

SENATE BILL NO. 1642

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHROER.

7068S.011

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 160.2705, 210.203, 210.211, 210.221, 210.231, 210.245, 210.252, and 210.256, RSMo, and to enact in lieu thereof nine new sections relating to summer and day camps, with penalty provisions.

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

Section A. Sections 160.2705, 210.203, 210.211, 210.221, 210.231, 210.245, 210.252, and 210.256, RSMo, are repealed and nine new sections enacted in lieu thereof, to be known as sections 160.2705, 210.203, 210.211, 210.214, 210.221, 210.231, 210.245, 210.252, and 210.256, to read as follows:

160.2705. 1. The department of social services shall authorize Missouri-based nonprofit organizations meeting the criteria of this section to establish and operate up to five adult high schools, with:

(1) One adult high school to be located in a city not within a county;

(2) One adult high school to be located in a county of the third classification without a township form of government and with more than forty-one thousand but fewer than forty-five thousand inhabitants or a county contiguous to that county;

(3) One adult high school to be located in a county of the first classification with more than two hundred sixty

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

14 thousand but fewer than three hundred thousand inhabitants
15 or a county contiguous to that county;

16 (4) One adult high school to be located in a county of
17 the first classification with more than one hundred fifty
18 thousand but fewer than two hundred thousand inhabitants; and

19 (5) One adult high school to be located in a county
20 with more than seven hundred thousand but fewer than eight
21 hundred thousand inhabitants, or a contiguous county.

22 2. The department of social services shall administer
23 funding to adult high schools subject to appropriations.

24 The department shall be responsible for granting and
25 maintaining authorization for adult high schools. For adult
26 high schools in operation prior to January 1, 2023, the
27 department shall maintain authorization for the nonprofit
28 organization to operate the schools, subject to compliance
29 with this section. No more than one organization shall be
30 authorized to operate an adult high school at each location
31 described in subsection 1 of this section. An organization
32 may establish satellite campuses for any adult high school
33 it is authorized to operate. The department shall
34 administer funding for satellite campuses subject to
35 appropriations.

36 3. On or before January 1, 2024, the department of
37 social services shall select an eligible Missouri-based
38 nonprofit organization to operate in a location described in
39 subdivision (5) of subsection 1 of this section. An
40 eligible organization shall:

41 (1) Demonstrate the ability to establish, within
42 twenty-one months of the receipt of the authorization, an
43 adult high school offering high school diplomas, an industry
44 certification program or programs, and child care for
45 children of the students attending the high schools;

46 (2) Demonstrate the ability to commit at least five
47 hundred thousand dollars for the purpose of establishing the
48 necessary infrastructure at the adult high school;

49 (3) Demonstrate substantial and positive experience in
50 providing services, including industry certifications and
51 job placement services, to adults eighteen years of age or
52 older whose educational and training opportunities have been
53 limited by educational disadvantages, disabilities,
54 homelessness, criminal history, or similar circumstances;

55 (4) Establish a partnership with a state-supported
56 postsecondary education institution or more than one such
57 partnership, if a partnership or partnerships are necessary
58 in order to meet the requirements for an adult high school;

59 (5) Establish a comprehensive plan that sets forth how
60 the adult high schools will help address the need for a
61 sufficiently trained workforce in the surrounding region for
62 each adult high school;

63 (6) Establish partnerships and strategies for engaging
64 the community and business leaders in carrying out the goals
65 of each adult high school;

66 (7) Establish the ability to meet quality standards
67 through certified teachers and programs that support each
68 student in such student's goal to find a more rewarding job;

69 (8) Establish a plan for assisting students in
70 overcoming barriers to educational success including, but
71 not limited to, educational disadvantages, homelessness,
72 criminal history, disability, including learning disability
73 such as dyslexia, and similar circumstances;

74 (9) Establish a process for determining outcomes of
75 the adult high school, including outcomes related to a
76 student's ability to find a more rewarding job through the

77 attainment of a high school diploma and job training and
78 certification; and

79 (10) Limit the administrative fee to no more than ten
80 percent.

81 4. (1) The department of elementary and secondary
82 education shall establish academic requirements for students
83 to obtain high school diplomas.

