



1 5.101(D) to review the Determination because Petitioner filed this Petition not later than the  
2 seventh business day after the ballot title for the Measure was filed with the Director of the  
3 Elections Division.

4 6.

5 Petitioner is dissatisfied with the measure title. The measure title is insufficient, not  
6 concise, or unfair for the following reasons:

- 7 a. All portions of the ballot title are insufficient and unfair because they incorporate  
8 the measure’s title, “Universal Preschool,” which is both inaccurate and tends  
9 more to promote the measure’s passage than to describe its substance accurately.
- 10 b. The caption is insufficient because it incorrectly implies that the preschool  
11 available under the measure is tied to certain income thresholds, which it is not.
- 12 c. The question is not concise and insufficient for the following reasons:
- 13 (1) The question states both that the Measure would be “publicly funded” and  
14 that it would be “funded by tax,” which is redundant; and
- 15 (2) The question omits issues of central importance to voters, including both  
16 the income thresholds subject to the tax and the amount of that income  
17 that would be taxed.
- 18 d. The summary is insufficient and fails to summarize the Measure and its major  
19 effects as required by ORS 250.035(1)(c) for the following reasons:
- 20 (1) As an overarching concern, the summary fails to provide voters with an  
21 adequate understanding of how the Measure will work; the mechanics of  
22 the program the Measure would enact—that the county would pay service  
23 providers to offer preschool programs that meet each of the Measure’s  
24 criteria for preschool curriculum, teaching style, student discipline, staff  
25 compensation, and other metrics—is buried in the explanatory statement.
- 26 (2) The summary is not concise because it begins by saying that the Measure

1 “[e]nacts Multnomah County ordinance establishing” the program that the  
2 summary then goes on to describe; that formulation is unnecessary and  
3 redundant, and those five words should be used elsewhere.

4 (3) The summary, because of its organization, fails to apprise voters of the  
5 most significant effects of the Measure in order of importance; rather than  
6 prioritize minutiae about the Measure’s staggered implementation, the  
7 summary should start by describing the Measure’s most consequential and  
8 applicable provisions before moving on to execution and exceptions.

9 (4) The summary’s explanation of the Measure’s central funding mechanism  
10 is confusing and filled with details and jargon that are unhelpful to voters  
11 and do not belong in the summary.

12 e. The explanatory statement fails to comply with Multnomah County Code §  
13 5.101(A)(2) because it is neither “impartial” nor “simple and understandable” for  
14 the following reasons:

15 (1) The explanatory statement suffers from the same problem as the ballot  
16 title summary because it fails to prioritize central aspects of the Measure  
17 over details of less significance to voters.

18 (2) The explanatory statement creates the misimpression that the Measure’s  
19 requirements for qualifying preschool providers are less stringent than  
20 they actually are; in fact, there are numerous ways that a provider could  
21 lose its eligibility for funding under the Measure, which is a central feature  
22 of the Measure the explanatory statement should disclose.

23 (3) The explanatory statement incorrectly states that providers must be  
24 “approved to operate \* \* \* under certain state standards” to be eligible for  
25 funding, but the Measure actually requires providers to be “licensed” by  
26 the State of Oregon, which does not license providers, so any certified and

1 registered providers who are “approved to operate” by the State are still  
2 not eligible to receive funding under the Measure.

3 7.

4 This Court should certify a caption that reads: “Establishes tuition-free preschool  
5 program funded by new income tax.”

6 8.

7 This Court should certify a question that reads: “Should Multnomah County fund two-  
8 year, tuition-free preschool, through 3.9% tax on resident incomes over \$165,000 (single),  
9 \$190,000 (joint)?”

10 9.

11 This Court should certify a summary that reads:

12 Establishes program funding two years of tuition-free, year-round  
13 preschool at qualifying preschool providers for all age-eligible  
14 children in Multnomah County, regardless of family income/assets,  
neighborhood, or school district.

15 Program funded by new, 3.9% tax on all taxable income over  
16 \$165,000 for individuals and \$190,000 for joint filers.

17 To receive funding under the program, preschools must provide  
18 “culturally inclusive or culturally specific programs”; “emphasize  
19 child-led, trauma-informed, physically active, and developmentally  
20 appropriate learning”; “de-emphasize academic skill-building and  
testing”; pay all staff at least \$21.38/hour; adhere to “Union  
Organizing Code of Conduct”; and maintain up-to-date licenses  
and certifications (some exceptions).

21 Program first implemented in 2022–23 school year in geographical  
22 areas serving low-income communities and communities of color.  
Full implementation by 2027–28 school year.

