



Oregon

Tina Kotek, Governor



Oregon Department of
**Early Learning
and Care**
700 Summer Street NE #350
Salem, Oregon 97301
DEL.C.Info@delc.oregon.gov
Oregon.gov/delc

Greetings Rulemaking Advisory Committee Participants,

Thank you for sharing your time and expertise with us through the Preschool Promise Rules Advisory Committee (RAC). You will be providing input on the proposed changes to the administrative rules pertaining to the Preschool Promise Program. There will be one meeting which will be held via Zoom.

Meeting Preparation:

To support a productive conversation, we kindly ask that you review the draft rule language (Notice of Proposed Rulemaking document) attached to this packet prior to the meeting. Your perspective and insights are important, and taking time to read through the materials in advance will help ensure thoughtful discussion during our time together.

Compensation:

Committee members will receive **\$50 per meeting** in recognition of the time and thoughtful input you are providing. Additional information about compensation will be shared at the RAC meeting.

Dates and time for the RAC:

Wednesday, May 13th, 2026 from 5:30 – 7:00pm

- Join ZoomGov Meeting:
<https://www.zoomgov.com/j/1606440772?pwd=YemF9k6IDolnFkdbIaCzDbGaaHMRI.1>
- Meeting ID: 398162

AGENDA

Topic	Time
1. Welcome and Attendance	10 mins
2. Review Group Norms	10 mins
3. Overview of OAR Updates Effective August 1, 2026: <ul style="list-style-type: none">• 414-470-0005 Definitions: Preschool Promise Program• 414-470-0010 Child and Family Eligibility Criteria	60 mins

The Mission of the Department of Early Learning and Care fosters coordinated, culturally appropriate, and family-centered services that recognize and respect the strengths and needs of all children, families, and early learning and care professionals. **Our Vision** is that all children, families, early care and education professionals, and communities are supported and empowered to thrive.



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<ul style="list-style-type: none"> • 414-470-0025 Preschool Promise Provider Eligibility • 414-470-0040 Minimum Requirements: Preschool Promise Program • 414-470-0047 Administration • 414-470-0055 Program Monitoring and Evaluation • 414-470-0060 Waiver Application Process • 414-470-0065 Reporting • 414-470-0075 Fiscal Agent 	
<p>4. Closing Comments</p> <ul style="list-style-type: none"> • Reimbursement Process Reminder • Public Comment and Hearing Reminder 	10 mins

RAC Committee Roster

Name	Organization/affiliation	Region (City or County)
Josiany Espinoza	Home-Based Provider	Hillsboro
Michelle Gomez	Preschool Promise families	Pendleton
Alyssa Mercier	Representatives from other Publicly Funded Programs	Salem
Kristina Kurtz	Early Learning and Care Programs and providers	Tigard
Jessica Porter	Early Learning Hub Representatives	Coos Bay
Katrina Casas	Early Learning Hub Representatives	Salem
Derrick Nedjoh	Early Learning and Care Programs and providers	Portland

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Kristen Barnett	Early Learning and Care Programs and providers	Cottage Grove
Mickey Ludwig	Representatives from other Publicly Funded Programs	Coos Bay
Susan Robinett	Representatives from other Publicly Funded Programs	Ontario
Julie Siestreem	Tribal Nations Representatives	Coos Bay
Kristina Ries	Families with preschool aged children	Portland
Jesse Jackson	Tribal Nations Representatives	Roseburg
Maria Barrientes Rodriguez	Preschool Promise families	McMinnville

If you have questions, please reach out to Dayna Jung, Preschool Promise Program Manager at dayna.jung@delc.oregon.gov

Encl:

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Oregon Department of
**Early Learning
and Care**

Preschool Promise Rulemaking Advisory Committee

Wednesday, May 13, 2026

5:30-7:00PM

Dayna Jung, PSP Manager

Kathy Wai, Rules and Legislative Coordinator



Agenda

- Welcome and Attendance
- Zoom Protocols & Group Norms
- Review of RAC Purpose & Scope
- History/Background
- Review Draft Rule Language
- Next Steps



Welcome & Introductions



Tell us about yourself! In the chat, please share your:

- Name
- Pronouns
- Organization & Title



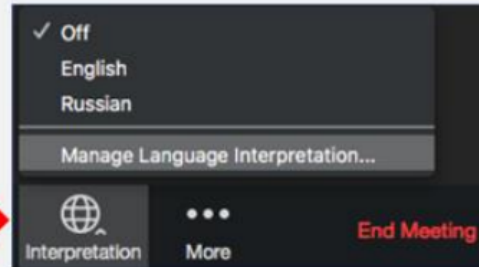
Zoom Protocols

- We ask that anyone who wants to speak please raise their hand.
 - To raise your hand, click the reactions icon on the bottom of your screen and click "raise hand" or press *9 if you are joining by phone.
- Chat is available for questions and comments
- We encourage you to have your camera on, but it is not required
- Please keep your mic muted unless it is your turn to speak.
- Need tech support? Let us know in the chat!



Interpretation Available:

- Click the globe icon to select your language. You can find it in the bottom right corner.
- Presione el icono del mundo para seleccionar su idioma. Lo puede encontrar en la esquina derecha de su pantalla.
- Чтобы выбрать нужный язык, нажмите на значок с изображением глобуса в правом нижнем углу экрана.



Accessing Zoom from a phone App: Rename your participant icon with your first and last name.