84 (2) Requirements for a high school diploma shall be
85 based on an adult student's prior high school achievement
86 and the remaining credits and coursework that would be
87 necessary for the student to receive a high school diploma
88 if such student were in a traditional high school setting.
89 The adult student shall meet the requirements with the same
90 level of academic rigor as would otherwise be necessary to
91 attain such credits.

92 (3) The adult high school authorized under this
93 section shall award high school diplomas to students who
94 successfully meet the established academic requirements.
95 The adult high school authorized under this section shall
96 confer the diploma as though the student earned the diploma
97 at a traditional high school. The diploma shall have no
98 differentiating marks, titles, or other symbols.

99 (4) Students at adult high schools may complete
100 required coursework at their own pace and as available
101 through the adult high school. They shall not be required
102 to satisfy any specific number of class minutes. The adult
103 high school may also make classes available to students
104 online as may be appropriate. However, students shall not
105 complete the majority of instruction of the school's
106 curriculum online or through remote instruction. For the
107 purposes of this subsection, synchronous instruction
108 connecting students to a live class conducted in a Missouri

109 adult high school shall be treated the same as in-person
110 instruction.

111 (5) The department of elementary and secondary
112 education shall not create additional regulations or burdens
113 on the adult high school or the students attending the adult
114 high schools beyond certifying necessary credits and
115 ensuring that students have sufficiently mastered the
116 subject matter to make them eligible for credit.

117 5. An adult high school shall be deemed a secondary
118 school system for the purposes of subdivision [(16)] (15) of
119 subsection 1 of section 210.211.

210.203. The department of elementary and secondary
2 education shall maintain a record of substantiated, signed
3 parental complaints against child care facilities, **summer**
4 **camp, or day camp** licensed pursuant to this chapter, and
5 shall make such complaints and findings available to the
6 public upon request.

210.211. 1. It shall be unlawful for any person to
2 establish, maintain or operate a child care facility, **or for**
3 **any person or organization to establish, maintain, or**
4 **operate a summer camp or day camp**, for children, or to
5 advertise or hold himself or herself out as being able to
6 perform any of the services as defined in section 210.201,
7 without having in effect a written license granted by the
8 department of elementary and secondary education; except
9 that nothing in sections 210.203 to 210.245 shall apply to:

10 (1) Any person who is caring for six or fewer
11 children, including a maximum of three children under the
12 age of two, at the same physical address. For purposes of
13 this subdivision, children who live in the caregiver's home
14 and who are eligible for enrollment in a public

15 kindergarten, elementary, or high school shall not be
16 considered in the total number of children being cared for;

17 (2) Any person who receives free of charge, and not as
18 a business, for periods not exceeding ninety consecutive
19 days, as bona fide, occasional and personal guests the child
20 or children of personal friends of such person, and who
21 receives custody of no other unrelated child or children;

22 (3) Any graded boarding school that is conducted in
23 good faith primarily to provide education;

24 (4) [Any summer or day camp that is conducted in good
25 faith primarily to provide recreation;

26 [(5)] Any hospital, sanitarium, or home that is
27 conducted in good faith primarily to provide medical
28 treatment or nursing or convalescent care for children;

29 [(6)] (5) Any residential facility or day program
30 licensed by the department of mental health under sections
31 630.705 to 630.760 that provides care, treatment, and
32 habilitation exclusively to children who have a primary
33 diagnosis of mental disorder, mental illness, intellectual
34 disability, or developmental disability, as those terms are
35 defined in section 630.005;

36 [(7)] (6) Any school system as defined in section
37 210.201;

38 [(8)] (7) Any Montessori school as defined in section
39 210.201;

40 [(9)] (8) Any business that operates a child care
41 program for the convenience of its customers or its
42 employees if the following conditions are met:

43 (a) The business provides child care for customers' or
44 employees' children for no more than four hours per day; and

45 (b) Customers or employees remain on site while their
46 children are being cared for by the business establishment;

47 [(10)] (9) Any home school;

48 [(11)] (10) Any religious organization academic
49 preschool or kindergarten for four- and five-year-old
50 children;

