

FIRST REGULAR SESSION

# HOUSE BILL NO. 387

## 95TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES COOPER (Sponsor), STREAM, FRANZ, SCHAAF, SANDER, DUSENBERG, SCHAD, HOBBS, THOMSON, NANCE, FAITH, WALLACE, STORCH, TALBOY, LAMPE, WEBBER, MORRIS, BURNETT, CARTER, GRISAMORE, KELLY, YAEGER, PACE, KANDER, STILL, NASHEED, NORR AND YATES (Co-sponsors).

1193L.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 a quality rating system for child care facilities.

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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 210.205, to read as follows:

**210.205. 1. Beginning September 1, 2009, the department of social services, in  
2 collaboration with the departments of health and senior services, elementary and  
3 secondary education, and mental health, shall develop a quality rating system for early  
4 childhood and before- and after-school programs licensed by the department of health and  
5 senior services that operate in this state. Such ratings shall be built upon Missouri's  
6 current system of licensing and regulation. The base level of the rating system shall be  
7 licensing and the highest level of the rating system shall include accreditation by a state or  
8 nationally recognized accrediting agency. The department of social services shall utilize  
9 the model from the existing Missouri quality rating system pilots developed by the  
10 University of Missouri Center for Family Policy and Research, or any successor  
11 organization, to establish this system.**

**12 2. The quality rating system shall:**

**13 (1) Provide information for consumers and parents to evaluate and select high  
14 quality programs;**

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.

15           (2) Create an accountability system for policymakers and those who fund early  
16 childhood and before- and after-school programs;

17           (3) Guide providers through a system of ever increasing levels of quality with  
18 specific outcomes.

19           3. By July 1, 2012, all licensed facilities receiving direct moneys and/or ongoing  
20 direct services to improve the quality of the program shall be rated using the quality rating  
21 system established under this section. The coordinating board for early childhood,  
22 established under section 210.102, shall develop a plan for a tiered system of  
23 reimbursement for child care subsidies based on the quality rating system established  
24 under this section. By December 31, 2010, a proposed plan with recommendations for  
25 implementation of the reimbursement system shall be submitted to the general assembly.  
26 The plan shall only become effective after passage of a concurrent resolution by the general  
27 assembly authorizing the implementation of the plan.

28           4. (1) There is hereby created in the state treasury the "Quality Rating System  
29 Program Improvement Fund", which shall consist of the following two subaccounts:

30           (a) A subaccount which shall consist of all gifts, donations, transfers, and bequests  
31 to the fund. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any  
32 moneys remaining in such subaccount at the end of the biennium shall not revert to the  
33 credit of the general revenue fund; and

34           (b) A subaccount which shall consist of all moneys appropriated to the fund. Any  
35 moneys remaining in such subaccount at the end of the biennium shall revert to the credit  
36 of the general revenue fund.

37           (2) The state treasurer shall be custodian of the fund. In accordance with sections  
38 30.170 and 30.180, RSMo, the state treasurer may approve disbursements. Upon  
39 appropriation, money in the fund shall be used solely for the administration of this section  
40 to provide grants directly to licensed providers seeking assistance for quality improvements  
41 based upon the quality rating or to community-based organizations assisting providers  
42 with such improvements. The grants shall be awarded in such a manner to ensure  
43 geographic diversity among the grantees and community-based organizations. The  
44 department of social services shall administer the fund.

45           (3) The state treasurer shall invest moneys in the fund in the same manner as other  
46 funds are invested. Any interest and moneys earned on such investments shall be credited  
47 to the fund.

48           5. The department of social services, in collaboration with the departments of  
49 health and senior services, elementary and secondary education, and mental health, shall  
50 be responsible for:

51 (1) Collecting and distributing resource materials to educate the public and early  
52 childhood and before- and after-school programs in Missouri about the quality rating  
53 system established under this section;

54 (2) Developing and distributing educational materials, including but not limited to  
55 brochures and other media as part of a comprehensive public relations campaign about  
56 the useful and informational system of assessing the quality of child care and early  
57 childhood programs in Missouri; and

58 (3) By December 31, 2012, having ratings available and posted on the Missouri  
59 child care resource and referral network web site.

60 6. The department of social services shall promulgate rules to implement the  
61 provisions of this section. Any rule or portion of a rule, as that term is defined in section  
62 536.010, RSMo, that is created under the authority delegated in this section shall become  
63 effective only if it complies with and is subject to all of the provisions of chapter 536,  
64 RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are  
65 nonseverable and if any of the powers vested with the general assembly pursuant to  
66 chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule  
67 are subsequently held unconstitutional, then the grant of rulemaking authority and any  
68 rule proposed or adopted after August 28, 2009, shall be invalid and void.

69 7. For purposes of this section, the following terms shall mean:

70 (1) "Before- and after-school programs", programs that are both center-, home-,  
71 and school-based and providing services for elementary through middle school children  
72 during nonschool hours;

73 (2) "Early childhood programs", programs that are both center- and home-based  
74 and providing services for children from birth to elementary school.

75 8. Pursuant to section 23.253, RSMo, of the Missouri sunset act:

76 (1) The provisions of the new program authorized under this section shall  
77 automatically sunset six years after the effective date of this section unless reauthorized by  
78 an act of the general assembly; and

79 (2) If such program is reauthorized, the program authorized under this section  
80 shall automatically sunset six years after the effective date of the reauthorization of this  
81 section; and

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

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