

SECOND REGULAR SESSION

# HOUSE BILL NO. 1539

101ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE ELLEBRACHT.

3698H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To repeal sections 160.053, 160.054, 160.055, 161.215, 163.018, and 166.700, RSMo, and to enact in lieu thereof four new sections relating to early childhood education programs.

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

Section A. Sections 160.053, 160.054, 160.055, 161.215, 163.018, and 166.700, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 160.056, 161.215, 163.018, and 166.700, to read as follows:

**160.056. 1. As used in this section, the following terms mean:**

- (1) "Department", the department of elementary and secondary education;**
- (2) "Early childhood education program", a public, private, or collaborative public-private prekindergarten program providing early development and learning experiences to children at least three years of age but under five years of age;**
- (3) "Instruction", direct one-on-one instruction, instruction in small and larger groups, and facilitated child-initiated engagements.**

**2. In school year 2023-24 and each school year thereafter, all school districts in this state shall provide an early childhood education program to all children who reside in this state and are at least three years of age but under five years of age before August first of a school year. Such early childhood education program shall be provided free of charge.**

**3. A child who has not reached five years of age before August first shall be eligible for transfer to the early childhood education program of a district outside the child's district of residence if the nonresident district agrees to the transfer. A nonresident district may refuse to accept a nonresident child if the nonresident district**

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.

17 does not have the physical facilities or teaching personnel to accommodate the child. If  
18 the child requesting the transfer has not reached four years of age before August first,  
19 the nonresident district may refuse to accept the nonresident child if the nonresident  
20 district determines the child is not ready for an early childhood education program. A  
21 child who is accepted in a program outside the child's district of residence shall be  
22 included in the average daily attendance of the nonresident district providing the early  
23 childhood education program for purposes of state aid calculated under chapter 163.

24 4. In each school year beginning with the 2023-24 school year, each school may  
25 offer such early childhood education program within the district in cooperation with  
26 other districts, through the use of transfers as specified by law, by contracting with a  
27 private or public provider of early childhood education programs, or by contracting for  
28 classroom space with a public or private child care provider licensed under chapter 210  
29 based upon selection criteria established by the district.

30 5. If such early childhood education program is provided through contract with  
31 a private or public provider other than a school district, the contract shall be continued  
32 only if each teacher serving the school on or after July 1, 2024, is certified in early  
33 childhood education; except that, all teachers without such certification who are hired  
34 by such provider prior to July 1, 2024, and serving in the school as an early childhood  
35 education teacher shall be required to obtain certification before the beginning of the  
36 2027-28 school year.

37 6. Any person who has been employed as an early childhood educator with the  
38 Head Start Program, has a child development associate credential, and has at least five  
39 years of experience in such employment shall be certified in early childhood education  
40 for purposes of employment in the public schools of this state to teach in early childhood  
41 education programs.

42 7. Private or public providers shall meet such other standards required by law  
43 and by the state board of education.

44 8. The department shall promulgate rules and standards for early childhood  
45 education programs. The rules and standards shall include at least:

46 (1) A requirement that curricula and teaching strategies are research-based,  
47 developmentally appropriate, and designed to support child development and learning  
48 in each of the following areas:

- 49 (a) Cognitive development;
- 50 (b) Creative arts;
- 51 (c) Language development;
- 52 (d) Literacy;
- 53 (e) Mathematics;

