

Summary: Public Comments on 2025 Early Learning Hub Rulemaking

#	Date	Source	Name	Comment
1	04/18/25	Email	Athena Wilkstrom, Early Learning Program Facilitator, Douglas ESD	The language we were concerned about regarding having a backbone appointed individual on the Governance Council is: There should be a standing position on the governance council for the backbone (appointed by backbone organization). Based on the South-Central Early Learning Hub's governance structure, this would be a fundamental change to voting member makeup.
2	04/24/25	Email	Megan Glaze	<u>414-900-0010: Definitions</u> • (3) "At Risk" – Suggest adding language to acknowledge children with a suspected or unidentified disability. • (7) "Early Childhood Services" – Supportive as written: "means programs and services for all children..." • (15) "Opportunity Gap" – Recommend including disabilities: <i>Opportunity Gap means the way in which race, ethnicity, disability, socioeconomic status, English proficiency, community wealth, familial situation, or other factors...</i> • (16) "Priority Populations" – Recommend explicitly referencing children with disabilities: <i>Priority Populations means communities historically marginalized and underserved, including but not limited to communities of color, tribal members, rural families, families of children with a disability, and families experiencing poverty.</i> <u>414-900-0015: Early Learning Hub Functions</u>

Summary: Public Comments on 2025 Early Learning Hub Rulemaking

				- Suggest defining “special populations” and ensuring children with disabilities are included in that definition. <i>Hubs are established to coordinate and align early learning and care services for children birth to age six within a specific geographic area or community of interest, including special populations not constrained by geography.</i> <u>Proposed Rule: 414-900-0030 – Administration</u> (2) Suggest defining “stable” and “satisfaction” for clarity. <i>...A Hub that has demonstrated the ability to provide stable organizational and operational structures to the satisfaction of the Department will execute the grant agreement...</i> <u>Proposed Rule: 414-900-0110 – Early Learning Hub Governance Structure</u> (1)(a) Recommend including representation from entities serving children with disabilities ages 0–5 (e.g., Early Intervention/Early Childhood Special Education). <i>Governance Councils must include representatives from the following sectors:</i> <u>414-900-0510 – Administration of Early Learning Kindergarten Readiness Partnership and Innovation Program</u> - Suggest defining “priority geographic areas.” - Recommend including children with disabilities in the definition of “priority populations.” <i>The Early Learning Kindergarten Readiness Partnership and Innovation Program is established by ORS 336.101. KPI funds are invested by Early Learning Hubs to support access to and continuity of services that provide</i>
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Summary: Public Comments on 2025 Early Learning Hub Rulemaking

				<i>supportive transition for families, particularly priority populations and priority geographic areas.</i>
3	04/25/25	Letter	Jenn Laine Yamhill Community Care Learning	See attached letter.
4	05/12/25	Letter	Early Childhood Hub of Lane County Governance Consortium	See attached letter and notes from Governance Council meeting.
5	05/14/25	Letter	Anna Scharf, State Rep HD 23 Lucetta Elmer, State Rep HD 24	See attached letter.
6	05/29/25	Letters(s) Response Recommendations	Mary Rumbaugh, Director, Clackamas County Health Housing & Human Services	See attached letters.
7	05/30/25	Letter	Evan Weaver, Early Learning Washington County Co- Director	See attached letter.
8	05/30/25	Form Response	Rene Brandon, Director, Southern	Rule Number: 414-900-0110

Summary: Public Comments on 2025 Early Learning Hub Rulemaking

			Oregon Early Learning Hub	The draft document will be very helpful in providing clarity of roles of hub, governance, and backbone. One important note: Since backbone entities will have their own boards and policies, it seems important to note that 'although the governance council is the autonomous body responsible for directing the administration of the grant agreement for the early learning hub, its guidance and policies can not be in conflict with the governance and policies of the backbone. An example: a backbone might have a board policy that any contracts over \$100,000 must have board approval. That could get tricky and more guidance is needed for the backbone board to acknowledge that although they need to review the contract purpose and eligibility of the entity to enter into a contract with the backbone, they are not determining if it can move forward for reasons other than administrative reasons. In other words, the backbone cannot decide they do not support the mission of the potential grantee and deny the contract the governance council supports to move the work of the hub forward. We experienced this challenge in my region.
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April 25, 2025