On the Zoom in-meeting controls, tap
Participants
Tap your name, then tap rename

Other controls:

*6 Mute/Unmute

*9 Raise/Lower hands

Rename your participant icon with your first and last name. You can do that one of **two** ways:

1. Click on the participants icon on the bottom of your screen.
2. At the top right, your participant name will appear.
3. Hover over your name and click on the 3 dots to the right and click rename.
4. Right mouse click on the screen to get a short menu. Choose rename.

Group Norms



Allow for all voices to be heard

Remain focused on the scope of the RAC

Be open to respectful discussion

Encourage and honor individual perspectives

Use the raise hand function

Practice active listening

Seek commonality

What is a RAC?

- ❖ A group of internal and external partners who come together to help implement rules.
- ❖ RAC members provide input and suggestions for rulemaking while considering equity and fiscal impacts.
- ❖ Diverse group of individuals who interact with the agency and programs run by the agency





RAC Focus and Scope



Fiscal Impacts: What resources are needed



Equity Impacts: Unintended consequences to specific populations



Unclear rule language



Other unintended consequences



Implementation Resources





Background & Rule Content

History/Background



Preschool Promise (PSP) is a free, publicly funded, high-quality preschool program for Oregon families living at or below 200 percent of the Federal Poverty Level.

- ❑ Currently a statewide program available in all 36 Oregon counties.
- ❑ Expands access to early learning opportunities for children ages 3–5 through a mixed-delivery model, meaning services are offered in a variety of settings to meet families' diverse needs.

PSP programs operate in licensed certified center-based settings, home-based childcare, and public schools.

Participating organizations include culturally specific programs, school districts, Head Start programs, Oregon's nine federally recognized Tribes, Relief Nurseries, education service districts, and community-based organizations.

- ❑ This mixed-delivery approach ensures families can choose the PSP setting that best aligns with their preferences and circumstances.



Need for Rulemaking



We are establishing permanent rules for Preschool Promise to make Preschool Promise more accessible, consistent, and supportive for families throughout Oregon — especially low-income families who want to access high-quality early learning opportunities.

These updates are designed to:

- ❑ **Improve the enrollment experience**, making it easier for families to navigate the process and receive timely support.
- ❑ **Align Preschool Promise with other publicly funded early learning programs**, creating a more coordinated and predictable system.
- ❑ **Strengthen program implementation** by clarifying expectations, streamlining procedures, and ensuring equitable access statewide.

Preschool Promise 414-470-0000



Title: Preschool Promise 414-470-0000

414-470-0000 : Purpose

414-470-0005: Definitions

414-470-0010 : Child and Family Eligibility Criteria

414-470-0025 : Preschool Promise Provider Eligibility

414-470-0040 : Minimum Requirements: Preschool Promise Program

414-470-0047 : Administration

414-470-0055: Program Monitoring and Evaluation

414-470-0060: Waiver Application Process

414-470-0065: Reporting

414-470-0075: Fiscal Agent

Notice of Proposed Rulemaking

Draft rule language is attached in the RAC packet.

Link here:

[Notice of Proposed Rulemaking](#)

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MICHAEL KAPLAN
DEPUTY SECRETARY OF STATE



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STEPHANIE CLARK
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NOTICE OF PROPOSED RULEMAKING

INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 414

DEPARTMENT OF EARLY LEARNING AND CARE

FILED: 04/30/2026 10:24 AM

ARCHIVES DIVISION SECRETARY OF STATE

FILING CAPTION: Amends Preschool Promise rules by expanding categorical eligibility, updating terminology, and streamlining administrative procedures.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 06/05/2026 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

CONTACT:

Kathy Wai
971-428-7466
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700 Summer St. NE
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Filed By:

Kathy Wai
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

414-470-0005: Definitions



Purpose/Background

OAR 414-470-0005 establishes the key definitions used throughout the Preschool Promise Program rules. These definitions provide a shared understanding of program terminology and ensure consistent interpretation across providers, partners, and the public.

Reason for Change

The rule is being updated to align terminology with the transition to the Department of Early Learning and Care (DELIC). Updates include refreshed definitions for “**Spark**” and “**Federally Recognized Tribes in Oregon**” to reflect current statewide structures. The definition of “**Fiscal Agent**” is removed because it no longer reflects the current implementation or operational model of the Preschool Promise Program.

Impacts of Change

These updates improve clarity for the public by accurately identifying the agency responsible for oversight and ensuring that program terminology reflects current practice.

414-470-0010 : Child and Family Eligibility Criteria



Purpose/Background

414-470-0010 establishes child and family eligibility requirements for families seeking to enroll their children in the Preschool Promise program.

Reason for Change

The rule expands child eligibility for Preschool Promise, with a particular emphasis on categorical eligibility pathways that reduce administrative burden for families and promote greater access. These changes align Preschool Promise eligibility requirements with those used in other publicly funded early learning programs, including Oregon Prenatal to Kindergarten, thereby creating a more consistent and streamlined experience for families navigating multiple services in addition, the rule makes the existing Housing Adjustment provision permanent.

Impacts of Change

These changes reduce enrollment burden for families, strengthen alignment with other publicly funded early learning programs, and ensure that high housing costs are appropriately considered when determining eligibility.