- 54           **(f) Motor skills and physical development;**  
55           **(g) Science; and**  
56           **(h) Social and emotional development;**  
57           **(2) A requirement for an operating schedule that ensures that each program**  
58 **operates during the school year and provides for coordination with extended or year-**  
59 **round services;**  
60           **(3) A requirement for an operating schedule that ensures that each program**  
61 **provides at least thirty hours of instruction each week;**  
62           **(4) The following requirements related to teachers:**  
63           **(a) Programs shall employ at least one lead teacher in every classroom;**  
64           **(b) Each lead teacher shall be required to hold a degree in early childhood**  
65 **education or in a related field with specialized training in early childhood education;**  
66           **(c) Each assistant teacher shall be required to hold at least a child development**  
67 **associate credential or equivalent, based on coursework; and**  
68           **(d) All teachers shall be required to have at least fifteen hours of annual in-**  
69 **service training or its equivalent;**  
70           **(5) The following requirements relating to class size and staff-child ratios:**  
71           **(a) Class size shall not exceed twenty children; and**  
72           **(b) There shall not be more than ten children per teacher in the classroom;**  
73           **(6) A requirement that each program shall provide at least one full meal per day**  
74 **for every student enrolled in the program;**  
75           **(7) A requirement that each program shall provide screenings and referrals for**  
76 **vision, hearing, dental, and general health services;**  
77           **(8) The following requirements related to family involvement:**  
78           **(a) Each program shall include regular events for meaningful family**  
79 **involvement that, at a minimum, include:**  
80           **a. Guidelines for communicating with parents or guardians;**  
81           **b. Involvement of parents and guardians in decisions about the instructional**  
82 **needs of their children; and**  
83           **c. Opportunities for effective and meaningful parental or guardian participation**  
84 **in the program; and**  
85           **(b) Each program shall include regular parent or guardian conferences, home or**  
86 **workplace visits, or other parental or guardian opportunities for participation and**  
87 **interaction with a child's early childhood education program;**  
88           **(9) A requirement that each program shall collaborate with participating**  
89 **families, early childhood care providers, and community partners to ensure that all**  
90 **children are offered access to quality early childhood education and that there is**

91 **coordination with child care and other services the state provides to young children and**  
92 **children's families; and**

93 **(10) A requirement that each program shall employ at least one teacher with**  
94 **credentials or experience working with children with special needs and creating**  
95 **individualized education programs for students.**

96 **9. There is hereby created in the state treasury the "Universal Early Childhood**  
97 **Education Fund". The fund shall consist of all moneys that may be appropriated to it**  
98 **by the general assembly and any gifts, contributions, grants, or bequests received from**  
99 **federal, private, or other sources. The state treasurer shall be custodian of the fund. In**  
100 **accordance with sections 30.170 and 30.180, the state treasurer may approve**  
101 **disbursements. The fund shall be a dedicated fund and, upon appropriation, moneys**  
102 **in the fund shall be used solely for the administration of this section. Notwithstanding**  
103 **the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the**  
104 **end of the biennium shall not revert to the credit of the general revenue fund. The state**  
105 **treasurer shall invest moneys in the fund in the same manner as other funds are**  
106 **invested. Any interest and moneys earned on such investments shall be credited to the**  
107 **fund.**

108 **10. The department shall distribute moneys from the universal early childhood**  
109 **education fund to early childhood education programs in a manner determined**  
110 **according to rules the department shall promulgate under this section.**

111 **11. Any rule or portion of a rule, as that term is defined in section 536.010, that is**  
112 **created under the authority delegated in this section shall become effective only if it**  
113 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**  
114 **section 536.028. This section and chapter 536 are nonseverable, and if any of the powers**  
115 **vested with the general assembly pursuant to chapter 536 to review, to delay the**  
116 **effective date, or to disapprove and annul a rule are subsequently held unconstitutional,**  
117 **then the grant of rulemaking authority and any rule proposed or adopted after August**  
118 **28, 2022, shall be invalid and void.**

161.215. 1. There is hereby created in the state treasury the "Early Childhood  
2 Development, Education and Care Fund" which is created to give parents meaningful choices  
3 and assistance in choosing the child-care and education arrangements that are appropriate for  
4 their family. All interest received on the fund shall be credited to the fund. Notwithstanding  
5 the provisions of section 33.080, moneys in the fund at the end of any biennium shall not be  
6 transferred to the credit of the general revenue fund. Any moneys deposited in such fund  
7 shall be used to support programs that prepare children prior to the age in which they are  
8 eligible to enroll in kindergarten [~~under section 160.053~~] to enter school ready to learn. All  
9 moneys deposited in the early childhood development, education and care fund shall be

10 annually appropriated for voluntary early childhood development, education and care  
11 programs serving children in every region of the state not yet enrolled in kindergarten. For  
12 fiscal year 2013 and each subsequent fiscal year, at least thirty-five million dollars of the  
13 funds received from the master settlement agreement, as defined in section 196.1000, shall be  
14 deposited in the early childhood development, education and care fund.