23 Advisory committee consisting of three educators/administrators;  
24 three former/current union representatives; three advocates in areas  
25 of housing, foster care, immigration; and three representatives of  
26 the community at large can make recommendations to Board of  
County Commissioners about program funding, effectiveness.

This Court should certify an explanatory statement that reads:

Measure enacts program, funded by new income tax, meant to subsidize two years of tuition-free, year-round preschool at qualifying preschool providers for all children in Multnomah County regardless of assets or income. County collects tax revenue and pays existing preschool providers that meet county requirements the total cost of providing preschool for all age-eligible residents.

Program funded by new, 3.9% tax on all county resident incomes exceeding \$165,000 for single filers and \$190,000 for joint filers. Thus, for example, a county resident with an income of \$200,000 would be subject to a 3.9% tax on \$35,000 if a single filer (total tax: \$1,365) and on \$10,000 if a joint filer (total tax: \$390).

Qualifying preschool programs must meet several criteria in order to remain eligible for county subsidies.

In order to remain eligible for county funding, providers must maintain preschool curriculum that satisfies county standards, including “culturally inclusive or culturally specific programs consistent with early education best practices which emphasize child-led, trauma informed, physically active, and developmentally appropriate learning and experience and de-emphasize academic skill-building and testing[.]” Failure to satisfy any of the curricular criteria prevents providers from receiving county funds.

Providers must compensate all preschool workers in accordance with county rules, including wages of no less than \$20.38/hour. Providers must also “facilitate ongoing professional development” of all preschool workers in partnership with the county. Providers must adhere to Union Organizing Code of Conduct. Providers must keep licenses, certifications up-to-date (some exceptions).

Providers must, to the extent practicable, offer programming year-round and maintain a staff-to-student ratio of no greater than one to eight (some exceptions). Providers may offer preschool in varied settings, including schools, community centers, multigenerational classrooms, licensed family childcare programs, and cooperative settings, among others. Providers may also provide options for parents, including location, hours and days of operation, vacation and break schedules, language, and level of parental involvement. Providers must work to minimize expulsions.

Program will begin with limited implementation in 2022–23 school year in geographical areas serving low-income communities and communities of color. Implementation will continue in phases with county-wide implementation by 2027–28 school year.

1 Program initially overseen and administered by Department of  
2 County Human Services, but county may contract with third-party  
3 administrator or create new agency to administer the program.

4 Measure creates 12-member advisory committee responsible for  
5 making recommendations to the Board of County Commissioners  
6 concerning program funding, effectiveness, other issues. County  
7 Chair must appoint three individuals with expertise in teaching or  
8 administration; three current or former union representatives; three  
9 current or former housing, foster family, or immigration advocates;  
10 and three at-large members.

11 Measure requires dedicated fund for all net tax revenue. Revenue  
12 may be spent on county or contractor expenses in operating or  
13 administering the program, initial planning, capital expenditures,  
14 preschool worker professional development and training, support  
15 to providers, and a 12-month reserve, among others.

16 WHEREFORE, Petitioner prays for a judgment as follows:

- 17 1. Declaring the measure title to be insufficient, not concise, and unfair, and not  
18 conforming to the requirements of ORS 250.035.
- 19 2. Certifying to the County Clerk a ballot title that conforms to the requirements of  
20 ORS 250.035 as set forth in paragraphs 6 through 8 above.
- 21 3. Awarding Petitioner her costs and disbursements.
- 22 4. Awarding any other relief the Court considers just and equitable.

23 DATED this 13th day of March, 2020.

24 DAVIS WRIGHT TREMAINE LLP

25 By: s/ Gregory A. Chaimov

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# Prospective Petition

## Local Initiative and Referendum

**SEL 370**

rev 01/18 ORS 250.045,  
250.165, 250.265, 255.135

**Warning** Supplying false information on this form may result in conviction of a felony with a fine of up to \$125,000 and/or prison for up to 5 years. Each chief petitioner is required to provide, on the same form, their name, residence address, a contact phone number and a signature attesting that the information on the form is true and correct. Changes to the information provided for a chief petitioner or to the circulator pay status below must be reported to the Elections Division no later than the 10th day after you first have knowledge or should have had knowledge of the change.

<b>Petition Information</b>		<b>Type</b>	
This filing is an	<input checked="" type="checkbox"/> Original	<input type="checkbox"/> Amendment	<input checked="" type="checkbox"/> Initiative
			<input type="checkbox"/> Referendum
<b>Jurisdiction</b>		<b>Some Circulators may be Paid</b>	
<input checked="" type="checkbox"/> County	<input type="checkbox"/> City	<input type="checkbox"/> District	<input checked="" type="checkbox"/> Yes
			<input type="checkbox"/> No
<b>Title</b> Subject or name you give your petition.		UNIVERSAL PRESCHOOL NOW!	
<b>Website</b> if applicable		upnow2020.org	

RECEIVED  
 20 FEB 18 PM 3:59  
 DIRECTOR OF ELECTIONS  
 TIM SPOFFORD

**Petition Correspondence** Select the method of receiving notices or other correspondence from the Filing Officer.

Correspondence Recipient       Email Chief Petitioners       Mail Chief Petitioners

**Recipient Information**

Name: MARGARET OLNEY      Email Address: margaret@bennethartman.com

**Chief Petitioner Information** At least one original chief petitioner must remain throughout the petition process or the petition is void.