414-470-0010 Child and Family Eligibility Criteria

(1) Children and families who meet the following criteria are determined eligible for the Preschool Promise Program:/ ¶

(a) Family income is at or below 200 percent of the Federal Poverty Level in effect at the time eligibility is determined./ ¶

(A) To verify family income at the time eligibility is being determined, eligibility staff must calculate total gross income using all applicable sources of income available from within the previous 12 months. / ¶

(B) Sources of income include tax forms, pay stubs, or other proof of income to determine the family income within the last 12 months. If paystubs are provided as a source of available income, the family must provide, at a minimum, the three most recent consecutive paystubs at the time of application./ ¶

(C) Eligibility staff may make an adjustment to a family's gross income calculation for the purposes of determining eligibility to account for excessive housing costs, as described in this rule. If a family spends more than 30 percent of their total gross income on housing costs, as defined in OAR 414-470-0005, then the calculated gross family income may be reduced by the amount spent on housing costs that exceeds 30 percent of the gross family income. Eligibility staff may use available bills, bank statements, and other relevant documentation provided by the family to calculate total annual housing costs with appropriate multipliers./ ¶

(D) If the family cannot provide tax forms, pay stubs, or other proof of income for the relevant time period, eligibility staff may accept written statements from employers, including individuals who are self-employed, for the relevant time period and use information provided to calculate total annual income with appropriate multipliers./ ¶

(E) If the family reports no income for the relevant time period, eligibility staff may accept the family's signed declaration to that effect, if eligibility staff describes efforts made to verify the family's income, and explains how the family's total income was calculated or seeks information from third parties about the family's eligibility if the family gives written consent. / ¶

(F) If the family can demonstrate a significant and persistent change in income for the relevant time period, eligibility staff may calculate gross family income using all applicable sources of income available from within the previous three months./ ¶

(b) Children must be at least three years of age but not older than five years of age, as determined by the date used to determine kindergarten eligibility./ ¶

414-470-0010 Child and Family Eligibility Criteria

- **(2) Notwithstanding (1) (a):¶**
- **(a) of this rule, a child shall be/considered categorically eligible/for the Preschool/Promise Program when the child or family meets any of the following/criteria: ¶**
- **(a) Children experiencing homelessness, as defined by the/McKinney Vento Homeless Assistance Act. ¶**
- **(b) Children who meet the definition of "foster child" in ORS 418.200. ¶**
- **(c) Families that have a family income above 200 percent of the Federal Poverty Level living in a determined geographic area with low access to care.¶**
- **(b) A "Foster Child" as defined in ORS 418.200 is eligible for the Preschool Promise Program at the time eligibility is determined and that live in a geographic area with low access to care, as determined by the Department. ¶**
- **(d) Families receiving the following forms of public assistance: ¶**
- **(A) Employment Related Daycare (ERDC) ¶**
- **(B) Families enrolled in the Oregon Health Plan (OHP) ¶**
- **(C) Families participating in the Women, Infants, and Children Program (WIC) ¶**
- **(D) Supplemental Nutrition Assistance Program (SNAP) ¶**
- **(E) Supplemental Security Income (SSI) ¶**
- **(F) Temporary Assistance for Needy Families (TANF) ¶**
- **(G) Families or children who are members of one of Oregon's nine federally recognized Tribes./ ¶**
- **(H) Families or children meeting these criteria are not required to/provide additional income documentation.**

414-470-0025 : Preschool Promise Provider Eligibility



Purpose/Background

414-470-0025 establishes the eligibility requirements for organizations seeking to become Preschool Promise Providers.

Reason for Change

Preschool Promise Program, update terminology specifically “Federally Recognized Oregon Indian Tribes” is updated to “Federally Recognized Tribes in Oregon.” “Oregon Prekindergarten” is updated to “Oregon Prenatal to Kindergarten.”

Impacts of Change

The updated terminology improves clarity and consistency across Preschool Promise rules by aligning language with current statewide program names and tribal references.



414-470-0040 : Minimum Requirements: Preschool Promise Program



Purpose/Background

OAR 414-470-0040 establishes the requirements and standards for Preschool Promise Provider applications. The rule outlines the information, documentation, and assurances that organizations must submit in order to be considered for participation in the Preschool Promise Program.

Reason for Change

The amendments improve clarity by removing the opening sentence and updating terminology to reflect the agency's transition from a Division to a Department. The rule is further aligned with Oregon Prenatal to Kindergarten (OPK) standards and provides flexibility should the Early Learning Council establish wage requirements for additional Preschool Promise positions. The revisions also clarify that Tribes may include efforts to preserve or strengthen their language and culture, reinforcing culturally responsive practice and Tribal sovereignty.

Impacts of Change

The updates improve clarity, align the rule with current agency terminology and OPK standards, allow flexibility for future wage requirements, and strengthen culturally responsive practice by explicitly supporting Tribal language and culture efforts.



414-470-0047 : Administration

Purpose/Background

OAR 414-470-0047 outlines the administrative responsibilities and requirements for the operation of the Preschool Promise Program.

Reason for Change

Preschool Promise Program, update terminology to align with the transition to the Department of Early Learning and Care (DELIC).

Impacts of Change

The terminology updates improve clarity and ensure the rule accurately reflects the Department of Early Learning and Care's current structure, supporting consistent communication across the Preschool Promise Program.



414-470-0055: Program Monitoring and Evaluation



Purpose/Background

OAR 414-470-0055 establishes the requirements for monitoring and evaluating Preschool Promise Providers.

Reason for Change

Preschool Promise Program, update terminology to align with the transition to the Department of Early Learning and Care (DELIC).