15 2. No less than sixty percent of moneys deposited in the early childhood  
16 development, education and care fund shall be appropriated as provided in this subsection to  
17 the department of elementary and secondary education and to the department of social  
18 services to provide early childhood development, education and care programs through  
19 competitive grants to, or contracts with, governmental or private agencies. Eighty percent of  
20 such moneys under the provisions of this subsection and additional moneys as appropriated  
21 by the general assembly shall be appropriated to the department of elementary and secondary  
22 education and twenty percent of such moneys under the provisions of this subsection shall be  
23 appropriated to the department of social services. The departments shall provide public  
24 notice and information about the grant process to potential applicants:

25 (1) Grants or contracts may be provided for:

26 (a) Start-up funds for necessary materials, supplies, equipment and facilities; and

27 (b) Ongoing costs associated with the implementation of a sliding parental fee  
28 schedule based on income;

29 (2) Grant and contract applications shall, at a minimum, include:

30 (a) A funding plan which demonstrates funding from a variety of sources including  
31 parental fees;

32 (b) A child development, education and care plan that is appropriate to meet the needs  
33 of children;

34 (c) The identity of any partner agencies or contractual service providers;

35 (d) Documentation of community input into program development;

36 (e) Demonstration of financial and programmatic accountability on an annual basis;

37 (f) Commitment to state licensure within one year of the initial grant, if funding  
38 comes from the appropriation to the department of elementary and secondary education and  
39 commitment to compliance with the requirements of the department of social services, if  
40 funding comes from the department of social services; and

41 (g) With respect to applications by public schools, the establishment of a parent  
42 advisory committee within each public school program;

43 (3) In awarding grants and contracts under this subdivision, the departments may give  
44 preference to programs which:

45 (a) Are new or expanding programs which increase capacity;

46 (b) Target geographic areas of high need, namely where the ratio of program slots to  
47 children under the age of six in the area is less than the same ratio statewide;

48 (c) Are programs designed for special needs children;

49 (d) Are programs that offer services during nontraditional hours and weekends; or

50 (e) Are programs that serve a high concentration of low-income families.

51 3. No less than ten percent of moneys deposited in the early childhood development,  
52 education and care fund shall be appropriated to the department of social services to provide  
53 early childhood development, education and care programs through child development,  
54 education and care certificates to families whose income does not exceed one hundred eighty-  
55 five percent of the federal poverty level in the manner pursuant to 42 U.S.C. Section 9858c(c)  
56 (2)(A) and 42 U.S.C. Section 9858n(2) for the purpose of funding early childhood  
57 development, education and care programs as approved by the department of social services.  
58 At a minimum, the certificate shall be of a value per child which is commensurate with the  
59 per-child payment under paragraph (b) of subdivision (1) of subsection 2 of this section  
60 pertaining to the grants or contracts. On February first of each year the department shall  
61 certify the total amount of child development, education and care certificates applied for and  
62 the unused balance of the funds shall be released to be used for supplementing the  
63 competitive grants and contracts program authorized under subsection 2 of this section.

64 4. No less than ten percent of moneys deposited in the early childhood development,  
65 education and care fund shall be appropriated to the department of social services to increase  
66 reimbursements to child-care facilities for low-income children that are accredited by a  
67 recognized, early childhood accrediting organization.

68 5. No less than ten percent of the funds deposited in the early childhood development,  
69 education and care fund shall be appropriated to the department of social services to provide  
70 assistance to eligible parents whose family income does not exceed one hundred eighty-five  
71 percent of the federal poverty level who wish to care for their children under three years of  
72 age in the home, to enable such parent to take advantage of early childhood development,  
73 education and care programs for such parent's child or children. At a minimum, the certificate  
74 shall be of a value per child which is commensurate with the per-child payment under  
75 paragraph (b) of subdivision (1) of subsection 2 of this section pertaining to the grants or  
76 contracts. The department of social services shall provide assistance to these parents in the  
77 effective use of early childhood development, education and care tools and methods.