→ By signing this document, I hereby state that all information on the form is true and correct and attest that no circulators will be compensated money or other valuable consideration on this petition based on the number of signatures obtained by the circulator.

Name: Sahar Yarjani Muranovic      Contact Phone: 773 680 4899

Residence Address street, city, state, zip: 13933 SE Oak Ct., Portland, OR 97233

Mailing Address if different:      Email Address: sahar@noworegon.org

Signature: *Sahar Yarjani*      Date Signed: 02/18/2020

Name: Suzanne Cohen      Contact Phone: 503-234-0267

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Mailing Address if different:      Email Address: suzannedavina@yahoo.com

Signature: *Suzanne Cohen*      Date Signed: 2/18/2020

Name: Will Layng      Contact Phone: 503-239-8601

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Signature: *Will Layng*      Date Signed: 2/18/2020

## **UNIVERSAL PRESCHOOL NOW!**

### **The people of Multnomah County find:**

- A. Public investment in universal preschool may be our single best investment to reduce racial, ethnic and income-based education and opportunity gaps. Children attending a quality preschool have higher high school graduation rates and earnings in adulthood and experience reduced rates of unemployment, substance abuse and involvement in the criminal justice system.
- B. Public investment in preschool is a powerful economic development strategy, creating jobs and raising the skill levels of the labor force, particularly for historically disadvantaged groups.
- C. Universal preschool, free to all residents, brings us together as a community, avoids reinforcing segregation based on economic status, creates greater support for children, and is more effective and cost efficient than income-based programs.
- D. Quality preschool and childcare is expensive and hard to find in Multnomah County. In 2018, the average tuition for a preschooler enrolled in full-time, center-based, childcare was \$1,077.00 per month, and \$995.00 per month for home-based care.
- E. The lack of affordable childcare or preschool is a serious burden on low-income and middle-income communities. The high cost of care prevents parents (disproportionately mothers) from being able to work as many hours as they need to, or from working at all. As a result, poverty rates for young children are higher than any other age group in Oregon.
- F. Public preschool is currently available in Multnomah County through the Headstart/Oregon Prekindergarten programs to children in families at or below the federal poverty level, and through Preschool Promise to children with family incomes below 200% of the federal poverty line. However, these programs are inadequately funded and do not fill the needs of most families in Multnomah County. In 2017-18, these programs reached only 3,300 of Multnomah County's nearly 20,000 three and four-year old children.
- G. Universal preschool programs that make publicly-funded preschool available to all preschool-aged children are more popular and better supported than programs only serving low-income families, which are chronically underfunded. Headstart/Oregon PreK reach only 30% of eligible children in Multnomah County. Universal programs are more efficient and effective in closing the opportunity gap and fueling economic development than income-based programs. All children benefit from developmentally appropriate preschool and children from low income families gain more from mixed-income settings than income-targeted programs.

- H. Current childcare providers, including family childcare providers and small centers can transition to providing quality preschool for eligible children with the assistance of professional development, mentoring and training.
- I. The cost of providing universal preschool can be paid for by taxing certain high-income residents of Multnomah County – individuals and households earning more than \$200,000 and \$250,000 respectively – on income exceeding thresholds.

**Therefore, the People of Multnomah County Ordain as follows:**

**Section 1. Policy and Purpose**

- A. The policy and purpose of this Ordinance is to reduce the racial, ethnic and income-based educational and economic opportunity gaps in Multnomah County by making available to all children residing in Multnomah County two years of publicly-funded quality preschool prior to kindergarten eligibility, paid for by a Multnomah County personal income tax on individuals and households with annual gross incomes over approximately \$200,000 and \$225,000, respectively.
- B. The Multnomah County Universal Preschool Program (“Universal Preschool” or “Program”) created by this Ordinance shall seek to build on existing expertise and programs, including the Preschool Promise program, to make two years of year-round publicly-funded quality preschool available to all age-eligible children in Multnomah County by the 2027-2028 school year.
- C. The first twelve (12) to eighteen (18) months after enactment of this Ordinance will be used for initial planning, surveying and further developing infrastructure to meet needed capacity, the establishment of support services for providers (such as shared benefits plans, a shared substitute pool and other technical assistance), development of quality standards, and building capacity through recruitment, training and workforce development. In addition, revenues will be put aside from initial and ongoing tax revenue to create a reserve fund.
- D. Funding for the earliest Universal Preschool providers will begin at the start of the second school year after the enactment of this Ordinance (the 2022-2023 school year), with the aim of funding providers that meet the needs of all children whose parents or guardians wish to participate as soon as practicable, but not later than the 2027-2028 school year. Universal Preschool shall be rolled out in phases, beginning in geographical areas serving low-income communities and communities of color. All students in that geographical area will be entitled to attend a qualified preschool program, free of charge.