Impacts of Change

The terminology updates improve clarity and ensure the rule accurately reflects the Department of Early Learning and Care's current structure, supporting consistent communication across the Preschool Promise Program.





414-470-0060: Waiver Application Process

Purpose/Background

OAR 414-470-0060 establishes the process by which Preschool Promise Providers may request a waiver from specific program requirements. The rule outlines the criteria, documentation, and review procedures for waiver applications, ensuring providers have a structured pathway to seek flexibility when unique circumstances warrant an alternative approach while still upholding program quality and accountability.

Reason for Change

Changes to the rule provides the Department with greater flexibility by allowing waiver approvals beyond the initial years of participation, supporting mixed delivery implementation and enabling timely responses to emergencies. Terminology is updated to reflect the agency's transition from a Division to a Department. In addition, the revisions clarify that a quality improvement plan will be required only when appropriate, aligning the rule with current practice and affirming the Department's authority to determine when such a plan is necessary

Impacts of Change

The revisions give the Department greater flexibility to approve waivers beyond initial participation years, support mixed-delivery implementation, and respond more effectively to emergencies.



414-470-0065: Reporting

Purpose/Background

OAR 414-470-0065 establishes the reporting requirements for Preschool Promise Providers.

Reason for Change

Preschool Promise Program, update terminology to align with the transition to the Department of Early Learning and Care (DELIC).

Impacts of Change

The terminology updates improve clarity and ensure the rule accurately reflects the Department of Early Learning and Care's current structure, supporting consistent communication across the Preschool Promise Program.





414-470-0075: Fiscal Agent

Purpose/Background

OAR 414-470-0075 defines the role and responsibilities of a Fiscal Agent within the Preschool Promise Program.

Reason for Change

The amendments remove language that is no longer aligned with current process. This update reflects existing practice and ensures the rule accurately supports the operational flexibility needed within the Preschool Promise program.❓

Impacts of Change

The amendments remove outdated language to reflect current processes, ensuring the rule aligns with existing practice and supports the operational flexibility needed for effective Preschool Promise implementation.



Next Steps



Other Opportunities for Feedback

- Public comment period open until June 5, 2026
- Public Hearing May 20, 2026, 5:00pm

Proposed Adoption

- Presentation to Early Learning Council on 5/27/2026
- Early Learning Council Vote on proposed rules 6/24/2026
- Effective date of rules 8/1/2026

REIMBURSEMENT

Instructions will be emailed in the coming weeks.





Thank you!

Dayna.jung@delc.oregon.gov

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NOTICE OF PROPOSED RULEMAKING

INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 414

DEPARTMENT OF EARLY LEARNING AND CARE

FILED: 04/30/2026 10:24 AM

ARCHIVES DIVISION SECRETARY OF STATE

FILING CAPTION: Amends Preschool Promise rules by expanding categorical eligibility, updating terminology, and streamlining administrative procedures.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 06/05/2026 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

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kathy.wai@delc.oregon.gov
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Salem, OR 97310

Filed By:

Kathy Wai
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 05/20/2026

TIME: 5:00 PM - 6:00 PM

OFFICER: Kathy Wai

REMOTE HEARING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 166-925-4525

CONFERENCE ID: 1616968305

SPECIAL INSTRUCTIONS:

Passcode: 086517

NEED FOR THE RULE(S):

DELIC is updating Preschool Promise rules more accessible, consistent, and supportive for families throughout Oregon, especially low-income families who to access high-quality early learning opportunities. These updates are designed to:

- Improve the enrollment experience, making it easier for families to navigate the process and receive timely support.

- Align Preschool Promise with other publicly funded early learning programs, creating a more coordinate and predictable system.
- Strengthen program implementation by clarifying expectations, streamlining procedures, and ensuring equitable access statewide.

Summary of Proposed Rules:

OAR 414-470-0005 Definitions: Preschool Promise Program

Updates terminology to align with the transition to the Department of Early Learning and Care (DELIC). The rule also updates the definitions of “Spark” and “Federally Recognized Tribes in Oregon” to reflect current state. In addition, the definition of “Fiscal Agent” is removed, as it is no longer relevant to the present implementation and operational structure of the Preschool Promise program.

OAR 414-470-0010 Child and Family Eligibility Criteria

The rule expands child eligibility for Preschool Promise, with a particular emphasis on categorical eligibility pathways that reduce administrative burden for families and promote greater access. These changes align Preschool Promise eligibility requirements with those used in other publicly funded early learning programs, including Oregon Prenatal to Kindergarten, thereby creating a more consistent and streamlined experience for families navigating multiple services in addition, the rule makes the existing Housing Adjustment provision permanent.

OAR 414-470-0025 Preschool Promise Provider Eligibility

Preschool Promise Program, update terminology specifically “Federally Recognized Oregon Indian Tribes” is updated to “Federally Recognized Tribes in Oregon.” “Oregon Prekindergarten” is updated to “Oregon Prenatal to Kindergarten.”

OAR 414-470-0040 Minimum Requirements: Preschool Promise Program

The amendments improve clarity by removing the opening sentence and updating terminology to reflect the agency’s transition from a Division to a Department. The rule is further aligned with Oregon Prenatal to Kindergarten (OPK) standards and provides flexibility should the Early Learning Council establish wage requirements for additional Preschool Promise positions. The revisions also clarify that Tribes may include efforts to preserve or strengthen their language and culture, reinforcing culturally responsive practice and Tribal sovereignty.