Crys O'Grady
Department of Early Learning and Care
700 Summer St NE #350
Salem, OR 97301

Dear Ms. O'Grady,

I am honored to be part of the Rules Advisory Committee (RAC) and deeply appreciate the opportunity to contribute to the development of our state's early learning guiding rules. DELC's dedication to enhancing the quality of our early childhood system is truly commendable. This letter is to provide written feedback on the input we offered in the RAC, including proposed alternatives. Our goal in all these suggestions is to find language that effectively supports our shared goals.

OAR 414-900-0010 Definitions:

We suggest deleting Section 4: *"Autonomous Authority" means the independent authority and resulting decision-making capacity of the Governance Council, as described in ORS 417.827."*

- **Rationale:** ORS 417.827 indeed describes the Governance Council but does not specify it must be "autonomous." We feel this erodes the collaborative nature of the backbone entities, possibly disincentivizing their participation.

We suggest deleting the following sentence from Section 11: *"The Governance Council operates with full investment decision-making authority for the functions of the Hub, independent of the backbone entities day-to-day operations."*

- **Rationale:** As with the previous suggestion, we feel the backbone entity bears the risk and therefore ought to have some authority over the investment decisions. As currently drafted, Section 11 sets up a situation in which every Hub must be independent, and we do not believe this is the intent.

OAR 414-900-0030 Administration

We suggest modifying the following sentence from Section 2: *"In all cases, the governance council provides ~~oversight and authority~~ guidance and direction of investments and has approval of contracts and/or agreements under ORS 417.827."*

- **Rationale:** As noted above, the Hubs are set up to exist within backbone entities that have the legal and financial responsibility of directing funds in accordance with the contract. As someone noted in the RAC, the backbone entity is like the steering wheel and the brakes of the car while the Governance Council is like the navigation system, advising on the best route, but not controlling the car's movement. This is important for business reasons as well as compliance and oversight to avoid financial mismanagement.

Crys O'Grady
Department of Early Learning and Care
April 25, 2025
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OAR 414-900-0110 Early Learning Governance Structure

We suggest deleting Section 1 and replacing with this substantially similar verbiage:
“Each Hub must have a Governance Council. The Governance Council is responsible for directing the administration of the grant agreement for the Early Learning Hub. If the Hub utilizes a backbone entity for operational and organizational support, the Hub must do so as defined in 414-900-0100. The backbone entity shall appoint a representative to serve on the Governance Council.”

- **Rationale:** This edit removes the term “autonomous body” as well as the third sentence about the Governance Council being the decision making body for investments, and removing the sentence that prohibits the backbone entity from making investment decisions, for the reasons described above; namely, that it could have the unintended consequence of discouraging backbone entities from participating and/or create an untenable legal conundrum for the Hubs. We understand the intent of this section to ensure investments are aligned with Raise Up Oregon and the priorities set by the Governance Council. To that end, we have proposed an additional requirement that the backbone entity appoint a representative to serve on the Governance Council.

In Section 2(b), we suggest adding language to indicate that the Hub is responsible to *“approve strategic plans, budgets and funding priorities **for the Hub.**”*

- **Rationale:** This small change will ensure that the Governance Council’s scope of responsibilities is over the Hub, thereby clarifying its role relative to the backbone entity.

In Section 2(c) and subsequent references to bylaws, we recommend it read “***bylaws, charter, or memorandum of understanding***” to allow for the different types of Hub structures already operating and to avoid revisions of backbone bylaws already submitted to the state.

- **Rationale:** It is important for this rule to maintain flexibility, and allowing different types of documents recognizes the different kinds of arrangements already in place. This achieves what we believe is the intended result of clarifying roles and responsibilities without requiring bylaws, which might force the Hub to become a separate legal entity.

Crys O'Grady
Department of Early Learning and Care
April 24, 2025
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OAR 414-900-0500 Data Collection and Reporting

We suggest clarifying Section 1 regarding the term *"approved tools and systems."* Consider deleting the word "approved" or else specifying that "DELC will accept data submitted by the Hubs in alignment with the requirements of the Hub grant agreement."