78 6. In setting the value of parental certificates under subsection 3 of this section and  
79 payments under subsection 5 of this section, the department of social services may increase  
80 the value based on the following:

81 (1) The adult caretaker of the children successfully participates in the parents as  
82 teachers program under the provisions of sections 178.691 to 178.699, a training program

83 provided by the department on early childhood development, education and care, the home-  
84 based Head Start program as defined in 42 U.S.C. Section 9832 or a similar program  
85 approved by the department;

86 (2) The adult caretaker consents to and clears a child abuse or neglect screening; and

87 (3) The degree of economic need of the family.

88 7. The department of elementary and secondary education and the department of  
89 social services each shall by rule promulgated under chapter 536 establish guidelines for the  
90 implementation of the early childhood development, education and care programs as provided  
91 in subsections 2 to 6 of this section.

92 8. Any rule or portion of a rule, as that term is defined in section 536.010, that is  
93 created under the authority delegated in this section shall become effective only if it complies  
94 with and is subject to all of the provisions of chapter 536 and if applicable, section 536.028.  
95 This section and chapter 536 are nonseverable and if any of the powers vested with the  
96 general assembly under chapter 536 to review, to delay the effective date, or to disapprove  
97 and annul a rule are subsequently held unconstitutional, then the grant of rulemaking  
98 authority and any rule proposed or adopted after August 28, 2010, shall be invalid and void.

163.018. 1. (1) Notwithstanding the definition of average daily attendance in  
2 subdivision (2) of section 163.011 to the contrary, pupils between the ages of three and five  
3 who are eligible for free and reduced price lunch and attend an early childhood education  
4 program:

5 (a) That is operated by and in a district or by a charter school that has declared itself  
6 as a local educational agency providing full-day kindergarten and that meets standards  
7 established by the state board of education; or

8 (b) That is under contract with a district or charter school that has declared itself as a  
9 local educational agency and that meets standards established by the state board of education;

10

11 shall be included in the district's or charter school's calculation of average daily attendance.  
12 The total number of such pupils included in the district's or charter school's calculation of  
13 average daily attendance shall not exceed four percent of the total number of pupils who are  
14 eligible for free and reduced price lunch between the ages of five and eighteen who are  
15 included in the district's or charter school's calculation of average daily attendance.

16 (2) If a pupil described under subdivision (1) of this subsection leaves an early  
17 childhood education program during the school year, a district or charter school shall be  
18 allowed to fill the vacant enrollment spot with another pupil between the ages of three and  
19 five who is eligible for free and reduced price lunch without affecting the district's or charter  
20 school's calculation of average daily attendance.

21           2. In establishing standards for any early childhood education program that is under  
22 contract with a district or charter school that has declared itself as a local educational agency,  
23 the state board of education shall consider:

24           (1) Whether a program offers full-day and full-year programming;

25           (2) Whether a program has teacher-to-child ratios consistent with reasonable  
26 standards set by early childhood education program accrediting agencies;

27           (3) Whether a program offers professional development supports for educators and  
28 the type of supports offered;

29           (4) Whether a program uses appropriately credentialed educators;

30           (5) Whether a program uses an early childhood education curriculum that has been  
31 approved by the department of elementary and secondary education and whether the  
32 curriculum is developmentally appropriate; and

33           (6) Any other factor that the state board of education determines to be significant in  
34 ensuring that children achieve high levels of kindergarten readiness.

35

36 The state board of education shall require that staff members of any early childhood education  
37 program that is under contract with a district or charter school that has declared itself as a  
38 local educational agency undergo background checks as described in section 168.133.

39           3. This section shall not require school attendance beyond that mandated under  
40 section 167.031 and shall not change or amend the provisions of ~~[sections]~~ **section 160.051**;  
41 ~~160.053, 160.054, and 160.055~~ relating to kindergarten attendance.