OAR 414-470-0047 Administration

Preschool Promise Program, update terminology to align with the transition to the Department of Early Learning and Care (DELIC).

OAR 414-470-0055 Program Monitoring and Evaluation

Preschool Promise Program, update terminology to align with the transition to the Department of Early Learning and Care (DELIC).

OAR 414-470-0060 Waiver Application Process

The amendments provide the Department with greater flexibility by allowing waiver approvals beyond the initial years of participation, supporting mixed delivery implementation and enabling timely responses to emergencies. Terminology is updated to reflect the agency’s transition from a Division to a Department. In addition, the revisions clarify that a quality improvement plan will be required only when appropriate, aligning the rule with current practice and affirming the Department’s authority to determine when such a plan is necessary.

OAR 414-470-0065 Reporting

Preschool Promise Program, update terminology to align with the transition to the Department of Early Learning and

Care (DELC).

OAR 414-470-0075 Fiscal Agent

The amendments to OAR 414 470 0075 remove language that is no longer aligned with current process. This update reflects existing practice and ensures the rule accurately supports the operational flexibility needed within the Preschool Promise program.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

The rule revisions were informed by a review of multiple internal and external documents over the years. DELC relied on written input and guidance from all internal DELC program areas to ensure alignment across publicly funded programs. In addition, DELC reviewed relevant Head Start Program Performance Standards to ensure consistency with federal early learning expectations. Internal communications, including email correspondence among DELC program staff, were also used to assess operational needs and clarify implementation considerations.

Data from <https://www.unitedforalice.org/> to gauge the need of families in Oregon.

Head Start Program Performance Standards <https://headstart.gov/policy/45-cfr-chap-xiii>

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE:

Expanded categorical eligibility and housing adjustment:

These changes reduce documentation and administrative burden for families already navigating poverty, housing instability, and multiple systems—conditions that disproportionately affect Black, Indigenous, and other families of color. Aligning with OPK and other early learning programs will improve access for these families as both programs will follow the same criteria.

Tribal language and culture provisions:

Clarifying that Tribes may include efforts to preserve or strengthen language and culture in PSP implementation explicitly supports Tribal sovereignty which is a direct racial equity benefit for Native children and communities. During this process, a Dear Tribal Letter was sent to solicit participation from Tribes. Additionally, internal consultation with DELC's Office of Tribal Affairs is ongoing.

Waiver flexibility and quality improvement plans:

Allowing waivers beyond initial years and requiring quality improvement plans "when appropriate" can help small, rural, Tribal, and culturally specific providers remain in the system and provide clarity while they build capacity—to fully implement Preschool Promise.

FISCAL AND ECONOMIC IMPACT:

The proposed categorical eligibility provisions are expected to generate primarily positive economic impacts for families and providers participating in the Preschool Promise Program, with minimal potential for negative effects.

Children experiencing homelessness will benefit from immediate access to preschool without the need for income documentation, reducing both instability and childcare-related financial strain.

Families receiving public assistance—including ERDC, OHP, WIC, SNAP, SSI, and TANF—will experience reduced administrative burden, as categorical eligibility removes documentation requirements and supports more direct access to no-cost preschool.

Families and children who are members of Oregon's nine federally recognized Tribes will also benefit from guaranteed eligibility, which strengthens access to early learning opportunities and reduces barriers associated with verification processes.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

DELIC does not anticipate that state agencies will be economically affected by these rule changes. DELIC will coordinate staff training and implementation of these rules within the agency's existing resources. DELIC does not anticipate that local government units will be economically affected by these rule changes.

Oregon families with children ages 3 and 4 who are seeking access to high quality preschool could be affected by the rule changes. Expanded categorical eligibility may increase access to publicly funded preschool, reducing out-of-pocket childcare costs for these families. In addition, Preschool Promise eligibility specialists may experience reduced administrative burden, as the rule changes simplify eligibility verification and decrease the amount of documentation required.

The fiscal impact is not significantly adverse.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

DELIC regularly engages with child care providers, many of whom are small businesses.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

DELIC will be hosting one virtual RAC meeting on May 13, 2026 with members of impacted communities including: current PSP families, child care providers, families of young children, community partners and advocates. The meeting will be held virtually.

RULES PROPOSED:

414-470-0005, 414-470-0010, 414-470-0025, 414-470-0040, 414-470-0047, 414-470-0055, 414-470-0060, 414-470-0065, 414-470-0075

AMEND: 414-470-0005

RULE SUMMARY: Updates terminology to align with the transition to the Department of Early Learning and Care (DELIC). The rule also updates the definitions of "Spark" and "Federally Recognized Tribes in Oregon" to reflect current state. In addition, the definition of "Fiscal Agent" is removed, as it is no longer relevant to the present implementation and operational structure of the Preschool Promise program.