- **Rationale:** Since Hubs have been in operation for many years, we have built data systems that work well. And yet, we are always innovating and finding new ways of collecting and reporting data. As drafted, Section 1 could have the unintended consequence of requiring approval for each new tool or system developed.

In closing, we support the goal of clarifying roles and responsibilities of Hubs, Governance Councils, and backbone entities. We believe the changes requested above support these goals while ensuring we do not inadvertently disincentivize backbone entities from continuing to host Early Learning Hubs. Thank you for your consideration of these suggestions. We hope you will incorporate these in the final draft rules to ensure sustainability and success of the Early Learning system.

Sincerely,

A handwritten signature in cursive script that reads "Jennifer E. Laine".

Jennifer E. Laine
Early Learning Director

Cc: Nancy Hauth (via email)
Maria Mendoza (via email)

GOVERNANCE CONSORTIUM

HEATHER BREY
Early Childhood CARES

MARIA DEL SOL GRANADOS
Parent Representative

KELLIE DEVORE
PacificSource Health Plans

NOREEN J. DUNNELLS
United Way of Lane County

DEBI FARR
Trillium Community Health Plan

JACOB FOX
Homes For Good

TODD HAMILTON
Springfield Public Schools

CHERYL HENDERSON
Lane Community
College Quality Care
Connections

BRIAN JOHNSON
Lane County

BECKY LAMOUREUX
Moss Street Children's Center
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JOHN LIVELY
Oregon State Representative

SARA LOVELESS
90by30
Early Learning
Stakeholders

MEGAN MILLER
Parent Representative

JUDY NEWMAN
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TONY SCURTO
Lane Education Service District

KRAIG SPROLES
Bethel School District

JOHN STAPLETON
Pivot Architecture

CHARLEEN STRAUCH
Head Start of Lane County

LANE TOMPKINS
McKenzie School District

SHEILA WEGENER
Department of Human Services



Early Childhood Hub of Lane County Governance Consortium Feedback on Proposed OARs May, 2025

Recommendations for specific OAR changes:

Remove specific references to "Raise up Oregon" and replace with a more general statement such as "statewide goals, objective and activities set by DELC".

OAR 414-900-0000- The Early Learning Hub Director role.

In section (2) – While the Hub Director is employed by the backbone entity for administrative purposes, their role and responsibility is distinct **we suggest adding wording in this section about supervision such as: "it is jointly done between the Governance Committee and the backbone entity or in collaboration with the backbone entity or in consultation with the backbone entity."**

OAR 414-900-0100 (1) (e) – What does this mean? We assume it means that the backbone entity does not need EC Hub funds to do its own work, but it does not read that way. Some suggested wording to clarify: "Being and remaining fiscally sound. A backbone entity should be an entity with the ability to fiscally support **it's own core operations to carry out its own mission and functions**, without DELC funding."

OAR 414-900-0100 (4) – We think the community should be involved in selecting the backbone entity. This can be in collaboration with DELC. Some suggested wording. "If the Department **or the Governance Council or the backbone** determines that a grant agreement with a backbone entity will be terminated whether voluntarily or involuntarily, the Department will issue a competitive Request for Application (RFA) within the affected Hub region. **The selection of a new backbone entity will be made in consultation with the Governance Council and/or community.** All applicants must fulfill the requirements of ORS 417.827 and other terms as outlined in the published Request for Application.

OAR 900-0010- (15): "Opportunity Gap" means..... Add after ethnicity, **disability** to the list.

OAR 900-0010- (16): "Priority Populations" add **children with a disability** to the list after rural families.

