

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 2566

98TH GENERAL ASSEMBLY

6528H.02P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

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

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Section A. Section 161.216, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 161.217, to read as follows:

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

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

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

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

16 **5. The department of elementary and secondary education shall promulgate all**
17 **necessary rules and regulations for the administration of this section. Any rule or portion**
18 **of a rule, as that term is defined in section 536.010, that is created under the authority**

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 **delegated in this section shall become effective only if it complies with and is subject to all**
19 **of the provisions of chapter 536 and, if applicable, section 536.028. This section and**
20 **chapter 536 are nonseverable, and if any of the powers vested with the general assembly**
21 **pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul**
22 **a rule are subsequently held unconstitutional, then the grant of rulemaking authority and**
23 **any rule proposed or adopted after August 28, 2016, shall be invalid and void.**

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

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

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

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

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

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

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

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

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

21 funds has received statutory authority to do so in a manner consistent with
22 subsection 1 of this section.

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

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

34 5. For purposes of this section:

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

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

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

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