CHANGES TO RULE:

414-470-0005

Definitions: Preschool Promise Program

The following definitions apply to Oregon Administrative Rules 414-470-0000 through 414-470-0075. ¶

(1) "Child Care Provider" means a person or entity that provides care, supervision, and guidance on a regular basis

of a child, unaccompanied by a parent, guardian, or custodian, during a part of the 24 hours of the day.¶

(2) "Culturally Specific Organization" means an organization that serves a particular cultural community and is primarily staffed and led by members of that community; these organizations demonstrate intimate knowledge of lived experience of the community, including but not limited to the impact of structural and individual racism or discrimination on the community; knowledge of specific disparities documented in the community and how that influences the structure of their program or service; ability to describe the community's cultural practices, health and safety beliefs/practices, positive cultural identity/pride/resilience, immigration dynamics, religious beliefs, etc. and how their services have been adapted to those cultural norms.¶

(3) "Director" means the Early Learning System Director.¶

(4) "~~Division~~department" means the Department of Early Learning ~~Division of the Department of Education and Care.~~¶

(5) "Early Learning Hub" or "Hub" means an entity designated by regional partners to coordinate early learning services under ORS 417.827.¶

(6) "~~Fiscal Agent~~" means a local entity that may provide services for multiple ~~Preschool Provider~~ Federally Recognized Tribes in Oregon: Refers to the Nine sovereign Tribal Nations within Oregon's borders: Burns Paiute Tribe; Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians; Cow Creek Band of Umpqua Tribe of Indians; Confederated Tribes of Grand Ronde; Confederated Tribes of Siletz Indians; Confederated Tribes of Warm Springs; Confederated Tribes of the Umatilla Indian Reservation; Coquille Indian Tribe; Klamath Tribes.¶

(7) "Preschool Promise Program" means the preschool program administered by the Department of Early Learning ~~Division and Care.~~ /as directed under ORS 329.172.¶

(8) "Preschool Promise Provider/Grantee" means a local entity who receives a grant or contract to provide preschool services under the Preschool Promise Program.¶

(9) "Spark" ~~means Oregon's Quality Rating~~ recognition and Improvement System ~~means the system established through ORS 329A.261 which establishes a set of progressively higher standards used to evaluate the quality of an early learning and development program and to support program improvement. Spark uses a continuous quality improvement framework and offers technical/assistance./training, financial support, and other resources to help programs improve their structural and process quality to best meet the needs and priorities of the children and families they serve and the staff they employ.~~

Statutory/Other Authority: ORS 326.425(7)

Statutes/Other Implemented: ORS 329.172

RULE SUMMARY: The rule expands child eligibility for Preschool Promise, with a particular emphasis on categorical eligibility pathways that reduce administrative burden for families and promote greater access. These changes align Preschool Promise eligibility requirements with those used in other publicly funded early learning programs, including Oregon Prenatal to Kindergarten, thereby creating a more consistent and streamlined experience for families navigating multiple services in addition, the rule makes the existing Housing Adjustment provision permanent.

CHANGES TO RULE:

414-470-0010

Child and Family Eligibility Criteria ¶

(1) Children and families who meet the following criteria are determined eligible for the Preschool Promise Program: ¶

(a) Family income is at or below 200 percent of the Federal Poverty Level in effect at the time eligibility is determined. ¶

(A) To verify family income at the time eligibility is being determined, eligibility staff must calculate total gross income using all applicable sources of income available from within the previous 12 months. ¶

(B) Sources of income include tax forms, pay stubs, or other proof of income to determine the family income within the last 12 months. If paystubs are provided as a source of available income, the family must provide, at a minimum, the three most recent consecutive paystubs at the time of application. ¶

(C) Eligibility staff may make an adjustment to a family's gross income calculation for the purposes of determining eligibility to account for excessive housing costs, as described in this rule. If a family spends more than 30 percent of their total gross income on housing costs, as defined in OAR 414-470-0005, then the calculated gross family income may be reduced by the amount spent on housing costs that exceeds 30 percent of the gross family income. Eligibility staff may use available bills, bank statements, and other relevant documentation provided by the family to calculate total annual housing costs with appropriate multipliers. ¶

(D) If the family cannot provide tax forms, pay stubs, or other proof of income for the relevant time period, eligibility staff may accept written statements from employers, including individuals who are self-employed, for the relevant time period and use information provided to calculate total annual income with appropriate multipliers. ¶

(E) If the family reports no income for the relevant time period, eligibility staff may accept the family's signed declaration to that effect, if eligibility staff describes efforts made to verify the family's income, and explains how the family's total income was calculated or seeks information from third parties about the family's eligibility if the family gives written consent. ¶

(F) If the family can demonstrate a significant and persistent change in income for the relevant time period, eligibility staff may calculate gross family income using all applicable sources of income available from within the previous three months. ¶

(b) Children must be at least three years of age but not older than five years of age, as determined by the date used to determine kindergarten eligibility. ¶

(2) Notwithstanding (1)-(a): ¶

(a) A child from a family over the 200% p of this rule, a child shall be/considered categorically eligible/for the Preschool/Promise Program when the child or family meets any of the following/criteria: ¶

(a) Children experiencing homelessness, as defined by the/McKinney Vento Homeless Assistance Act. ¶

(b) Children who meet the definition of "foster child" in ORS 418.200. ¶

(c) Families that have a family income above 200 percent of the Federal Poverty ¶Level living in a determined geographic area with low access to care. ¶

(b) A "Foster Child" as defined in ORS 418.200 is eligible for the Preschool Promise Program at the time eligibility is determined and that live in a geographic area with low access to care, as determined by the Department. ¶

(d) Families receiving the following forms of public assistance: ¶

(A) Employment Related Daycare (ERDC) ¶

(B) Families enrolled in the Oregon Health Plan (OHP) ¶

(C) Families participating in the Women, Infants, and Children Program (WIC) ¶

(D) Supplemental Nutrition Assistance Program (SNAP) ¶

(E) Supplemental Security Income (SSI) ¶

(F) Temporary Assistance for Needy Families (TANF) ¶

(G) Families or children who are members of one of Oregon's nine federally recognized Tribes. ¶

(H) Families or children meeting these criteria are not required to/provide additional income documentation.

