

FIRST REGULAR SESSION

# HOUSE BILL NO. 1268

## 98TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE BERRY.

2621H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To amend chapter 210, RSMo, by adding thereto one new section relating to the early childhood health and education act.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 210, RSMo, is amended by adding thereto one new section, to be  
2 known as section 210.940, to read as follows:

2 **210.940. 1. The provisions of this section shall be known and may be cited as the**  
3 **“Early Childhood Health and Education Act”, with the purpose of providing coordination**  
4 **and funding for early childhood health and education programs in Missouri to:**

4 (1) **Work with parents, community leaders, local governments, public and private**  
5 **entities, and faith-based groups to improve the quality of and increase access to early**  
6 **childhood development programs in communities throughout the state;**

7 (2) **Increase access to preventive health programs and health screenings;**

8 (3) **Offer parents and families support and education on early child development**  
9 **and literacy;**

10 (4) **Recognize the diversity of Missouri communities and give them a voice in**  
11 **identifying programs to address their particular needs;**

12 (5) **Provide training and support to early childhood development providers; and**

13 (6) **Be subject to accountability and audit requirements including requirements that**  
14 **success be measured by outcomes for children and families.**

15 2. **As used in this section, the following terms shall mean:**

16 (1) **“Community fund”, a fund created by a county or multicounty district to**  
17 **receive moneys under this section;**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18           (2) **“Council”, the early childhood health and education council or early childhood**  
19 **health and education district council established by this section;**

20           (3) **“Early childhood development and health programs”, programs and services**  
21 **provided to children and their families prior to kindergarten for the purpose of assisting**  
22 **child development by providing education and other support including parent and family**  
23 **support programs, child care, preschool, health screenings, and access to preventive health**  
24 **services;**

25           (4) **“Oversight committee”, the coordinating board for early childhood established**  
26 **under section 210.102;**

27           (5) **“Substantial interest”, ownership by the individual, the individual’s spouse, or**  
28 **the individual’s dependent children, whether singly or collectively, directly or indirectly,**  
29 **of ten percent or more of any business entity, or of an interest having a value of ten**  
30 **thousand dollars or more, or the receipt by an individual, the individual’s spouse, or the**  
31 **individual’s dependent children, whether singly or collectively, of a salary, gratuity, or**  
32 **other compensation or remuneration of five thousand dollars or more per year from any**  
33 **individual, partnership, organization, or association within any calendar year.**

34           **3. The governing board of each county or city not within a county shall appoint an**  
35 **early childhood health and education council, consisting of nine members, who shall reside**  
36 **or work in the county or city not within a county. The governing board of each county or**  
37 **city not within a county may elect to pool funds and resources with other counties and form**  
38 **a multicounty district. Such district shall establish an early childhood health and**  
39 **education district council consistent with requirements of this section. All council members**  
40 **shall be appointed to serve for a term of three years, except that of the first council**  
41 **appointed, three members shall be appointed for one-year terms, three members for two-**  
42 **year terms, and three members for three-year terms. Council members may be**  
43 **reappointed. The council members shall not receive compensation for their services, but**  
44 **may be reimbursed for their actual and necessary expenses. Each council shall consist of:**

45           (1) **One parent of a child under five years of age at the time of his or her**  
46 **appointment to the council;**

47           (2) **One child care provider;**

48           (3) **One health services provider;**

49           (4) **One public school administrator;**

50           (5) **One early childhood educator;**

51           (6) **One member of the business community;**

52           (7) **One representative of the faith community;**

53           (8) **One representative of a philanthropic organization; and**

54           **(9) One representative of the agricultural community.**

55           **4. Members of the council shall be appointed by the governing board of each county**  
56 **or city not within a county or multicounty district after a public application process.**  
57 **Council members who miss more than three meetings without excuse may be replaced by**  
58 **the governing board of each county or city not within a county.**

59           **5. The council shall elect a chairman, vice chairman, treasurer, and such other**  
60 **officers as it deems necessary for its membership. Before taking office, the treasurer shall**  
61 **furnish a surety bond, in an amount to be determined and in a form to be approved by the**  
62 **council, for the faithful performance of his or her duties and faithful accounting of all**  
63 **moneys that may come into his or her possession. The treasurer shall enter into the surety**  
64 **bond with a surety company authorized to do business in Missouri and the cost of such**  
65 **bond shall be paid by the council.**

66           **6. Programs undertaken by the councils shall accomplish one or more of the**  
67 **following objectives:**

68           **(1) Improving the quality of early childhood development and health programs;**

69           **(2) Increasing access to quality early childhood development and health programs;**

70           **(3) Increasing access to preventive health care and health screenings for children**  
71 **under five years of age;**

72           **(4) Offering parent and family support and education concerning early child**  
73 **development and literacy;**

74           **(5) Providing professional development and training for early childhood**  
75 **development and health providers;**

76           **(6) Increasing coordination of early childhood development and health programs**  
77 **and public information about the importance of early childhood development and health.**

78           **7. Each council shall develop a plan for the expenditure, during the next fiscal year,**  
79 **of funds budgeted by the oversight committee to meet the needs identified by the council.**  
80 **Such plan shall identify and prioritize the unmet need for early childhood development and**  
81 **health programs in its geographic boundaries. The council shall submit its plan to the**  
82 **oversight committee by July first of each year, beginning in 2017. Councils shall consider**  
83 **grant proposals to implement the plan.**

84           **8. The council may contract with a third party grant administrator to meet the**  
85 **requirements of this section.**