- E. Under this Ordinance, publicly-funded quality Universal Preschool programs are those that:
- a. provide culturally inclusive or culturally specific year-round programs consistent with early education best practices which emphasize child-led, trauma informed, physically active, and developmentally appropriate learning experiences and de-emphasize academic skill building and testing;
  - b. ensure adequate staffing, generally one adult for eight children;
  - c. include parent involvement opportunities and connect families to additional community resources and services;
  - d. are staffed with workers who are paid living wages and benefits and offered professional development; and
  - e. do not charge private tuition to attend, above the amount provided through the Universal Preschool Program, except for the cost of before or after preschool childcare.
- F. Quality Universal Preschool may be provided in schools, community centers (publicly or privately owned), multi-generational classrooms, licensed family childcare programs and cooperative settings that provide full-day (six hours) preschool on a 12-month basis, so long as they meet the other requirements of this Ordinance. The goal of this mixed delivery model is to support the establishment and retention of programs in each of these settings in order to provide parents with a variety of options from which to choose (such as location, hours of operation, days of operation, vacation/summer break schedules, size, language, and level of parental involvement).
- G. The Multnomah County Universal Preschool Program created by this Ordinance shall be implemented in a manner that prioritizes job creation, training and support for historically disadvantaged groups in Multnomah County, including women, people of color, people with disabilities, immigrant communities and people from low-income backgrounds.
- H. To ensure public accountability and community oversight, the Multnomah County Universal Preschool Program shall be subject to financial and performance audits, and oversight by the Multnomah County Universal Preschool Advisory Committee made up of early education practitioners and stakeholders.
- I. Revenues raised through this new tax will be deposited into a separate fund, which shall be used to finance the Universal Preschool Program.

## **Section 2. Definitions**

Unless otherwise defined in this section, terms that are defined in the Multnomah County Code or the Oregon Revised Statutes shall have the meanings provided therein.

- A. "Eligible children." Children who will turn 3 or 4 years of age on or before September 1<sup>st</sup> of the enrolling year and are not yet eligible to be enrolled in kindergarten.
- B. "Preschool workers." Employees of Universal Preschool providers including, but not limited to, teachers, assistant teachers, teachers' aides, family childcare providers, family childcare assistants I and II, substitute teachers, coaches, administrators, and administrative staff.
- C. "Universal Preschool." Quality preschool programs that are offered free of charge to children in Multnomah County (not based on income eligibility) by providers that meet the criteria established by this Ordinance and the Multnomah County Universal Preschool Program.
- D. "Resident." A taxpayer domiciled within Multnomah County for any portion of the taxable year. "Domicile" is that place where a person has a true, fixed and permanent home, and principal establishment, and to which whenever that person is absent, he or she has the intention of returning. Actual residence is not necessarily the domicile of a person. A person may have more than one residence but not more than one domicile. Among other factors indicating domicile may be where the person is registered to vote, receives mail, where their automobile is registered and where their children attend school. ORS 316.027 and OAR 150-316-0025 are hereby adopted and shall control when residency questions arise.
- E. "Taxable income." Taxable income under Oregon law.
- F. "Administrator." The Multnomah County Chief Financial Officer.

### **Section 3. Progressive Tax on Personal Income**

- A. **Tax:** Residents in Multnomah County shall pay a tax on their Oregon Taxable income as follows:
  - a. Individual Filers: 3.9% tax on all Oregon Taxable Income over \$165,000 a year;
  - b. Joint Filers: 3.9% tax on all Oregon Taxable Income over \$190,000 a year; and
  - c. Due Date: Payment of this tax is due on April 15th or the closest following business day.
- B. **Revenues:** Net revenues (after deducting the costs of collection and enforcement) shall be deposited into a separate fund designated as the "Multnomah County Universal Preschool Fund" (hereinafter "Fund"). Monies in the Fund shall be

dedicated to the creation, support and funding for the Universal Preschool Program as set forth in this Ordinance.