51 [(12)] (11) Any weekly Sunday or Sabbath school, a
52 vacation bible school, or child care made available while
53 the parents or guardians are attending worship services or
54 other meetings and activities conducted or sponsored by a
55 religious organization;

56 [(13)] (12) Any neighborhood youth development program
57 under section 210.278;

58 [(14)] (13) Any program serving only children enrolled
59 in grade six or above;

60 [(15)] (14) Any religious organization elementary or
61 secondary school;

62 [(16)] (15) Any private organization elementary or
63 secondary school system providing child care to children
64 younger than school age. If a facility or program is exempt
65 from licensure based upon this exception, such facility or
66 program shall submit documentation annually to the
67 department to verify its licensure-exempt status;

68 [(17)] (16) Any nursery school as defined in section
69 210.201;

70 [(18)] (17) Any child care facility maintained or
71 operated under the exclusive control of a religious
72 organization, **not including summer camps or days camps as**
73 **defined in section 210.201.** If a nonreligious organization
74 having as its principal purpose the provision of child care
75 services enters into an arrangement with a religious
76 organization for the maintenance or operation of a child
77 care facility, the facility is not under the exclusive
78 control of the religious organization; and

79 [(19)] (18) Any FPE school.

80 2. Notwithstanding the provisions of subsection 1 of
81 this section, no child care facility shall be exempt from
82 licensure if such facility receives any state or federal
83 funds for providing care for children, except for federal
84 funds for those programs which meet the requirements for
85 participation in the Child and Adult Care Food Program
86 pursuant to 42 U.S.C. Section 1766. Grants to parents for
87 child care pursuant to sections 210.201 to 210.257 shall not
88 be construed to be funds received by a person or facility
89 listed in subdivisions (1) and [(18)] (17) of subsection 1
90 of this section.

91 3. Every child care facility, **summer camp, or day camp**
92 shall disclose the licensure status of the facility **or camp**
93 to the parents or guardians of children for which the
94 facility provides care **or for which the camp provides a**
95 **recreational program**. No child care facility exempt from
96 licensure shall represent to any parent or guardian of
97 children for which the facility provides care that the
98 facility is licensed when such facility is in fact not
99 licensed. A parent or guardian utilizing an unlicensed
100 child care facility shall sign a written notice indicating
101 he or she is aware of the unlicensed status of the
102 facility. The facility shall keep a copy of this signed
103 written notice on file. All child care facilities shall
104 provide the parent or guardian enrolling a child in the
105 facility with a written explanation of the disciplinary
106 philosophy and policies of the child care facility.

107 4. Up to two children who are five years of age or
108 older and who are related within the third degree of
109 consanguinity or affinity to, adopted by, or under court
110 appointed guardianship or legal custody of a child care

111 provider who is responsible for the daily operation of a
112 licensed family child care home that is organized as a
113 corporation, association, firm, partnership, limited
114 liability company, sole proprietorship, or any other type of
115 business entity in this state shall not be included in the
116 number of children counted toward the maximum number of
117 children for which the family child care home is licensed
118 under section 210.221. If more than one member of the
119 corporation, association, firm, partnership, limited
120 liability company, or other business entity is responsible
121 for the daily operation of the licensed family child care
122 home, then the related children of only one such member
123 shall be excluded. A family child care home caring for
124 children not counted in the maximum number of children, as
125 permitted under this subsection, shall disclose this to
126 parents or guardians on the written notice required under
127 subsection 3 of this section. If a family child care home
128 begins caring for children not counted in the maximum number
129 of children after a parent or guardian has signed the
130 written notice required under subsection 3 of this section,
131 the family child care home shall provide a separate notice
132 to the parent or guardian that the family child care home is
133 caring for children not counted in the maximum number of
134 children for which the family child care home is licensed
135 and shall keep a copy of the signed notice on file.

136 5. Nothing in this section shall prevent the
137 department from enforcing licensing regulations promulgated
138 under this chapter, including, but not limited to,
139 supervision requirements and capacity limitations based on
140 the amount of child care space available.