OAR 414-900-0110(1) (a)- Governance Councils must include representatives from the following sectors **and who represent the entire geographic area of the region and the demographics:**



Early Childhood Hub of Lane County

United Way of Lane County • 3171 Gateway Loop, Springfield, OR 97477

PHONE 541.741.6000 FAX 541.726.4150 EMAIL education@unitedwaylane.org ONLINE earlychildhoodlane.org

GOVERNANCE CONSORTIUM



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CHARLEEN STRAUCH
Head Start of Lane County

LANE TOMPKINS
McKenzie School District

SHEILA WEGENER
Department of Human Services

OAR 414-900-0110 (2)(a) – Include a chair and **vice chair or co-chair** who will be responsible for duties as outlined in the grant agreement. Or eliminate that sentence and replace with: **The Governance Council shall define its leadership structure in their bylaws.**

OAR 414-900-0030 (2)- In the last sentence we want to add one of the suggested phrases in red: In all cases. The governance council, **with representation of the backbone entity or in consultation with the backbone entity or in collaboration with the backbone entity**, provides oversight and authority of investments and has approval of contracts and/or agreements under ORS 417.820

General comments, questions or clarifications that may or may not result in recommendations for changes or additions:

- Do Public Meetings Rules apply to Governance Committees? If they do, it should be referenced in the OAR under the Governance Structure section – OAR 414-900-0110.
- DEI is not specifically mentioned and I should be referenced as foundational to all the work- goals, functions, funding allocations, service delivery, etc.
- How long can a sector remain unfilled on the Governance Council?
- Can a Chair or vice chair be the Hub Director? We do not think this should be allowed and it should be stated in the Governance Council's bylaws or in the OARs.
- The Governance Council bylaws should reflect how a backbone and Hub function to comply with the laws and rules and meet their own accountability requirements / needs.
- Clarify how long a backbone must keep the Hub operating if funding from DELC is delayed?
- Add representation from the backbone's governing body (eg: Board if it is a nonprofit) on the Governance Council.



Early Childhood Hub of Lane County

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Governance Council Notes on Draft Rules-From the 4/11/25 meeting

Notes on the Governance Draft Rules:

Things to Keep:

Keep the GC structure and definition

Keep-Tribal Reps

Clarify if Public Meeting Rules apply to the GC meetings

Things to Change:

What does enforcement look like? DELC uses the word “must”-what is something doesn’t happen? How long can a required sector seat remain vacant?

414-900-0110 5(b)- assumes conflict. Can a Hub and it’s backbone separate without conflict?

Does the GC need to meet sector requirements? Do we need a definition?

Should the Hub Director not be the chair of the GC?

5 (a) and (b) What are the steps involved to make a change?

2 (a)- Leadership of the GC should not be prescribed in the OAR, it should be determined at the Council level.

Section 5- Is there a process if the backbone wants to separate from the Council?

Add- Things that are Missing:

DEI-With the stated scope being alignment with Raise Up Oregon’s anti-racist framework and the function being equity driven strategies, funding allocation and service delivery. The GC structure should reflect this. Should there be a requirement around the (unknown word) at strategic planning to ensure alignment and implementation of statewide priorities?

Subject to Public Meeting Laws-if not how are we responsible for ensuring community is aware of meetings?

(Unknown word) in the composition of the Hub representation and required by bylaws.

P1 at Risk-definition does not align well with a strengths-based service delivery and could increase equity (unknown word)

Would the Council then gain approval before contracting work to outside agencies?

Notes on Backbone Draft Rules

Things to Keep:

Things to Change:

1 e, Shouldn't it say "...with the ability to fiscally support its core operations without funding from the DELC and only x% of indirect to administer Hub functions."

Structure that meets the need of the backbone and Hub for accountability

1 e, Needs clarity on what the expectation is for the backbone entity should funding from DELC cease or delay reimbursement. How long is the backbone entity to be responsible for operating the Hub with out funding from the Department?

414-900-0100 (4) gives too much power to DELC

How are indirect and direct charges to the backbone examined by the GC?

Most K-12 OARs that create committees-that are not policy- set goals for them to match the demographics of the community they serve.

Things to Add:

ANNA SCHARF
STATE REPRESENTATIVE
DISTRICT 23



LUCETTA ELMER
STATE REPRESENTATIVE
DISTRICT 24

May 14, 2025

Director Alyssa Chatterjee
Department of Early Learning and Care
875 Union Street NE
Salem, OR 97311

RE: Concerns Regarding Proposed Rule 414-900-0110 – Early Learning Hub Governance Structure

Dear Director Chatterjee,

We are writing to express serious concern about the Department of Early Learning and Care's (DELIC) proposed rule 414-900-0110, which would impose new governance requirements on Early Learning Hubs, including the Yamhill Early Learning Hub that serves our districts.