- C. *Receipts*: The Administrator will receive the tax imposed by this ordinance from the taxpayers, keep accurate records, and report all monies received.
- D. *Collection*: The Administrator will collect and enforce payment of all taxes owing to the county.
- E. *Rulemaking*: The Administrator will adopt administrative rules to implement this tax. Rules adopted will be consistent with the rules of the Oregon Department of Revenue regarding personal income tax.
- F. *Contracting*: The Administrator may contract with public or private agencies, as necessary, to implement this ordinance.
- G. *Effective Date*: The tax will be imposed for all tax years beginning on or after January 1, 2021.

#### **Section 4. Administration of Universal Preschool Program**

- A. The Universal Preschool Program shall initially be overseen by Director of the Department of County Human Services (DCHS). The Board of County Commissioners (“County”) may create a new administrative body within the county or contract with other partners to administer the program. Partners may include, but are not limited to Early Learning Multnomah, the Preschool Promise Hub and/or Multnomah Child Care Resource and Referral. In choosing an administrative structure, the County shall strive to build on existing expertise and programs.
- B. The first twelve (12) to eighteen (18) months after this Ordinance is enacted shall be dedicated to planning and taking steps necessary to begin funding Universal Preschool for targeted geographical areas of the county beginning in the 2022-2023 school year. Initial planning shall include:
  - a. Developing a five-year plan for full implementation of Universal Preschool by the beginning of the 2027-2028 school year;
  - b. Identifying and funding capital improvement projects to create or renovate classroom and playground spaces, ideally in a manner that furthers the equity goals of this measure (for example, by entering into “Community Benefits Agreements” for projects);
  - c. Developing an outreach plan to build capacity and support existing childcare providers (home-based programs, cooperatives and small centers) in developing a quality preschool program;
  - d. Developing a plan that supports a mixed delivery model that provides parents with choices, including size, hours of operation, days of

- operation (e.g., classes on weekends), vacation/summer break schedules, language, and level of parental involvement;
- e. Establishing quality framework for Universal Preschool providers that reflect best practices regarding staffing ratios (currently one adult for eight children under Preschool Promise) and curriculum;
- f. Identifying opportunities for shared services for providers that would take advantage of economies of scale to reduce costs to preschool providers and to the Program. Possible shared services include access to group health insurance plans, professional development, contract administration, or a substitute pool;
- g. Creating a workforce and professional development plan to recruit workers and encourage skill training and certification, as well as providing a pathway to licensure under the Teacher Standards and Practices Commission;
- h. Establishing a compensation matrix that (1) ensures that all early education workers receive a living wage of at least 145% of Portland's minimum wage; (2) adjusts wages based on worker education, certification, licensure, ORO Steps, special skills (such as language), and experience; and (3) moves toward parity for preschool and elementary school teachers and staff; and
- i. Establishing a provider compensation scheme for contracted slots, that allows for weighted payments, and that takes into consideration the impact of this program on the infant/toddler care marketplace.

#### **Section 5. Multnomah County Universal Preschool Program Advisory Committee**

- A. *General Purpose:* The County shall establish a Multnomah County Universal Preschool Advisory Committee ("Advisory Committee" or "Committee") made up of experts and community members to (1) provide guidance concerning funding recommendations; (2) evaluate the effectiveness of the Fund in achieving the purposes of this measure, with reports delivered to the public; and (3) watch for emerging issues and advocate for course corrections, if need be.
- B. *Composition:* The Committee shall be made up of 12 members who are residents of the County. To the extent possible, members shall be drawn from differing cities and/or neighborhoods and reflect the racial, ethnic, and economic diversity of children participating in the Universal Preschool program.
  - a. At least three members shall have expertise as educators and or administrators in the field of early education, ideally with experience in different settings;
  - b. At least three members shall have experience representing the interests of employees working in early education through a union,

workforce development initiatives, and culturally specific advocacy organizations;