86           **9. Each council shall publicize the grants permitted by the plan in the community**  
87 **and encourage the submission of grant proposals from public and private entities in the**  
88 **region for programs to achieve the goals of the plan.**

89           **10. Each council shall review grant proposals for compliance with the requirements**  
90 **of this section and shall select grantees.**

91           **11. No council member shall vote on or participate in the discussion of any grant**  
92 **proposal in which any entity by which they are employed or on whose board they serve has**  
93 **a substantial interest.**

94           **12. Each council shall forward to the oversight committee all of the grants it has**  
95 **awarded and an explanation of how those grant proposals will comply with the plan.**

96           **13. In evaluating grant program proposals, the council shall consider:**

97           **(1) The extent to which the program will meet needs identified in the council's plan;**

98           **(2) The extent to which the program has made or will make use of other existing**  
99 **resources including federal, state, and private funds to achieve its objectives;**

100           **(3) The adequacy of the means by which the applicant proposes to evaluate the**  
101 **success of the program; and**

102           **(4) The adequacy of the financial controls and accountability measures proposed**  
103 **by the applicant.**

104           **14. Grant proposals seeking funding from the council shall include:**

105           **(1) A detailed description of how the funds shall be used;**

106           **(2) An explanation of how the program will meet one or more of the objectives**  
107 **established by this section;**

108           **(3) An explanation of how the program has made or will make use of other**  
109 **available resources including federal, state, local, and private moneys to achieve its**  
110 **objectives;**

111           **(4) A description of the financial controls and accountability measures the program**  
112 **will employ; and**

113           **(5) A description of how the program will evaluate its success in meeting the**  
114 **identified objectives and obtaining outcomes for children and families.**

115           **15. Within forty-five days of the end of the grant period, all grant recipients shall**  
116 **provide the following information in a form prescribed by the oversight committee:**

117           **(1) A description of the use of funds;**

118           **(2) The number of children and families served by the program;**

119           **(3) The percentage of children and families served by the program whose family**  
120 **incomes are no more than one hundred percent of the federal poverty guidelines**  
121 **established by the United States Department of Health and Human Services or its successor**  
122 **agency;**

123           **(4) A detailed accounting of funds; and**

124           **(5) An assessment of the success of the program in meeting the identified objectives**  
125 **and obtaining outcomes for children using the measures described in the grant application.**

126           **16. Grant recipients shall provide the required information to the council. The**  
127 **council shall forward that information to the oversight committee within ten business days**  
128 **of receipt of the information.**

129           **17. The oversight committee may, at its discretion, request additional information**  
130 **from councils or grant recipients about the funded programs. In addition, all council**  
131 **records and grantee records, including financial records, shall be subject to review by the**  
132 **oversight committee at its discretion at any time during the period that funding is provided**  
133 **and for five years after the funding or grant period has ended.**

134           **18. The operations of the council and grant recipients shall be subject to an**  
135 **independent audit at the discretion of the oversight committee at any time during the**  
136 **period funding is provided and for five years after the grant period has ended.**

137           **19. The “Early Childhood Health and Education Trust Fund”, which is hereby**  
138 **created in the state treasury, shall be distributed by the oversight committee to each county**  
139 **or multicounty district in the state according to the county’s or multicounty district’s**  
140 **population of children under five years of age. The department of social services shall**  
141 **calculate such distributions based on the most recent estimates from the United States**  
142 **Bureau of the Census or its successor agency. The fund shall consist of all moneys**  
143 **appropriated or donated to it. Interest and moneys earned on the fund shall be credited**  
144 **to the fund. Each fiscal year, two percent of the moneys in the early childhood health and**  
145 **education trust fund shall be appropriated to the oversight committee for purposes of**  
146 **administering the provisions of this section.**

147           **20. Revenues distributed from the early childhood health and education trust fund**  
148 **established in this section shall be deposited in the county treasury or in a fund created by**  
149 **a multicounty district for the council to administer such fund to the credit of a special**  
150 **“Community Early Childhood Health and Education Fund” to accomplish the purposes**  
151 **set out herein and shall be used for no other purpose. Such community fund shall be**  
152 **administered by and expended only upon approval by the council established in this**  
153 **section. Such community fund may receive gifts, donations, contributions, grants, or**  
154 **devises from any source. Such fund shall consist of, at a minimum, two accounts: a**  
155 **program account and an administrative account. Ninety-two percent of the moneys**  
156 **received by the community fund shall be deposited into the program account. Eight**  
157 **percent of the moneys received by the community fund shall be deposited into the**  
158 **administrative account. Funds may be transferred by the board from the administrative**

159 costs account to the program account, but funds shall not be transferred from the program  
160 account to the administrative costs account.

161 **21. In addition to the duties provided in section 210.102, the oversight committee**  
162 **shall:**

163 **(1) Prepare an annual report describing the activities of the oversight committee**  
164 **and a description of outcomes for children and families achieved by the oversight**  
165 **committee, councils, and grant recipients. The oversight committee shall submit the report**  
166 **to the governor, the president pro tempore of the senate, and the speaker of the house of**  
167 **representatives on or before January fifteenth of each year, beginning in 2019, and shall**  
168 **provide a copy of this report to the secretary of state;**

169 **(2) Administer the distribution of funds as provided in this section; and**

170 **(3) Provide technical assistance to councils established in this section.**

171 **22. The oversight committee and each council established by this section shall be**  
172 **considered a public governmental body and shall be subject to the provisions of chapter**  
173 **610 and an audit by the state auditor.**

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