166.700. As used in sections 166.700 to 166.720, the following terms mean:

2           (1) "Curriculum", a complete course of study for a particular content area or grade  
3 level, including any supplemental materials;

4           (2) "District", the same meaning as used in section 160.011;

5           (3) "Educational assistance organization", the same meaning as used in section  
6 135.712;

7           (4) "Parent", the same meaning as used in section 135.712;

8           (5) "Private school", a school that is not a part of the public school system of the state  
9 of Missouri and that charges tuition for the rendering of elementary or secondary educational  
10 services;

11           (6) "Program", the same meaning as used in section 135.712;

12           (7) "Qualified school", a home school as defined in section 167.031 or any of the  
13 following entities that is incorporated in Missouri and that does not discriminate on the basis  
14 of race, color, or national origin:

15           (a) A charter school as defined in section 160.400;

16           (b) A private school;



- 17 (c) A public school as defined in section 160.011; or
- 18 (d) A public or private virtual school;
- 19 (8) "Qualified student", any elementary or secondary school student who is a resident
- 20 of this state and resides in any county with a charter form of government or any city with at
- 21 least thirty thousand inhabitants who:
  - 22 (a) Has an approved "individualized education plan" (IEP) developed under the
  - 23 federal Individuals with Disabilities Education Act (IDEA), 20 U.S.C. Section 1400, et seq.,
  - 24 as amended; or
  - 25 (b) Is a member of a household whose total annual income does not exceed an amount
  - 26 equal to two hundred percent of the income standard used to qualify for free and reduced
  - 27 price lunches, and meets at least one of the following qualifications:
    - 28 a. Attended a public school as a full-time student for at least one semester during the
    - 29 previous twelve months; or
    - 30 b. Is a child who is eligible to begin kindergarten or first grade under ~~[sections]~~
    - 31 **section 160.051 [to 160.055] or 161.056.**

2 ~~[160.053. 1. If a school district maintains a prekindergarten program, a child is eligible for admission to that prekindergarten program only if the~~

3 ~~child has reached the age of three before the first day of August of the school~~

4 ~~year beginning in that calendar year. If a school district maintains a~~

5 ~~kindergarten program, a child is eligible for admission to kindergarten and to~~

6 ~~the summer school session immediately preceding kindergarten, if offered, if~~

7 ~~the child reaches the age of five before the first day of August of the school~~

8 ~~year beginning in that calendar year or if the child is a military dependent who~~

9 ~~has successfully completed an accredited prekindergarten program or has~~

10 ~~attended an accredited kindergarten program in another state. A child is~~

11 ~~eligible for admission to first grade if the child reaches the age of six before~~

12 ~~the first day of August of the school year beginning in that calendar year or if~~

13 ~~the child is a military dependent who has successfully completed an accredited~~

14 ~~kindergarten program in another state.~~

15 ~~2. Any kindergarten or grade one pupil beginning the school term and~~

16 ~~any pupil beginning summer school prior to a kindergarten school term in a~~

17 ~~metropolitan school district or an urban school district containing the greater~~

18 ~~part of the population of a city which has more than three hundred thousand~~

19 ~~inhabitants pursuant to section 160.054 or 160.055 and subsequently~~

20 ~~transferring to another school district in this state in which the child's birth~~

21 ~~date would preclude such child's eligibility for entrance shall be deemed~~

22 ~~eligible for attendance and shall not be required to meet the minimum age~~

23 ~~requirements. The receiving school district shall receive state aid for the child,~~

24 ~~notwithstanding the provisions of section 160.051.~~

25 ~~3. Any child who completes the kindergarten year shall not be required~~

26 ~~to meet the age requirements of a district for entrance into grade one.~~

27                   4. ~~The provisions of this section relating to kindergarten instruction~~  
 28 ~~and state aid therefor shall not apply during any particular school year to those~~  
 29 ~~districts which do not provide kindergarten classes that year.]~~