- c. At least three members shall have experience advocating on behalf of families experiencing houselessness, foster parents, and families with insecure immigration status; and
  - d. At least three members shall represent the interests of the community at large, such as parents of pre-school age children and culturally specific organizations in Multnomah County.
- C. Members shall be appointed by the County Chair for staggered four-year terms, with the exception of the first Committee, which will have six members appointed for four-year terms and six members appointed to two-year terms.
- D. **Duties:** The Advisory Committee shall:
- a. Meet as needed, on at least a quarterly basis;
  - b. Establish and maintain a public website that includes the Committee's members, meetings, agenda, meeting notes, governance standards, policy statements and recommendations, and audit reports;
  - c. Make recommendations to the County Commissioners and County Chair on changes to this law as necessary to achieve the policy goals set out in Section 1;
  - d. Advise the Universal Preschool program to ensure proper allocation of funds;
  - e. Advise the Universal Preschool Program to ensure that the interests of workers and the unions that may represent them are fully considered;
  - f. Advise the Universal Preschool Program on the impact of the program on the infant/toddler childcare marketplace;
  - g. Advise the Universal Preschool Program to ensure that it has developed and is following a workforce contractor equity plan with measurable goals for the training and hiring of historically disadvantaged groups, including women, people of color, people with disabilities, immigrant communities and people from low-income backgrounds; and
  - h. If additional funds are required, consider how to raise additional revenue to fulfill the promise of providing Universal Preschool, free of charge, to all preschool aged children in Multnomah County by 2027-2028 school year.
- E. **Support:** Staff within the County's Department of County Human Services and/or the County's Office of Diversity and Equity shall assist the Committee as needed to initiate implementation of the provisions of this measure. Once the Committee is appointed and a framework for implementing this measure is in place, the

Committee, in consultation with the County, may agree to a different staffing arrangement.

## **Section 6. Multnomah County Universal Preschool Fund**

- A. *Creation of Fund:* The County shall establish a dedicated fund to be known as the “Multnomah County Universal Preschool Fund” (hereinafter the “Fund”). Net proceeds from the new income tax shall be placed in the Fund and shall be used exclusively to support the Universal Preschool program established by this Ordinance.
- B. *Sub-Accounts:* The County, in consultation with the Advisory Committee, shall establish and allocate revenue to the following sub-accounts:
- a. *Operations Account.* Funds in this account shall be used for administrative expenses and to pay Universal Preschool providers using a formula that takes into account the costs of providing a quality preschool program, including labor, rent, and other factors. The amount paid by the Universal Preschool Program per contracted slot will generally be the same. However, the amount paid per slot may be weighted to reflect additional costs or to incentivize certain programs, such as offering preschool on the weekend and programs serving emerging bilingual children;
  - b. *Reserve Account.* Funds in this account shall be sufficient to fund a minimum of twelve months of operating expenses;
  - c. *Planning and Capital Investment Account.* Funds in this account shall be used to fund initial planning, outreach, program startup costs, and capital expenditures, as needed, to create or renovate classroom and playground spaces; and
  - d. *Professional Development and Training Account.* Funds in this account shall be used to help recruit, train and retain skilled workers who reflect the diversity of the children in the program and to provide owner-operators technical assistance on how to efficiently and effectively operate a quality preschool program.
- C. Revenue in the Fund shall be distributed by the Board of County Commissioners, in consultation with the Advisory Committee, as necessary to provide all children living in Multnomah County with the opportunity to attend two years of preschool free of charge.
- D. *Audit.* The Fund shall be subject to a financial audit by the County Auditor every year and a performance audit by the County Auditor every two years.

## **Section 7. Qualifying Universal Preschool Providers.**

To receive Universal Preschool funds, a provider must meet criteria established by the Program, in consultation with the Advisory Committee, to include the following:

- A. *Licensure/Certification:* Providers must be approved to operate as a childcare facility, provider or school under one of the following:
  - a. a family childcare provider licensed pursuant to ORS 329A.280 or registered pursuant to ORS 329A.330;
  - b. a certified childcare facility as defined by ORS 329A.250(5) and certified pursuant to ORS 329A.280 with 501(c)(3) status;
  - c. a certified parent cooperative program as defined by ORS 329A.250(8) and licensed pursuant to ORS 329A.280 or equivalent standards; or
  - d. a facility operated by a public body, as authorized by ORS 329A.250(5)(d) (such as preschools in public schools or city or county run community centers).
  
- B. *Exceptions:* The Program may grant temporary exceptions to providers who do not currently qualify under Section A of this section when insufficient slots are available to meet demand. Exceptions shall be approved by the Program, in consultation with the Committee, and shall remain in place for 3 calendar years, once approved. When granting exceptions based on enrollment need, preference shall be given to providers that further the mixed-delivery model and increase parent choices, are locally owned and operated, and are not structured to distribute profits to shareholders.
  
- C. *Quality Programs:* Consistent with the standards developed by the Program, qualifying providers shall:
  - a. provide culturally inclusive or culturally specific programs consistent with early education best practices which emphasize child-led, trauma informed, physically active, and developmentally appropriate learning experiences and de-emphasize academic skill building and testing;
  - b. provide parents with the option of year-round programing at no additional cost; except that the Program may permit a provider to align its schedule with public school calendar, so long as adequate year-round options remain available;
  - c. ensure adequate staffing, generally one adult for eight children; and
  - d. include parent involvement opportunities and connect families to additional community resources and services.
  