141 **6. Nothing in this section shall prevent the**
142 **department from promulgating rules or regulations relating**

143 to supervision requirements and capacity limitations for
144 summer camps or day camps.

210.214. 1. This section shall be known and may be
2 cited as the "Heaven's 27 Camp Safety Act".

3 2. As used in this section, the following terms mean:

4 (1) "Cabin" or "cabins", structures used to provide
5 temporary sleeping quarters for campers;

6 (2) "Camper" or "campers", minors who are attending a
7 summer camp or day camp on a day care or boarding basis;

8 (3) "Department", the department of elementary and
9 secondary education;

10 (4) "Flood plain", any area within a one-hundred-year
11 flood plain, as designated by the Federal Emergency
12 Management Agency. "Flood plain" includes any area removed
13 from the one-hundred-year flood plain by a letter of map
14 amendment, a letter of map revision based on fill, or a
15 substantially similar administrative process conducted by
16 the Federal Emergency Management Agency;

17 (5) "Floodway", an area identified on the most recent
18 flood hazard map published by the Federal Emergency
19 Management Agency;

20 (6) "Governmental entity", this state or a state
21 agency or political subdivision of this state;

22 (7) "Minor", a person under eighteen years of age.

23 3. A person holding a license issued under section
24 210.221 shall:

25 (1) Renew the license annually by submitting a renewal
26 application on a date determined by department through rule
27 on a form provided by the department; and

28 (2) Submit a renewal application no later than the
29 thirtieth day after the date the person:

30 (a) Alters the boundaries of a summer camp or day camp
31 operated by the person; or

32 (b) Completes any renovation to one or more existing
33 cabins located on the premises of the camp that:

34 a. Increases or decreases the number of beds in an
35 affected cabin; or

36 b. Alters the method of ingress or egress to an
37 affected cabin.

38 4. The department shall review the camper-to-counselor
39 ratios for overnight stays at summer camps, or day camps
40 when applicable, and establish, through rule, minimum camper-
41 to-counselor ratios for overnight stays at summer camps, or
42 day camps when applicable.

43 5. (1) A summer camp or day camp operator shall
44 include in a prominent place on the summer camp's or day
45 camp's publicly accessible internet website a clearly marked
46 link to the summer camp or day camp program web page on the
47 department's internet website for campers, parents, and camp
48 staff, and volunteers to use to report the camp's
49 noncompliance with this section.

50 (2) The department shall investigate each complaint
51 filed with the department for a summer camp or day camp to
52 ensure that the summer camp or day camp operator is:

53 (a) Properly implementing the camp's approved
54 emergency plan submitted as required under subsection 6 of
55 this section; and

56 (b) Complying with the provisions of this section.

57 (3) A department investigation under this section
58 shall include an inspection to ensure the summer camp's or
59 day camp's compliance with this section. The inspection
60 shall be performed in the same manner as other inspections
61 required under this chapter.

62 6. (1) Each summer camp or day camp shall comply with
63 all fire, safety, health, and sanitation inspections that
64 may be required by state law or local ordinance.

65 (2) The department shall require a summer camp or day
66 camp operator in the emergency plan to do the following:

67 (a) Specify muster zones for campers and camp staff to
68 gather in an emergency event that requires evacuation from
69 any location within the premises of the camp;

70 (b) Establish procedures for responding to an
71 emergency event, including:

72 a. A lost camper;

73 b. A fire on the premises of the camp;

74 c. A severe injury, severe illness, serious accident,
75 or death of one or more campers, visitors, camp staff, or
76 camp volunteers that occurs:

77 (i) On the camp premises; or

78 (ii) While under the supervision of camp staff;

79 d. An aquatic emergency if the camp borders a
80 watercourse, lake, pond, or any other body of water;

81 e. An epidemic;

82 f. An unauthorized or unknown individual present on
83 the camp's premises;

84 g. A transportation emergency; and

85 h. Any other natural disaster or emergency event
86 required under department rules;

87 (c) Establish procedures to identify and account for
88 each camper affected by the emergency event;

89 (d) Establish procedures to notify and communicate
90 with:

91 a. Local law enforcement agencies;

92 b. Camp administrative and medical services staff; and

93 c. The parents or legal guardians of each camper
94 identified under paragraph (c) of this subdivision; and

95 (e) Designate a camp emergency preparedness
96 coordinator.