2                   ~~[160.054. 1. Notwithstanding any provisions of sections 160.051 and~~  
 3 ~~160.053, to the contrary, beginning with the 1997-98 school year, all~~  
 4 ~~metropolitan school districts, except as provided in subsection 2 of this~~  
 5 ~~section, may establish and enforce a regulation which requires that a child~~  
 6 ~~shall have attained the age of three by August first for purposes of~~  
 7 ~~prekindergarten if a school district maintains such a program, the age of~~  
 8 ~~five for purposes of kindergarten and summer school prior to a kindergarten~~  
 9 ~~school term, and the age of six for purposes of grade one, on or before any date~~  
 10 ~~between August first and October first of that year. The school district shall~~  
 11 ~~receive state aid for any child admitted to kindergarten, summer school prior to~~  
 12 ~~kindergarten, or grade one pursuant to this section, notwithstanding the~~  
 13 ~~provisions of section 160.051.~~

14                   2. ~~Any kindergarten or grade one pupil beginning the school term and~~  
 15 ~~any pupil beginning summer school prior to a kindergarten school term in a~~  
 16 ~~metropolitan school district and subsequently transferring to another school~~  
 17 ~~district in this state in which the child's birth date would preclude such child's~~  
 18 ~~eligibility for entrance shall be deemed eligible for attendance and shall not be~~  
 19 ~~required to meet the minimum age requirements. The receiving school district~~  
 20 ~~shall receive state aid for the child, notwithstanding the provisions of section~~  
 21 ~~160.051.~~

22                   3. ~~Any child who completes the kindergarten year in a metropolitan~~  
 23 ~~school district shall not be required to meet the minimum age requirements of~~  
 24 ~~another school district in this state for entrance into grade one.~~

25                   4. ~~The provisions of subsections 1 and 2 of this section, relating to~~  
 26 ~~kindergarten instruction and state aid therefor, shall not apply during any~~  
 27 ~~particular school year to those districts which do not provide kindergarten~~  
~~classes that year.]~~

2                   ~~[160.055. 1. Notwithstanding any provisions of sections 160.051 and~~  
 3 ~~160.053, to the contrary, beginning with the 1997-98 school year, all urban~~  
 4 ~~school districts containing the greater part of the population of a city which has~~  
 5 ~~more than three hundred thousand inhabitants, except as provided in~~  
 6 ~~subsection 2 of this section, may establish and enforce a regulation which~~  
 7 ~~requires that a child shall have attained the age of three by August first for~~  
 8 ~~purposes of prekindergarten if a school district maintains such a program, the~~  
 9 ~~age of five for purposes of kindergarten and summer school prior to a~~  
 10 ~~kindergarten school term, and the age of six for purposes of grade one, on or~~  
 11 ~~before any date between August first and October first of that year. The school~~  
 12 ~~district shall receive state aid for any child admitted to kindergarten, summer~~  
 13 ~~school prior to kindergarten, or grade one pursuant to this section,~~  
 14 ~~notwithstanding the provisions of section 160.051.~~

15                   2. ~~Any kindergarten or grade one pupil beginning the school term and~~  
 16 ~~any pupil beginning summer school prior to a kindergarten school term in an~~  
~~urban school district in this state containing the greater part of the population~~

17 ~~of a city which has more than three hundred thousand inhabitants and~~  
18 ~~subsequently transferring to another school district in this state in which the~~  
19 ~~child's birth date would preclude such child's eligibility for entrance shall be~~  
20 ~~deemed eligible for attendance and shall not be required to meet the minimum~~  
21 ~~age requirements. The receiving school district shall receive state aid for the~~  
22 ~~child, notwithstanding the provisions of section 160.051.~~

23 ~~3. Any child who completes the kindergarten year in an urban school~~  
24 ~~district containing the greater part of the population of a city which has more~~  
25 ~~than three hundred thousand inhabitants shall not be required to meet the~~  
26 ~~minimum age requirements of another school district in this state for entrance~~  
27 ~~into grade one.~~

28 ~~4. The provisions of subsections 1 and 2 of this section, relating to~~  
29 ~~kindergarten instruction and state aid therefor, shall not apply during any~~  
30 ~~particular school year to those districts which do not provide kindergarten~~  
31 ~~classes that year.]~~

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