

# Report on Rulemaking (HB 4106) 2016



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## Executive Summary

House Bill 4106 directed state agencies to report annually on their rulemaking actions, both permanent and temporary. This report includes rulemaking actions for 2016 taken by the State Board of Education, Fair Dismissal Appeals Board, Early Learning Council and Youth Development Council. The Department of Education provides administrative support to all of these boards and councils.

	Total Number of Permanent Rules	Total Number of Temporary Rules
State Board of Education	147	0
Fair Dismissal Appeals Board	0	0
Early Learning Council	39	15
Youth Development Council	0	0

# **Report on Rulemaking (HB 4106) 2016**

## **Background**

HB 4106 which was adopted by the 2016 legislature requires state agencies to report to the Legislative Assembly annually on permanent and temporary rules. The report is to include information on the number of permanent rules adopted, amended or repealed during the preceding 12 month period. Additionally the report is to include the following for temporary rules adopted, amended or suspended during the preceding 12 month period:

- The number of rules.
- A list of the rules.
- A statement of need.
- An explanation why proceeding as a temporary rulemaking was appropriate.

## **State Board of Education**

The State Board of Education was established to oversee public kindergarten through grade 12 schools. Rules adopted the board related to standards for K-12 schools, general governance and the implementation of federal laws such as IDEA, FERPA and ESSA.

In 2016 the State Board of Education processed 48 permanent rulemaking actions that adopted, amended or repealed a total of 147 permanent rules. The State Board of Education took action on no temporary rules.

## **Fair Dismissal Appeals Board**

The Fair Dismissal Appeals Board was established to hear appeals from teachers and administrators of dismissals by school districts and education service districts.

In 2016 the Fair Dismissal Appeals Board did not take action on any permanent or temporary rules.

## **Early Learning Council**

The Early Learning Council was established to oversee a unified system of early learning services for the purpose of ensuring that children enter school ready to learn. Rules adopted by the council relate to the early learning system, child care provider licensure and federal child care laws.

In 2016 the Early Learning Council took action on 4 permanent rulemaking actions that adopted, amended and repealed a total of 39 rules.

The Early Learning Council took action on 5 temporary rulemaking actions that amended 15 rules. Table 1 below provides details on the need for each rule and an explanation of why proceeding as a temporary rule was appropriate.

Table 1: Temporary Rule Amendments in 2016

<b>Description</b>	<b>Rules required for meeting federal Child Care and Development Block Grant Act of 2014 requirements and timelines.</b>
Action taken	Amend
Rule number	414-300-0120, 414-300-0170, 414-300-0220, 414-300-0350
Need Statement	The deadline for implementation of a portion of CCDBG requirements necessitates the Early Learning Council's adoption of administrative rules by September 2016 in order to remain in compliance with the CCDBG requirements. Temporary rules will allow the ELC to minimally meet the federal requirements and the federal deadline of September 30, 2016. The temporary rules also make numerous administrative corrections to statutory references.
Explanation	Oregon Administrative Rules relating to requirements of Certified Child Care Centers as imposed by the federal Child Care and Development Block Grant Act of 2014. Subject areas to be addressed include emergency procedures, protection from vehicular traffic, prevention of shaken baby syndrome and abusive head trauma, and new health and safety training requirements for all caregivers.
Action taken	Amend
Rule number	414-350-0050, 414-350-0115, 414-350-0170, 414-350-0180, 414-350-0250
Need Statement	The deadline for implementation of a portion of CCDBG requirements necessitates the Early Learning Council's adoption of administrative rules by September 30, 2016 in order to remain in compliance with the CCDBG requirements. Temporary rules will allow the ELC to minimally meet the federal requirements and the federal deadline of September 30, 2016.
Explanation	Rules required to meet federal Child Care and Development Block Grant Act of 2014 requirements and timelines.
Action taken	Amend
Rule number	401-205-0040, 414-205-0055, 414-205-0100, 414-205-0110
Need Statement	The deadline for implementation of a portion of CCDBG requirements necessitates the Early Learning Council's adoption of administrative rules by September 2016 in order to remain in compliance with the CCDBG requirements. Temporary rules will allow the ELC to minimally meet the federal requirements and the federal deadline of September 30, 2016. The temporary rules also make numerous administrative corrections to statutory references.
Explanation	Rule changes required in accordance with the Federal Child Care and

	Development Block Grant Act requirements and timelines.
<b>Action taken</b>	Amend
<b>Rule number</b>	414-350-0115
<b>Need Statement</b>	The deadline for implementation of a portion of CCDBG requirements necessitates the Early Learning Council's adoption of administrative rules by September 30, 2016 in order to remain in compliance with the CCDBG requirements. Temporary rules will allow the ELC to minimally meet the federal requirements and the federal deadline of September 30, 2016.
<b>Explanation</b>	Rules required to meet federal Child Care and Development Block Grant Act of 2014 requirements and timelines.
<b>Action taken</b>	Amend
<b>Rule number</b>	414-061-0080
<b>Need Statement</b>	Temporary rules will allow Office of Child Care to begin fingerprinting subject individuals in January 2017 in order to meet the September 2017 deadline imposed by the Federal Child Care and Development Block Grant Act of 2014.
<b>Explanation</b>	Revisions done to Central Background Registry rule to meet federal background check requirements and timelines.

### **Youth Development Council**

The Youth Development Council was established to oversee a unified system that provides services to school-age children through youth 24 years of age in a manner that supports educational success, focuses on crime prevention, reduces high risk behaviors and is integrated, measurable and accountable.

In 2016 the Youth Development Council did not take action on any permanent or temporary rules.