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TEMPORARY ADMINISTRATIVE ORDER

INCLUDING STATEMENT OF NEED & JUSTIFICATION

DELC 1-2026

CHAPTER 414

DEPARTMENT OF EARLY LEARNING AND CARE

FILED

02/25/2026 3:29 PM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Amends Preschool Promise eligibility rules to incorporate housing costs and streamline income verification requirements.

EFFECTIVE DATE: 03/01/2026 THROUGH 08/23/2026

AGENCY APPROVED DATE: 02/25/2026

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NEED FOR THE RULE(S):

This rule amendment is necessary to ensure equitable access to publicly funded early learning programs by acknowledging the significant impact that housing costs have on family economic stability.

Through DELC designed policies and procedures, the rule establishes a new method for determining income eligibility that incorporates housing costs without requiring families to provide extensive documentation. The rule is intended to reduce administrative burden for both families and PSP eligibility coordinators while maintaining program integrity and compliance with ORS. Overall, the new rule promotes accountability, transparency, and equitable access, while minimizing barriers for families.

JUSTIFICATION OF TEMPORARY FILING:

(1) Housing costs will not be a consideration in determining adjusted gross income of families applying to participate in the Preschool Promise program which diminishes equitable access to the program, especially for families in high housing costs regions. Implementing temporary rules will enable DELC to immediately develop policies and procedures to take housing costs into consideration when determining income eligibility.

(2) Who would suffer these consequences: Families/caregivers and their children applying to the Preschool Promise program who experience high housing costs to income ratios.

(3) Why or how failure to immediately take rulemaking action would cause these consequences: The temporary rule establishes the necessary transparency and directive for a policy shift in the administration and implementation of the Preschool Promise program.

(4) How the temporary action will avoid or mitigate those consequences: The temporary action will mitigate these consequences through DELC designed policy and procedures that will provide a new method for determining income eligibility that accounts for housing costs without requiring families to submit extensive documentation.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

None

AMEND: 414-470-0010

RULE SUMMARY: Rule amendment allows DELC to establish income-verification policies for Preschool Promise that account for high housing costs when determining eligibility. This rule is necessary to ensure equitable access to publicly funded early learning programs by acknowledging the significant impact that housing costs have on family economic stability.

Through DELC designed policies and procedures, the rule establishes a new method for determining income eligibility that incorporates housing costs without requiring families to provide extensive documentation. The rule is intended to reduce administrative burden for both families and PSP eligibility coordinators while maintaining program integrity and compliance with ORS. Overall, the new rule promotes accountability, transparency, and equitable access, while minimizing barriers for families.

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