compensation for student athletes by passage of [Senate Bill 5](#), which provides student

athletes the rights to earn compensation for use of their NIL and to retain professional representation; it also prohibits the NCAA and institutions of higher education from restricting or placing eligibility conditions on student athletes' ability to earn such compensation.

The mission of the state's public technical and regional universities (TRUs) continues to expand. [Senate Bill 230](#) authorizes Western Oregon University, Eastern Oregon University, and Southern Oregon University to issue professional doctoral degrees. Previously, these universities could only offer undergraduate or master's degrees. Professional doctoral degrees differ from the traditional, research-oriented Doctor of Philosophy (PhD) degree in that they are focused on providing students with knowledge and skills to enter careers, possibly in conjunction with a professional licensure, at a higher level than a master's degree would.

Part-time faculty who teach at least half-time at one or multiple institutions will be eligible for employer-provided health insurance as a result of [Senate Bill 551](#) (SB 551). Previously, part-time faculty were only eligible for insurance if they were already eligible for the Public Employees Retirement System (PERS) or another insurance plan provided to teachers. SB 551 establishes a process by which part-time faculty select a "home institution" which will be responsible for administering an employee health insurance plan and covering up to 90 percent of premiums, while faculty are responsible for the remaining 10 percent, unless a collective bargaining agreement exists that otherwise provides insurance. The Higher Education Coordinating Commission (HECC) will reimburse institutions for the added cost of expanding health insurance to part-time faculty.

### **Governance**

Since the creation of the HECC in 2011, the formation of the first independent public university governing boards in 2013, and the formal dissolution of the Oregon University System in 2015, the governance of Oregon's public higher education system has been in flux. [Senate Bill 712](#) (SB 712) modifies the structure of the HECC by increasing the total voting membership from nine to fifteen. Currently, the commission consists of nine voting members, sourced from the state's five congressional districts and

members of the public at large, and five nonvoting members, who each are sourced from students, faculty, and staff at public institutions. SB 712 converts the five nonvoting positions into voting positions that are coequal with the existing voting members and adds a fifteenth voting member who is a graduate student.

[Senate Bill 854](#) (*not enacted*), would have modified the membership and duties of public university governing boards and their members, in addition to making the changes outlined in SB 712. The bill would have included student organizations and employee unions in the process of appointing board members and university presidents and in the proceedings of board meetings. Additionally, it would have required board members to have publicly available contact information, prohibited university administrative staff from serving as board secretaries, and enabled the HECC to overturn decisions made by boards upon appeal from students or employees.

Responding to challenges experienced during recent community college district boundary changes, [House Bill 2090](#) modifies the process by which the HECC may consider petitions to amend the boundaries of community college districts. It also alters the process to conduct public hearings on boundary changes, aligns the funding process to conform with the current model for administering state aid to colleges, and revises statutory provisions for dividing assets and liabilities between districts that experience territorial changes.

### **Equity**

Lawmakers considered proposals to improve outcomes for higher education students from underrepresented backgrounds. Many of these students enter higher education from nontraditional pathways, such as the General Educational Development (GED) high school equivalency exam. Students with a GED certification rather than a high school diploma may be required to take additional placement tests or supplemental course work. [House Bill 2589](#) requires each public university and community college to apply the same developmental education requirements and require the same placement tests for students who pass the GED and receive a "GED College Ready" score as for students who enter from traditional high school pathways.

Many students in higher education are eligible for need-based public benefits such as the Supplemental Nutrition Assistance Program (SNAP), also called food stamps, Medicaid, housing assistance, child care, or textbook cost assistance. However, it may be challenging for students to understand and navigate the complex and overlapping eligibility and application requirements for these programs. A benefits navigator is a professional who is trained to assist students with applying for and receiving need-based aid benefits. Based on a pilot program at Oregon State University, [House Bill 2835](#), now requires all public universities and community colleges to train and employ a benefits navigator to assist students with applying for public assistance benefits.

In the past few decades, institutions of higher education have seen a growing share of non-traditional students. One such group is student parents—students who are raising children of their own while pursuing higher education. The state does not formally collect detailed demographic data on this population. [Senate Bill 564](#) directs the HECC to develop a process to collect this data and submit a regular report to the legislature on the student parent population.

### **Transfers and Credits**

Past legislation has given greater independence to Oregon's public institutions of higher education, creating less coordination in the credit transfer process, often leading to students repeating courses, owing more tuition, and delaying graduation. [Senate Bill 233](#) requires the HECC to establish a common course numbering system for all public institutions of higher education by 2024. The bill also establishes the Transfer Council, a fifteen-member advisory body which will serve as the main advisory body to the HECC and will conduct the majority of the work necessary to develop the system's course list and associated academic outcomes.

### **Tuition, Fees, Loans and Scholarships**

Oregon law provides that members of certain populations, such as undocumented immigrants and active duty military service members, pay resident tuition at public institutions of higher education, if they otherwise are not considered Oregon residents. [Senate Bill 553](#) extends in-state tuition privileges and state-provided financial aid eligibility to Compact of

Free Association (COFA) islanders; refugees who are granted admission to the country by federal authorities; and individuals from Iraq or Afghanistan who were granted special immigration status.

Post-secondary students pay mandatory fees, in addition to tuition, for various purposes, including student government, course materials, and facility use among others. While public universities determine their own tuition and enrollment fees, increases of more than five percent require approval from the HECC or the Legislative Assembly. [House Bill 2542](#) requires each public university and community college to display on their websites detailed descriptions of all mandatory fees charged to students to report their compliance annually to the HECC. [House Bill 2919](#) enacts a similar requirement for public universities and community colleges to prominently display in course catalogs the total costs of all required course materials and fees for at least 75 percent of courses offered.

[House Bill 3012](#) modifies the responsibilities of institutional boards to collaborate with student governments when making changes to mandatory student-initiated or incidental fees. These fees fund student governments at public universities and community colleges and are implemented and regulated separately from other mandatory fees such as enrollment fees. Current law allows institutional boards to refuse fee increases requested by student governments. HB 3012 makes explicit the reasons for which fee increases may be refused, and it prohibits institutional boards from blocking larger fee increases resulting from the effects of the COVID-19 pandemic.

The Oregon Promise program is a universal, non-need-based, "last-dollar" financial aid program that provides grant funding to Oregon high school graduates and GED recipients to cover the cost of attendance at a community college. [House Bill 2093](#) (*not enacted*) would have expanded the aid program to allow recipients to attend four-year institutions and other post-secondary educational institutions. It also would have doubled the minimum award amount, lowered the minimum grade-point average (GPA) eligibility requirement, and provided retroactive eligibility to students denied due to emergency budget reductions in the previous year.

## **PRISON EDUCATION**

The Legislative Assembly considered several bills to expand or increase educational access for adults either currently or formerly in the state's custody.

[Senate Bill 234](#) aims to take advantage of the recent federal expansion of the Second Chance Pell Grant program and the reversal of the ban on Pell Grant eligibility for incarcerated individuals. The bill directs the HECC to convene stakeholders and develop an implementation plan to offer educational programs to Pell-eligible incarcerated students by the end of 2021.

To further expand educational access inside the state's prison system, [Senate Bill 235](#) (*not enacted*) would have established a pilot program to provide the infrastructure needed for online education inside two prisons.

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### **Staff**

Lisa Gezelter, Legislative Analyst  
Matthew Perrault, Legislative Analyst

### **Legislative Policy and Research Office**

Oregon State Capitol, Rm 453  
(503) 986-1813

[www.oregonlegislature.gov/lpro](http://www.oregonlegislature.gov/lpro)