As currently written, the proposed rule would require each Hub to have an autonomous Governance Council with its own bylaws and full decision-making authority over the administration of Early Learning Hub grant funds. It further prohibits backbone entities—such as Yamhill Community Care (YCCO), which currently provides operational and administrative support to the Hub—from making investment decisions related to Hub funds.

This structural change would represent a significant disruption to the governance and operations of our local Hub. Under the current model, which has functioned effectively for years, YCCO serves as the backbone organization, with fiduciary responsibility retained by its Board of Directors. The Governance Council (which is known locally as the Early Learning Council) operates as a committee of the Board, providing essential guidance and oversight. This model has ensured fiscal responsibility, programmatic alignment, and strong community coordination.

Mandating a new, autonomous governance structure could require the formation of a separate legal entity and may compel our Hub to secure independent administrative capacity and assume legal and financial responsibilities for which it is currently unprepared. These changes would introduce unnecessary complexity and create a precarious position for the Hub's continued operations and funding stability.

We understand that Yamhill Early Learning Hub has already provided formal feedback during the Rules Advisory Committee process, and we are disappointed to learn that their recommendations have not been incorporated into the revised proposal. We encourage DELIC to reconsider this rule.

Thank you for your attention to this matter.

Sincerely,

Anna Scharf
State Representative – HD 23

Lucetta Elmer
State Representative – HD 24

May 29, 2025

Crys O'Grady
Rules Coordinator
Dept. of Early Learning & Care
700 Summer Street NE #350
Salem, OR 97301

RE: Review of Early Learning Hubs Ruleset, OAR 414-900-XXXX

Dear Ms. O'Grady,

We appreciate the opportunity to engage with the state regarding the proposed rule changes for Early Learning Hubs. Clackamas County has proudly served as the backbone entity for our local Early Learning Hub for the past decade, and we share your commitment to enhancing early learning outcomes for our region's families and children. We are submitting the attached response to the proposed revised Early Learning Hubs Ruleset (OAR 414-900-XXXX).

Our primary concern is that the changes in rules are not consistent with the backbone model in that they provide the Governance Council autonomous authority that is not possible with a backbone model. Consequently, the rule changes may prevent Clackamas County and other current backbones from being able to continue in their roles causing layoffs of expert staff and substantial disruptions and damage to the early learning system statewide.

We acknowledge that the autonomous authority language has been included in the backbone contracts for years. However, its application has been flexible enough to support the backbone model. If these rules pass, they will essentially dismantle the backbone model by limiting or eliminating the ability of backbones to ensure they are protected from substantial risk that could threaten itself and all of its other programs at risk.

It also seems clear that when the legislature established the Early Learning Hubs, they did not intend for the backbone entities to cede all decision-making authority to the Governance Councils. The legislative statute that established the Early Learning Hubs (ORS 417.827), lays out the many roles and responsibilities of the "backbone" entities. While we support a strong and empowered Governance Council, the autonomous authority that is written into the proposed rules seems to go well beyond what the originators seem to have intended.

By way of contrast, the state could have selected a different model for the Early Learning Hubs, such as the independent entity model that Marion-Polk has adopted. If that were the case, the autonomous authority of Governance would be entirely appropriate. However, the backbone model by design and nature establishes a dependent relationship of the Hub on the backbone entity that does not allow for the level of autonomous authority indicated in the proposed rules.

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In general, we request that the language of the rules be revised to accurately reflect the practical realities of the backbone model. Clarity around roles, responsibilities, and accountability measures can help prevent unintended consequences, such as the discontinuation of many, if not all backbone agencies. We deeply value our collaboration with DELC and are eager to work closely with you to address any identified concerns or challenges behind the proposed rule changes. Our Early Learning Hub has made meaningful and measurable progress over the last ten years. We are committed to building upon this foundation to achieve even greater outcomes for our community.

