

SENATE SUBSTITUTE
FOR
SENATE BILL NO. 795

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:

1 Section A. Section 161.216, RSMo, is repealed and one new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

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

14 (1) A bill as prescribed by article III of the Missouri
15 Constitution;

16 (2) An initiative petition as prescribed by section 50 of
17 article III of the Missouri Constitution; or

18 (3) A referendum as prescribed by section 52(a) of article

1 III of the Missouri Constitution.

2 2. No public institution of higher education, political
3 subdivision, governmental entity or quasi-governmental entity
4 [receiving state funds] created by Missouri state statute shall
5 promulgate any rule or establish any program, policy, guideline,
6 or plan or change any rule, program, policy, guideline, or plan
7 to operate, establish, or maintain a quality rating system for
8 early childhood education, a training quality assurance system,
9 any successor system, or any substantially similar system for
10 early childhood education unless such public institution of
11 higher education, political subdivision, governmental entity or
12 quasi-governmental entity [receiving state funds] created by
13 Missouri state statute has received statutory authority to do so
14 in a manner consistent with subsection 1 of this section.

15 3. Notwithstanding any provision of this section to the
16 contrary, a private entity or nonprofit corporation organized
17 under the provisions of chapter 355 may operate, establish, and
18 maintain a quality rating system for early childhood education.
19 A private entity or nonprofit corporation shall not be required
20 to obtain authority to operate, establish, or maintain such a
21 quality rating system through enactment into law. Early
22 childhood education programs operated by public entities or
23 private entities may participate in a quality rating system for
24 early childhood education that is operated, established, or
25 maintained by a private entity or nonprofit corporation.

26 4. Neither the department of elementary and secondary
27 education, state board of education, any public institution of
28 higher education, any political subdivision, any governmental

1 entity, or any quasi-governmental entity created by Missouri
2 state statute shall mandate the establishment of, use of, or
3 participation in a quality rating system for early childhood
4 education. No private entity or nonprofit corporation that
5 operates, establishes, or maintains a quality rating system for
6 early childhood education shall collaborate with any public
7 institution of higher education, any political subdivision, any
8 governmental entity, or any quasi-governmental entity created by
9 Missouri state statute for the operation, establishment, or
10 maintenance of such a quality rating system.

11 5. Any taxpayer of this state or any member of the general
12 assembly shall have standing to bring suit against any public
13 institution of higher education, political subdivision,
14 governmental entity or quasi-governmental entity created by
15 Missouri state statute which is in violation of this section in
16 any court with jurisdiction to enforce the provisions of this
17 section.

18 [4.] 6. This section shall not be construed to limit the
19 content of early childhood education courses, research, or
20 training carried out by any public institution of higher
21 education. A course on quality rating systems or training
22 quality assurance systems shall not be a requirement for
23 certification by the state as an individual child care provider
24 or any licensing requirement that may be established for an
25 individual child care provider.

26 [5.] 7. For purposes of this section:

27 (1) "Early childhood education" shall mean education
28 programs that are both centered and home-based and providing

1 services for children from birth to kindergarten;

2 (2) "Quality rating system" or "training quality assurance
3 system" shall include the model from the Missouri quality rating
4 system pilots developed by the University of Missouri center for
5 family policy and research, any successor model, or substantially
6 similar model. "Quality rating system" or "training quality
7 assurance system" shall also include but not be limited to a
8 tiered rating system that provides a number of tiers or levels to
9 set benchmarks for quality that build upon each other, leading to
10 a top tier that includes program accreditation. "Quality rating
11 system" or "training quality assurance system" may also include a
12 tiered reimbursement system that may be tied to a tiered rating
13 system;

14 (3) "Tiered reimbursement system" or "training quality
15 assurance system" shall include but not be limited to a system
16 that links funding to a quality rating system, a system to award
17 higher child care subsidy payments to programs that attain higher
18 quality levels, or a system that offers other incentives through
19 tax policy or professional development opportunities for child
20 care providers.