Statutory/Other Authority: ORS 326.425(7)
Statutes/Other Implemented: ORS 329.172

AMEND: 414-470-0025

RULE SUMMARY: Preschool Promise Program, update terminology specifically “Federally Recognized Oregon Indian Tribes” is updated to “Federally Recognized Tribes in Oregon.” “Oregon Prekindergarten” is updated to “Oregon Prenatal to Kindergarten.”

CHANGES TO RULE:

414-470-0025

Preschool Promise Provider Eligibility

The following entities are eligible to apply to be a Preschool Promise Provider: ¶

- (1) Child Care Provider; ¶
- (2) Community-based organization; ¶
- (3) Culturally specific organizations; ¶
- (4) Early Learning Hub as designated in ORS 417.827; ¶
- (5) Education service district; ¶
- (6) Federal Head Start program; ¶
- (7) Federally Recognized ~~Oregon Indian Tribes~~ Tribes in Oregon ¶
- (8) Oregon Pre~~kindergarten~~ natal to Kindergarten; ¶
- (9) Private preschool; ¶
- (10) Public school; ¶
- (11) Public charter school, or; ¶
- (12) Relief Nursery.

Statutory/Other Authority: ORS 326.425(7)

Statutes/Other Implemented: ORS 329.172

RULE SUMMARY: The amendments to OAR 414 470 0040 improve clarity by removing the opening sentence and updating terminology to reflect the agency's transition from a Division to a Department. The rule is further aligned with Oregon Prenatal to Kindergarten (OPK) standards and provides flexibility should the Early Learning Council establish wage requirements for additional Preschool Promise positions. The revisions also clarify that Tribes may include efforts to preserve or strengthen their language and culture, reinforcing culturally responsive practice and Tribal sovereignty.

CHANGES TO RULE:

414-470-0040

Minimum Requirements: Preschool Promise Program

~~There are multiple pathways to become a highly qualified teacher.~~ To be eligible to provide preschool services under the Preschool Promise Program, a Preschool Promise Provider must:

- (1) Provide, at a minimum, the annual number of instructional hours required for full-day kindergarten.
- (2) Take into consideration the scheduling needs of families who need full-time service.
- (3) Provide continuity from infant and toddler services to early elementary grades.
- (4) Demonstrate an ability to maximize available federal, state and local funds.
- (5) Demonstrate quality through meeting program standards including but not limited to:
 - (a) Participates in the quality rating and improvement system (Spark) for early childhood programs.
 - (b) Adopts culturally responsive teaching methods and practices.
 - (c) Providing highly trained lead preschool teachers who have:
 - (A) At least a bachelor's degree in: (i) Early childhood education or a field related to early childhood education; or (ii) A field not related to early childhood education but teacher has completed coursework that is equivalent to a major in early childhood education and has sufficient training in early childhood education as determined by the ~~Division~~Department; or
 - (B) An associate's degree with additional training or additional certification in early childhood education or a field related to early childhood education, as determined by the ~~Division~~Department; or
 - (C) Until sufficient alternative credentialing to indicate that the teacher is highly trained is developed by the ~~Division~~Department, in partnership with the Educator Advancement Council and affected stakeholders, the lead preschool teacher must have a Child Development Associate (CDA) Preschool Credential or at least Step 8 on the Oregon Registry Online (ORO).
 - (d) ~~Providing lead preschool teachers and teacher assistants with a salary that meets the minimum~~Following salary requirement guidelines established by the Early Learning Council.
 - (e) Providing at least one assistant teacher in each classroom who provides support for academic instruction ~~and who meets the state's personnel qualification requirements of one of the top two tiers for the quality rating and improvement system.~~ The teacher assistant must:
 - (A) Demonstrate competencies as defined by Step 5 of the Department's professional development system.
 - (B) Meet the requirements for an Aide II as described in OAR 414-300-0110 and other applicable rules applied to the appropriate setting; or
 - (C) Have a similar standing within the credentialing system for K-12 teachers in Oregon.
 - (f) Participates in an ongoing monitoring and program evaluation system that is used for continuous program improvement as established by the ~~Division~~Department.
 - (g) Provides a high quality, culturally responsive family engagement environment that supports parents as partners in a child's learning and development.
 - (h) Provides high quality, culturally responsive curricula, assessments and professional development that are linked to one another and to the state's comprehensive early learning standards. Tribes may integrate efforts to preserve, revitalize, restore, or maintain the tribal language and culture.
 - (i) Provides a classroom environment that is inclusive of all children, regardless of ability or family income.
 - (j) Providing children and families with additional health and child development supports, such as screening, referrals and coordination with health care providers.
 - (k) Incorporates best practices in outreach, enrollment and programming for diverse cultural and linguistic populations and children who have been historically underserved in preschool programs.
 - (l) Works in collaboration with community programs to ensure that families have knowledge of, and are connected to, community resources and supports to meet the needs of children and families served by the preschool program.
- (6) Applications to operate a Preschool Promise program as authorized in ORS 329.172 will be scored on the Preschool Promise Provider's ability to meet Preschool Promise requirements. Scoring criteria will be established