Thank you again for your openness to collaboration. We look forward to ongoing dialogue and partnership to support Oregon's children and families effectively.

Sincerely,

A handwritten signature in black ink that reads "Mary Rumbaugh". The script is fluid and cursive, with the first letters of each word being capitalized and prominent.

Mary Rumbaugh
Director, Health Housing & Human Services

Clackamas County's Responses and Recommendations to Proposed Early Learning Hub Ruleset (ORS §414-900-XXXX)

May 29, 2025

Introduction

The state rules pertaining to Early Learning Hubs are currently being revisited. The proposed rules impact Clackamas County's role as backbone for the Early Learning Hub, potentially eliminating the ability of the County to continue serving in the role it has successfully performed for over 10 years. In hopes of preventing this, this document contains the County's response to the specific proposed rules.

An overarching question was raised in reviewing the rules and their bases. Many of the rules and proposed changes appear to be based upon the expectation that the Governance Council has "autonomous authority." The degree of this authority is not possible with the backbone model and seems inconsistent with the intentions of Early Learning Hub operations as reflected in ORS 417.827, which describes a Hub that is dependent upon a backbone entity.

Responses to Proposed Rules

Note – Proposed Rules are highlighted in gray.

414-900-0010: Definitions Last review/update: 2/21/25

(4) "Autonomous Authority" means the independent authority and resulting decision-making capacity of the Governance Council, as described in "Autonomous Authority" means the independent authority and resulting decision-making capacity of the Governance Council, as described in ORS 417.827.

Suggestions:

- **Delete this definition or replace with a definition of semi-autonomous**

Rationale:

The statute referenced in the definition states that the roles of the Governance Council are: 1) initiate audits, 2) recommend terms of contracts and 3) provide reports on outcomes of early learning services (ORS 417.827(4)(g)(A)). These roles do not constitute nor require autonomous authority.

Here and throughout the rules there are expectations for the role of the Governance Council that do not seem to align with the state statutes or the backbone model that the state established. The expected role is more akin to a Board of Directors, which is not possible, because the backbone already has a Board of Directors with legal authority and responsibility who assume the financial

and legal risk for the organization and all of its programs, including the Early Learning Hub. The Governance Council is not a legal entity and therefore cannot assume this risk nor enact any of its decisions. This is the intended role of the backbone as described in ORS 417.827 that must be acknowledged in any rules governing the Hubs.

It is acknowledged that the autonomous authority language has been included in the backbone contracts for years. However, its application has been flexible enough to support the backbone model. However, if these rules pass, they will essentially dismantle the backbone model by limiting or eliminating the ability of backbones to ensure they are protected from substantial risk that could threaten itself and all of its other programs at risk.

With this said, it is not completely clear what problem(s) the rules are attempting to fix. Perhaps they could be addressed more directly. In our experience over 10 years as a backbone, there has not been an instance in which our Board has overruled a Governance Council decision. Therefore, in practice, they already operate with a high degree of autonomy. The backbone's Board primarily oversees the contract for the work selected by Governance. If there are problems that need to be addressed elsewhere, perhaps the rules could be more specifically address those situations.

(11) "Governance Council" means a multisector council who is the ~~autonomous~~ body responsible for providing strategic leadership and oversight for the Early Learning Hub. The Governance Council oversees the allocation of resources and investments **and works with the backbone entity** to ensures that Hub's priorities are executed successfully, with an emphasis on outcomes and continuous improvement. ~~The Governance Council operates with full investment decision-making authority for the functions of the Hub, independent of the backbone entity's day-to-day operations.~~

Suggestions:

- **Make suggested revisions, including removing the final sentence.**
- **Re-define "Early Learning Hub" to include the backbone, Governance Council and all other connected committees.**

Rationale:

These changes more accurately reflect the backbone model established by the state that most Hub currently employ.

The current statutory definition of Early learning Hub is "any entity designated by regional partners to coordinate early learning services, as determined by rules adopted by the Early Learning Council" (ORS 417.827(1)(a)). This can be read to say that the backbone organization *is* the totality of the Hub, which is not in alignment with how most currently understand it.

