

House Bill 2166 and Senate Bill 236 Executive Summary

The last twenty years have seen a growing acknowledgment of the prevalence and impact of suspension and expulsion in early learning and care programs – those serving children from 6 weeks to five years old. The Department of Early Learning and Care’s (DELIC) most recent survey of families in 2022 showed that 9.1% of all families with a child under the age of five had a child asked to leave care in the last year. The survey also confirmed the disparate rates by which young children are asked to leave programs, with the highest rate of any racial or ethnic group being African American or Black children at 16.1%. Children with developmental disabilities or medical needs were asked to leave programs at a rate of 22.1%. The survey results also make it clear that suspension and expulsion is an issue present for all young children, not just preschool age children.

About **14%** of the children who had **experienced suspension or expulsion** were infants and another approximately **17%** were toddlers.

The rate of children being asked to leave care across all families in Oregon has steadily been increasing since 2019. Given the negative effects on employment caused by problems in child care reported above, this suggests that a substantial number of families may then face other negative impacts as a result of being asked to leave care. Children who are suspended or expelled also miss out on valuable learning opportunities and may experience emotional stress with lasting impact.

Legislative Response

During the 2021 session, the legislature passed two bills, HB 2166 and SB 236, addressing suspension and expulsion of young children in early care and education programs. HB 2166 established the Early Childhood Suspension and Expulsion Prevention Program (ECSEPP) to provide technical assistance to reduce expulsion or suspension in programs serving children from birth through age five and address disparities in the rates of suspension and expulsion. During the same session, the legislature also passed SB 236, which prohibits any early care and education program that is either licensed or receiving public funds from suspending or expelling any child as of July 1, 2026.

SB 236 directed the agency to submit a report on the steps needed to implement this prohibition. Because successful implementation depends on support and technical assistance to early care and education providers that are part of the ECSEPP, this report also covers progress towards implementing this program, and recommended steps to support its successful rollout.

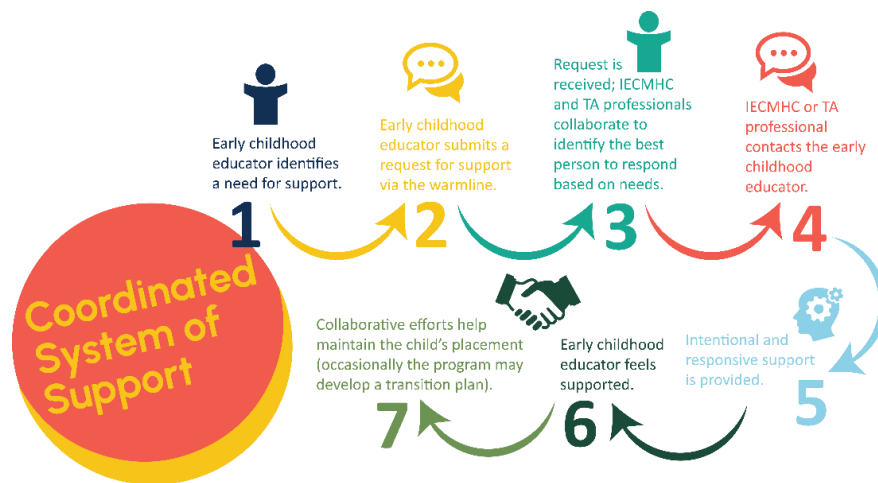
Early Childhood Suspension & Expulsion Prevention Program Planning & Development

Thanks to the passage of the Student Success Act and the creation of the Early Learning Account, the legislature has made significant investments in professional learning for the early care and education workforce. This includes foundational training(s) and one-on-one coaching. ECSEPP is intended to build on those investments, focusing primarily on developing regional Infant Early Childhood Mental Health Consultants (IECMHC) to assist child care providers when confronted with children exhibiting behaviors providers find challenging. This gap in services to be filled by IECMHC is particularly needed when a child does not meet the eligibility for the more



intensive and individually tailored services offered by Early Intervention and Early Childhood Special Education (EI/ECSE), administered by the Oregon Department of Education.

In addition to developing the regional capacity for IECMHC, DELC is also identifying a central entity to coordinate these services and operate a warmline for families and child care providers. As outlined in the graphic below, the warmline would allow an assessment of the level of support or intervention needed to prevent a child from being suspended or expelled from a program. The warmline will be available for programs and parents to request support starting in mid-2025. Because Oregon's ban on suspension and expulsion will be one of the most comprehensive in the nation, it is likely that additional resources will be necessary to meet the statewide level of need.



Enforcing a Ban on Suspension & Expulsion in 2026

In addition to the prevention supports underway for the workforce, DELC is also preparing the regulatory infrastructure for implementing the ban. DELC is currently undergoing a substantial revision of its enforcement framework, aiming to elevate efficiency, consistency, and accountability in protecting the well-being and safety of children in child care facilities. The proposed changes introduce a new approach that integrates risk assessments, considers the number of violations per visit, evaluates combinations of violations, and considers a cumulative and comprehensive assessment to guide enforcement actions. The proposed structure offers a consistent and transparent approach to enforcement, reducing ambiguity and ensuring equitable treatment for all child care facilities.

This proposed structure would allow flexibility when enforcing the ban on suspension and expulsion, acknowledging the availability of training and local resources and the number of violations of this policy, and allow the provider to be connected to a regional service provider for additional supports. DELC hopes to begin piloting the enforcement framework by the end of 2024.

Gaps in Statutory Authority to Enforce SB 236

Neither HB 2166 nor SB 236 granted DELC the enforcement authority for the new requirements established in these bills. Recommended statutory changes would allow DELC to enforce the ban and investigate its violation for the facilities currently subject to monitoring and investigation, as well as the ability to leverage DELC's progressive enforcement approach that begins with regular inspections and provides educational resources, technical assistance, and referrals to support services before resorting to intermediate or terminal sanctions.

For full report please click [here](#)