by the ~~Division~~ Department. ¶

(7) A Preschool Promise Provider may engage one or more subcontractors to provide one or more services in connection with the preschool offered by the provider, including but not limited to services such as transportation, food preparation, janitorial services, bookkeeping, staff training, or teaching. The ~~Division~~ Department may require in its grant agreement that any subcontractors hired by the provider or subcontracts entered into by the provider are subject to review and approval by the ~~Division~~ Department. A provider may not subcontract the performance of its entire preschool operations to another entity, nor may the provider negate or transfer its obligation under a grant agreement with the ~~Division~~ Department to provide the preschool program described in the grant agreement. The provider, not its contractor, must engage or contract directly with the parent, guardian or similar authorized representative of any child enrolled in the provider's program and the provider must remain responsible for the provision of the preschool to such parent, guardian or authorized representative, despite the use of one or more subcontractors to fulfill the provider's contractual obligations.

Statutory/Other Authority: ORS 326.425(7)

Statutes/Other Implemented: ORS 329.172

AMEND: 414-470-0047

RULE SUMMARY: Preschool Promise Program, update terminology to align with the transition to the Department of Early Learning and Care (DELIC).

CHANGES TO RULE:

414-470-0047

Administration

(1) The Division will administer grant agreements with the grant recipients and provide program guidelines. ¶

(2) Grant recipients must comply with the terms and conditions of the grant agreement including, but not limited to, cooperating with the Division's program monitoring, technical assistance, program evaluations, and reporting requirements. ¶

(3) Noncompliance with program and agreement requirements may make the grant recipient ineligible for future grants. ¶

(4) Grant recipients must provide information as requested by the Division.

Statutory/Other Authority: ORS 326.425(7)

Statutes/Other Implemented: ORS 329.172

AMEND: 414-470-0055

RULE SUMMARY: Preschool Promise Program, update terminology to align with the transition to the Department of Early Learning and Care (DELIC).

CHANGES TO RULE:

414-470-0055

Program Monitoring and Evaluation ¶¶

Programs will be monitored and evaluated on program-~~quality~~ and outcomes-~~using~~ a process established by the ~~Division~~department.

Statutory/Other Authority: ORS 326.425(7)

Statutes/Other Implemented: ORS 329.172

AMEND: 414-470-0060

RULE SUMMARY: Changes to the rule provides the Department with greater flexibility by allowing waiver approvals beyond the initial years of participation, supporting mixed delivery implementation and enabling timely responses to emergencies. Terminology is updated to reflect the agency's transition from a Division to a Department. In addition, the revisions clarify that a quality improvement plan will be required only when appropriate, aligning the rule with current practice and affirming the Department's authority to determine when such a plan is necessary.

CHANGES TO RULE:

414-470-0060

Waiver Application Process ¶

- (1) A Preschool Promise Provider may request a waiver of the requirements of ORS 329.172(7) and OAR 414-470-0040 during ~~the first years of the Preschool Promise Provider's~~ participation in the Preschool Promise Program. ¶
- (2) ~~The Division~~Department administers the waiver application and approval process. ¶
- (3) ~~WA~~ waiver requests must be accompanied by include a quality improvement plan ~~for approval by the Division when required by the Department.~~ The quality improvement plan will provide information, including, but not limited to, how the program will meet the requirement for which a waiver is requested and at the timeline for ~~completing that achieving complian-ce.~~ ¶
- (4) ~~The Division~~Department may withdraw approval of a waiver at any time, if deemed necessary to ensure the health, safety and well-being of children in the program. ¶
- (5) A waiver granted for any of the requirements does not negate the need for a waiver for other requirements. ¶
- (6) The granting of a waiver shall not set a precedent.

Statutory/Other Authority: ORS 326.425(7)

Statutes/Other Implemented: ORS 329.172

AMEND: 414-470-0065

RULE SUMMARY: Preschool Promise Program, update terminology to align with the transition to the Department of Early Learning and Care (DELIC).

CHANGES TO RULE:

414-470-0065

Reporting

Upon request by the ~~Division~~Department, a Preschool Promise Provider shall make available to the ~~Division~~Department all information and data that demonstrates that Preschool Promise Providers are meeting the program requirements and anything necessary to monitor and evaluate the Preschool Promise Program, and in a manner specified by the ~~Division~~Department.

Statutory/Other Authority: ORS 326.425(7)

Statutes/Other Implemented: ORS 329.172

REPEAL: 414-470-0075

RULE SUMMARY: The amendments remove language that is no longer aligned with current process. This update reflects existing practice and ensures the rule accurately supports the operational flexibility needed within the Preschool Promise program.?

CHANGES TO RULE:

~~414-470-0075~~

~~Fiscal Agent~~

~~(1) The following entities are eligible to apply to be a fiscal agent for multiple Preschool Promise Providers:¶~~

~~(a) Community based organization;¶~~

~~(b) Culturally specific organization;¶~~

~~(c) Early Learning Hub as designated in ORS 417.827;¶~~

~~(d) Education service district;¶~~

~~(e) Federal Head start program;¶~~

~~(f) Federally Recognized Oregon Indian Tribe;¶~~

~~(g) Non-Profit Organizations;¶~~

~~(h) Resource and referral entity established under ORS 329A.100 to 329A.135; or¶~~

~~(i) School district.¶~~

~~(2) The application process will determined by the Division.~~

~~Statutory/Other Authority: ORS 326.425(7)~~

~~Statutes/Other Implemented: ORS 329.172~~