Proposed Rule: 414-900-0110 Early Learning Hub Governance Structure *Last review/update:* 2/21/25

(1) Each Hub must have a Governance Council. ~~The Governance Council is the autonomous body responsible for directing the administration of the grant agreement for the Early Learning Hub. The~~

Governance Council is the decision-making body for the investments of Early Learning Hub funds. If the Hub utilizes a backbone entity for operational and organizational support, the Hub must do so as defined in 414-900-0100. **The backbone entity may not make decisions regarding the investments of Early Learning Hub funds.**

Suggestions:

- **Remove second sentence.**
- **Clarify or remove final sentence. It seems to mean that backbones should not have a vote in the decision. This is not consistently understood or applied across all Hubs.**

Reason for Suggestion:

This is a great example of the rules going beyond the legal limitations of the backbone model. The contract is between the state and the backbone. The backbone accepts all risk for the agreement. The Early Learning Hub is not a legal entity and therefore does not assume any risk. The backbone cannot cede 100% of its authority to a third party to make decisions on its behalf.

The question of whether a backbone organization is a voting member of the Hub needs to be answered as it has long created confusion. If backbones should not have a vote or say in the decision – equal to that of other members – it would be helpful to understand the rationale. The backbone organizations were selected in large part because they are important players in the local early learning system and therefore in most cases possess some unique experience, expertise and perspectives.

If the concern is a conflict of interest, in many, if not most Hubs, the majority of the funding goes to the voting members of Hubs and not the backbone. Backbones therefore tend to have equal or less conflicted than other members. They could recuse themselves as other members do for votes that might benefit them. This is especially relevant in rural areas that have fewer parties involved in the early learning system.

(5) The Governance Council must, in accordance with the procedures in its bylaws and following a vote, notify the Department if it has lost confidence in the Backbone entity's ability to perform any or all of its functions in accordance with these rules.

(a) If the Governance Council votes to notify the Department of its desire to change the backbone entity for the Hub, the Governance Council must contact the Early Learning Hub Contract Administrator(s) for assistance and support in addressing the concerns **carrying out the backbone entity transition process.**

(b) Such notification must specify the basis for the lack of confidence, including specific lack of confidence in the Hub Director or specific personnel. Such notification may also recommend desired changes to address or remedy the lack of confidence.

(c) The Hub Contract Administrator will work with the backbone organization to discuss potential remedies to be presented to the Governance Council for consideration.

(d) If after good faith efforts made by all parties, remedies cannot be found or are unsuccessful – the Hub Contract Administrator can initiate a backbone transition process.

Suggestion:

- **Add step 5(c, d) language or a step in which the state strives to resolve the differences before beginning the transition process.**

Rationale:

The proposed rule is very one-sided by moving straight into backbone transition based on a vote of the Governance Council. Changing backbones can be a highly disruptive process that should not be entered into so lightly. The rule must take into account the legally binding mutual obligations of between the backbone organization and the state. Backbone organizations invest a great deal of their resources into the Early Learning Hubs, including a required match, while Governance members are not required to make any investments. Backbones also have staff who would lose their jobs, affecting their families and overall wellbeing. We also often have contracts with third parties that are funded through the Hub agreement that would be impacted.

All of these factors need to be taken into account in the process of responding to Governance complaints. This should involve a more fair and balanced process of considering complaints.

Proposed Rule: 414-900-0000 Early Learning Hub Director Role *Last review/update: 2/21/25*

(2) While the Hub Director(s) is employed by the backbone entity for administrative purposes, their role and responsibilities are distinct in that they provide leadership, coordination, and oversight of the Hub's strategic initiatives and community engagement efforts.

Response:

In concept, most backbones would likely agree with this statement. It's unclear what this addition is seeking to achieve and how will one know whether they are or are not adhering to this rule.



Department of Early Learning and Care

ATTN: Rules Coordinator Crys O'Grady

Via email: DELC.RulesCoordinator@delc.oregon.gov.

