

SECOND REGULAR SESSION

SENATE BILL NO. 1084

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR PEARCE.

Read 1st time February 24, 2016, and ordered printed.

ADRIANE D. CROUSE, Secretary.

6621S.011

AN ACT

To repeal section 161.216, RSMo, and to enact in lieu thereof one new section relating to early learning quality assurance.

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

Section A. Section 161.216, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 161.217, to read as follows:

**161.217. 1. The department of elementary and secondary
2 education, in collaboration with the Missouri Head Start State
3 Collaboration Office and the departments of health and senior services,
4 mental health, and social services, shall develop, as a three-year pilot
5 program, a voluntary early learning quality assurance report. The
6 early learning quality assurance report shall be developed based on
7 evidence-based practices.**

**8 2. Participation in the early learning quality assurance report
9 pilot program shall be voluntary for any licensed, license-exempt, or
10 certified early learning providers that are center-based or home-based
11 and are providing services for children from any ages from birth up to
12 kindergarten.**

**13 3. The early learning quality assurance report may include, but
14 is not limited to, information regarding staff qualifications,
15 instructional quality, professional development, health and safety
16 standards, parent engagement, and community engagement.**

**17 4. The early learning quality assurance report shall not be used
18 for enforcement of compliance with any law or for any punitive
19 purposes.**

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

20 **5. The department of elementary and secondary education shall**
21 **promulgate all necessary rules and regulations for the administration**
22 **of this section. Any rule or portion of a rule, as that term is defined in**
23 **section 536.010, that is created under the authority delegated in this**
24 **section shall become effective only if it complies with and is subject to**
25 **all of the provisions of chapter 536 and, if applicable, section**
26 **536.028. This section and chapter 536 are nonseverable, and if any of**
27 **the powers vested with the general assembly pursuant to chapter 536**
28 **to review, to delay the effective date, or to disapprove and annul a rule**
29 **are subsequently held unconstitutional, then the grant of rulemaking**
30 **authority and any rule proposed or adopted after August 28, 2016, shall**
31 **be invalid and void.**

32 **6. Under section 23.253 of the Missouri sunset act:**

33 **(1) The provisions of the new program authorized under this**
34 **section shall automatically sunset three years after the effective date**
35 **of this section unless reauthorized by an act of the general assembly;**
36 **and**

37 **(2) If such program is reauthorized, the program authorized**
38 **under this section shall automatically sunset three years after the**
39 **effective date of the reauthorization of this section; and**

40 **(3) This section shall terminate on September first of the**
41 **calendar year immediately following the calendar year in which the**
42 **program authorized under this section is sunset.**

[161.216. 1. No public institution of higher education,
2 political subdivision, governmental entity, or quasi-governmental
3 entity receiving state funds shall operate, establish, or maintain,
4 offer incentives to participate in, or mandate participation in a
5 quality rating system for early childhood education, a training
6 quality assurance system, any successor system, or any
7 substantially similar system for early childhood education, unless
8 the authority to operate, establish, or maintain such a system is
9 enacted into law through:

10 (1) A bill as prescribed by Article III of the Missouri
11 Constitution;

12 (2) An initiative petition as prescribed by Section 50 of
13 Article III of the Missouri Constitution; or

14 (3) A referendum as prescribed by Section 52(a) of Article
15 III of the Missouri Constitution.

16 2. No public institution of higher education, political
17 subdivision, governmental entity or quasi-governmental entity
18 receiving state funds shall promulgate any rule or establish any
19 program, policy, guideline, or plan or change any rule, program,
20 policy, guideline, or plan to operate, establish, or maintain a
21 quality rating system for early childhood education, a training
22 quality assurance system, any successor system, or any
23 substantially similar system for early childhood education unless
24 such public institution of higher education, political subdivision,
25 governmental entity or quasi-governmental entity receiving state
26 funds has received statutory authority to do so in a manner
27 consistent with subsection 1 of this section.

28 3. Any taxpayer of this state or any member of the general
29 assembly shall have standing to bring suit against any public
30 institution of higher education, political subdivision, governmental
31 entity or quasi-governmental entity which is in violation of this
32 section in any court with jurisdiction to enforce the provisions of
33 this section.

34 4. This section shall not be construed to limit the content
35 of early childhood education courses, research, or training carried
36 out by any public institution of higher education. A course on
37 quality rating systems or training quality assurance systems shall
38 not be a requirement for certification by the state as an individual
39 child care provider or any licensing requirement that may be
40 established for an individual child care provider.

41 5. For purposes of this section:

42 (1) "Early childhood education" shall mean education
43 programs that are both centered and home-based and providing
44 services for children from birth to kindergarten;

45 (2) "Quality rating system" or "training quality assurance
46 system" shall include the model from the Missouri quality rating
47 system pilots developed by the University of Missouri center for
48 family policy and research, any successor model, or substantially
49 similar model. "Quality rating system" or "training quality

50 assurance system" shall also include but not be limited to a tiered
51 rating system that provides a number of tiers or levels to set
52 benchmarks for quality that build upon each other, leading to a top
53 tier that includes program accreditation. "Quality rating system"
54 or "training quality assurance system" may also include a tiered
55 reimbursement system that may be tied to a tiered rating system;

56 (3) "Tiered reimbursement system" or "training quality
57 assurance system" shall include but not be limited to a system that
58 links funding to a quality rating system, a system to award higher
59 child care subsidy payments to programs that attain higher quality
60 levels, or a system that offers other incentives through tax policy
61 or professional development opportunities for child care providers.]

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Bill

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