- D. *Surcharge Tuition Prohibited:* Qualifying Universal Preschool providers may not assess any surcharge tuition for an eligible child in Multnomah County to attend

Universal Preschool year-round. However, a program may charge for extended hours (those in excess of six hours per day) typically before and after preschool care.

- E. **Wages and Benefits:** A qualifying provider shall pay wages and benefits for preschool workers, consistent with the compensation matrix developed by the Program. That matrix shall (1) require that all preschool workers receive a living wage of at least 145% of Portland's minimum wage; (2) adjust wages based on worker education, certification, licensure, ORO Steps, special skills (such as language), and experience; and (3) move towards parity of pay and benefits between preschool and elementary school teachers and staff.
  
- F. **Professional Development:** Qualifying providers will provide and facilitate ongoing professional development of workers, with the financial support of the Universal Preschool Program. Professional Development funded pursuant to this Ordinance will include but is not limited to classes that meet the Oregon Department of Education, Early Learning Division, Oregon Registry program for qualified preschool workers; and onsite and ongoing mentorship, coaching, workshops and training in relevant methodologies and practices. In addition, the Universal Preschool Program shall create and support a pathway to licensure by the Teachers Standards and Practices Commission.
  
- G. **Union Organizing Code of Conduct:** Any Employer accepting funds through this program shall adhere to a code of conduct as related to union organizing:
  - a. Upon request by an IRC 501(c)(5) labor organization, within 15 days of the request, the Employer shall furnish a complete list of employees, including job titles and contact information for each individual;
  - b. The Employer shall not engage in any negative campaign with regard to unionization of the workforce;
  - c. National Labor Relation Board ("NLRB") elections will be at mutually agreeable times (as agreed upon by the Employer and Union) but in no event in excess of 30 days from the date of filing for an election with the NLRB;
  - d. For a first contract, after entering negotiations, at the end of 1 year of bargaining, either party may submit any outstanding issues to the Federal Mediation and Conciliation Services, who shall assign a Mediator to the case. After 3 months of mediation, the Mediator shall have authority to dictate final contract terms;
  - e. If the Employer fails to adhere to Section 8, 4(a)-(d) of this Act, it shall become ineligible to receive funds from Multnomah County tax assessments for a period of 1 year; and
  - f. Universal Preschool Program and Multnomah County administration shall remain neutral with respect to union organizing and representation for any family childcare provider participating or

applying to participate in Universal Preschool Program, as authorized by ORS 329A.430.

- H. *Services for Children with Disabilities:* Enrollment in a Universal Preschool Program will not affect a student's right to special education services, as applicable, as set forth by state and federal law, including but not limited to Part B of the Individuals with Disabilities Education Improvement Act, 20 U.S.C. § 1400, et. seq., and Chapter 343 of the Oregon Revised Statute. Nothing in this ordinance shall be read to preclude or limit the identification of students with disabilities in a Universal Preschool Program. Nothing in this ordinance shall be read to preclude or limit ability of a qualifying student attending a Universal Preschool Program to receive special education services, when applicable.
- I. *Expulsions:* Qualifying Universal Preschool providers will work to minimize expulsions, supported by additional professional development and coaching aimed at developing strategies for positive behavioral supports.

**Section 8. Multnomah County Board of Commissions to Take Necessary Action.** The Multnomah County Board of Commissions shall take all action necessary to ensure that taxes imposed by this Ordinance are collected and are used to fulfill the policies and purposes of this Ordinance: to establish a Universal Preschool program that makes two years of publicly-funded quality preschool available to all children in Multnomah County.

**Section 9. Severability Clause.** If any part, section or provision of this Ordinance or any tax against any Taxpayer imposed by this Ordinance is found unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity will affect only that part, section or provision of this Ordinance or tax or Taxpayer, and will not affect or impair any other part, section or provision of this Ordinance.



# Notice of Initiative - MultCoInit-08

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NOTICE IS HEREBY GIVEN that a Ballot Title and Explanatory Statement for a Multnomah County Initiative Petition has been filed with the Multnomah County Director of Elections. The initiative petition complies with constitutional requirements.

Any registered voter dissatisfied with the Ballot Title and Explanatory Statement may file a petition for review with the Multnomah County Circuit Court on or before March 13, 2020. Any person filing a petition must also file a copy of the challenge with the Director of Elections, 1040 SE Morrison St., Portland, not later than 5:00 p.m. on the next business day after the date the petition has been filed with the Circuit Court. - Tim Scott, Multnomah County Director of Elections

## **MultCoInit-08 Ballot Title and Explanatory Statement**

**Caption:** Establishes publicly funded “Universal Preschool Program,” income tax above thresholds.

**Question:** Should County establish publicly funded, tuition-free “Universal Preschool Program,” funded by tax on County residents’ income above certain thresholds?