May 29, 2025

Re: Early Learning Hubs Rule Making

Dear Ms. O'Grady,

As Co-Director of Early Learning Washington County, I am writing to submit public comment regarding the proposed revisions to rules governing Early Learning Hubs. This letter is to provide written feedback, including proposed alternatives. The purpose for these suggestions is to find language that effectively supports the intended purpose of the rules while maintaining the ability for Hubs and their backbone organizations to operationalize DELC's goals within a sound framework of organizational accountability. The rules, as currently proposed, could disincentivize backbone entities from continuing to host Early Learning Hubs.

OAR 414-900-0010 Definitions:

Recommendation 1: Delete Section 4: *"Autonomous Authority" means the independent authority and resulting decision-making capacity of the Governance Council, as described in ORS 417.827."*

- **Rationale:** ORS 417.827 indeed describes the Governance Council but does not specify it must be "autonomous." We feel this erodes the collaborative nature of the backbone entities, possibly disincentivizing their participation.

Recommendation 2: Delete the following sentence from Section 11: *"The Governance Council operates with full investment decision-making authority for the functions of the Hub, independent of the backbone entities day-to-day operations."*

- **Rationale:** As with the previous suggestion, we feel the backbone entity bears the risk and therefore ought to have some authority over the investment decisions. As currently drafted, Section 11 sets up a situation in which every Hub must be independent (or a backbone organization must support an independent entity while bearing the risk for the Governance Council's actions), and we do not believe this is the intent.

OAR 414-900-0030 Administration

Recommendation 3: Modify the following sentence from Section 2: *"In all cases, the governance council provides oversight and authority guidance and direction of investments and has approval of contracts and/or agreements under ORS 417.827."*

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- **Rationale:** As noted above, the Hubs are set up to exist within backbone entities that have the legal and financial responsibility of directing funds in accordance with the contract. Backbone entities are selected by a competitive process in which the ability to provide appropriate financial stewardship is an element. Placing that role onto the governance council not only duplicates the responsibility, but it also creates confusion on who bears responsibility and associated risk for decision making. Furthermore, in my nine years of experience working with Early Learning Hubs, membership on Hub Governance bodies is often comprised of leadership from across the early childhood sector ranging from CBO Executive Directors, Head Start Directors, ODHS District Managers, etc. The proposed language would saddle governance meetings with a high level of operational detail. This would derail the overall intended purpose of the governance council, to meet the objectives of Raise Up Oregon and drive systemic change for children and families of our region.

OAR 414-900-0110 Early Learning Governance Structure

Recommendation 4: Delete Section 1 and replacing with this substantially similar verbiage: *“Each Hub must have a Governance Council. The Governance Council is responsible for directing the administration of the grant agreement for the Early Learning Hub. If the Hub utilizes a backbone entity for operational and organizational support, the Hub must do so as defined in 414-900-0100. The backbone entity shall appoint a representative to serve on the Governance Council.”*

- **Rationale:** This edit removes the term “autonomous body” as well as the third sentence about the Governance Council being the decision-making body for investments and removing the sentence that prohibits the backbone entity from making investment decisions, for the reasons described above; namely, that it could have the unintended consequence of discouraging backbone entities from participating and/or create an untenable legal conundrum for the Hubs. We understand the intent of this section to ensure investments are aligned with Raise Up Oregon and the priorities set by the Governance Council. To that end, we have proposed an additional requirement that the backbone entity appoint a representative to serve on the Governance Council.

Recommendation 5: In Section 2(b), add language to indicate that the Hub is responsible to *“approve strategic plans, budgets and funding priorities **for the Hub.**”*

- **Rationale:** This small change will ensure that the Governance Council’s scope of responsibilities is over the Hub, thereby clarifying its role relative to the backbone entities

In closing, we support the goal of clarifying roles and responsibilities of Hubs, Governance Councils, and backbone entities. We believe the changes requested above support these

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goals while ensuring we do not inadvertently disincentivize backbone entities from continuing to host Early Learning Hubs. Thank you for your consideration of these suggestions. We hope you will incorporate these in the final draft rules to ensure sustainability and success of the Early Learning system.

Sincerely,
Evan Weaver

Early Learning Washington County Co-Director
Washington County Health & Human Services, Public Health Division