

FIRST REGULAR SESSION

HOUSE BILL NO. 1105

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MCMANUS.

2099L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 161.216, RSMo, and to enact in lieu thereof one new section relating to early childhood education.

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Section A. Section 161.216, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 161.216, to read as follows:

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

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

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

(3) A referendum as prescribed by Section 52(a) of Article III of the Missouri Constitution] **such system meets criteria established by the department of elementary and secondary education through rules promulgated under chapter 536.**

2. [No public institution of higher education, political subdivision, governmental entity or quasi-governmental entity receiving state funds shall promulgate any rule or establish any program, policy, guideline, or plan or change any rule, program, policy, guideline, or plan to operate, establish, or maintain a quality rating system for early childhood education, a training quality assurance system, any successor system, or any substantially similar system for early

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 childhood education unless such public institution of higher education, political subdivision,
19 governmental entity or quasi-governmental entity receiving state funds has received statutory
20 authority to do so in a manner consistent with subsection 1 of this section.

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

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

30 5.] For purposes of this section:

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

33 (2) "Quality rating system" or "training quality assurance system" shall include the model
34 from the Missouri quality rating system pilots developed by the University of Missouri center
35 for family policy and research, any successor model, or substantially similar model. "Quality
36 rating system" or "training quality assurance system" shall also include but not be limited to a
37 tiered rating system that provides a number of tiers or levels to set benchmarks for quality that
38 build upon each other, leading to a top tier that includes program accreditation. "Quality rating
39 system" or "training quality assurance system" may also include a tiered reimbursement system
40 that may be tied to a tiered rating system;

41 (3) "Tiered reimbursement system" or "training quality assurance system" shall include
42 but not be limited to a system that links funding to a quality rating system, a system to award
43 higher child care subsidy payments to programs that attain higher quality levels, or a system that
44 offers other incentives through tax policy or professional development opportunities for child
45 care providers.

46 **3. The department of elementary and secondary education shall promulgate all**
47 **necessary rules and regulations for the administration of this section. Any rule or portion**
48 **of a rule, as that term is defined in section 536.010, that is created under the authority**
49 **delegated in this section shall become effective only if it complies with and is subject to all**
50 **of the provisions of chapter 536 and, if applicable, section 536.028. This section and**
51 **chapter 536 are nonseverable and if any of the powers vested with the general assembly**
52 **pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul**

53 a rule are subsequently held unconstitutional, then the grant of rulemaking authority and
54 any rule proposed or adopted after August 28, 2015, shall be invalid and void.

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