**Summary:** Enacts Multnomah County ordinance establishing “Universal Preschool Program” providing two years of publicly funded, tuition-free, year-round preschool for age-eligible children in Multnomah County; eligibility not income based. First 12 to 18 months for planning, targeted implementation by 2022-2023 school year; countywide implementation by 2027-2028 school year. County may create administrative body or contract to administer program. Establishes requirements for providers to receive funding, including licensure, certification; programming options; mixed delivery model; staffing; wages (at least 145% of Portland minimum wage), benefits, professional development; union organizing code of conduct. Providers may charge for extended hours (in excess of six).

Program funded by new tax on Multnomah County residents: 3.9% tax on taxable income under Oregon law (gross income minus deductions, other adjustments) over \$165,000 (individuals) and \$190,000 (joint filers). Requires dedicated fund for tax net revenue, including operations; reserve; planning, capital investment; and professional development subaccounts.

Creates advisory committee of residents to make funding, other recommendations, evaluate effectiveness. County Auditor conducts annual financial audit, biennial performance audit. Other provisions.

**Explanatory Statement:** The measure would enact a Multnomah County ordinance establishing a “Universal Preschool Program” providing culturally inclusive or culturally specific year-round, publicly funded preschool for children in Multnomah County. Age-eligible children could attend two years of preschool tuition free. Eligibility not based on income. Providers may charge for extended hours (in excess of six).

Program would be funded by a new tax on County residents (taxpayers domiciled in Multnomah County for any portion of the taxable year) starting in the January 2021 tax year. The tax would be on 3.9% of income taxable under Oregon law over \$165,000 a year (individual filer) and \$190,000 a year (joint filers). For example, if taxable income is \$200,000, income subject to tax is \$35,000 (individual) / \$10,000 (joint), with tax of \$1,365 (individual) / \$390 (joint). Income taxable under Oregon law is gross income minus deductions, with other adjustments.

Program will establish a staffing and curriculum framework reflecting early education best practices, emphasizing child led, trauma informed, physically active, and developmentally appropriate experiences, deemphasizing testing. Preschool may be provided in different settings, such as schools, community centers, multigenerational classrooms, licensed family childcare programs, and cooperative settings, and may provide parents with options (such as location, hours and days of operation, vacation and summer break schedules, size, language, and parental involvement). Providers will minimize expulsions. Providers must be approved to operate as childcare facilities, providers, or schools under certain state standards; temporary exceptions allowed. Program will establish provider compensation scheme for contracted slots.

The first 12 to 18 months of the program will involve planning and implementation in areas serving low-income communities and communities of color in the 2022-2023 school year. Implementation will be in phases, with countywide implementation by the 2027-2028 school year. Department of County Human Services will initially oversee the program; the County may create a new administrative agency or contract with others to administer the program.

Providers must ensure adequate staffing, generally one adult for eight children. Program employees compensated under matrix requiring wage of at least 145% of Portland’s minimum wage, with other adjustments. Providers will provide onsite coaching and mentoring, professional development, and pathway to licensure. Program employers must adhere to union organizing code of conduct.

Measure creates advisory committee of up to 12 County residents to provide funding and other recommendations and evaluate effectiveness. County Chair will appoint members, including early education educators or administrators, those representing early education employees, advocates

on behalf of houseless, foster, and immigrant families, and those representing the community at large. County auditor will conduct annual financial audit and biennial performance audit.

Measure requires dedicated fund for tax revenue, less costs of collection and enforcement (“net tax revenue”). County Chief Financial Officer will collect and enforce tax; Board of County Commissioners will distribute proceeds in consultation with the advisory committee. Net tax revenue dedicated to the program, including operations and administrative expenses; planning; capital expenditures; professional development and training; and a 12-month reserve.

**CERTIFICATE OF SERVICE**

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I hereby certify that I served a copy of the foregoing **PETITION FOR DIFFERENT MEASURE TITLE** on:

Jenny Morf Madkour  
Katherine Thomas  
Multnomah County Attorney's Office  
501 SE Hawthorne Blvd Ste 500  
Portland OR 97214  
Tel: 503-988-3188  
Email: [jenny.m.madkour@multco.us](mailto:jenny.m.madkour@multco.us)  
Email: [katherine.thomas@multco.us](mailto:katherine.thomas@multco.us)

Respondent

by emailing a copy thereof to said attorney at his/her last-known email address as set forth above.

Dated this 13th day of March 2020.

DAVIS WRIGHT TREMAINE LLP

By: s/ Gregory A. Chaimov  
Gregory A. Chaimov, OSB #822180  
Evan R. Christopher, OSB #183214  
Of Attorneys for Petitioner