97 (3) The department shall require a summer camp or day
98 camp operator to, at each summer camp or day camp the
99 operator operates:

100 (a) Maintain at the camp an operable radio capable of
101 providing real-time weather alerts issued by the National
102 Weather Service or a similar professional weather service;

103 (b) Install and maintain at the camp an emergency
104 warning system that is capable of alerting all campers and
105 camp occupants of an emergency;

106 (c) Monitor safety alerts issued:

107 a. By the National Weather Service or a similar
108 professional weather service; and

109 b. By local river authorities, if applicable to the
110 camp, or through other local emergency notification systems;
111 and

112 (d) Certify the operator's compliance with this
113 subdivision.

114 (4) In developing a summer camp's or day camp's
115 emergency plan, a summer camp or day camp operator shall
116 annually submit the initial or updated plan to the
117 department for approval in the form and manner prescribed by
118 the department.

119 (5) If the department determines a summer camp's or
120 day camp's submitted emergency plan does not meet the
121 minimum standards prescribed by department rules, the summer
122 camp or day camp operator shall revise and resubmit the plan
123 no later than the forty-fifth day after the date the

124 operator receives notice from the department of the plan's
125 deficiencies.

126 (6) A summer camp or day camp operator shall include
127 any updated summer camp or day camp emergency plan as an
128 attachment to each application to renew the operator's
129 license under subsection 3 of this section.

130 (7) Notwithstanding any provision of law to the
131 contrary, no later than the tenth business day following the
132 date the department approves a summer camp's or day camp's
133 emergency plan or, if the department determines the plan is
134 deficient under subdivision (5) of this subsection, the
135 operator shall provide a copy of the plan to:

136 (a) The director of the emergency management agency of
137 the county in which the camp is located; and

138 (b) The law enforcement agency or county sheriff's
139 office where the camp is located.

140 (8) In developing a summer camp's or day camp's
141 emergency plan, a summer camp or day camp operator may
142 consult with an emergency management director described by
143 subdivision (7) of this section.

144 (9) The department shall store in a digital database
145 each emergency plan submitted to the department under this
146 section and provide access to that database to the state
147 emergency management agency.

148 (10) A summer camp or day camp operator shall:

149 (a) Provide the most recent version of a summer camp's
150 or day camp's emergency plan submitted under this subsection
151 to the parent or legal guardian of:

152 a. A camper who is participating in a camp session; or

153 b. A prospective camper who is registered to

154 participate in a future camp session;

155 (b) Notify the parent or legal guardian of a camper or
156 prospective camper described in paragraph (a) of this
157 subdivision if any area of the camp is located within a
158 flood plain; and

159 (c) Ensure that the parent or legal guardian signs and
160 submits to the operator a statement acknowledging receipt of
161 the notice required under paragraph (b) of this subdivision.

162 (11) Not more than forty-eight hours after each summer
163 camp or day camp session begins, the summer camp or day camp
164 operator or a summer camp or day camp staff member shall
165 conduct a mandatory safety orientation that:

166 (a) Notifies each camper of the camp's boundaries and
167 any hazards present on the camp premises;

168 (b) Instructs each camper on behavioral expectations
169 in an emergency event; and

170 (c) Provides each camper with developmentally
171 appropriate instruction on the appropriate actions and
172 procedures to follow in an emergency event, in accordance
173 with the camp's emergency plan required under this
174 subsection.

175 (12) At least once a year, a summer camp or day camp
176 operator shall:

177 (a) Provide each summer camp or day camp staff member
178 and volunteer with a copy of the camp's most recent
179 emergency plan;

180 (b) Ensure each staff member and volunteer
181 successfully completes training on the camp's emergency plan
182 in compliance with any minimum standards and required hours
183 established by department rule;

184 (c) Instruct each staff member and volunteer on the
185 proper procedures to follow in an emergency event under the
186 plan; and

187 (d) Maintain written records documenting each staff
188 member's and volunteer's successful completion of the
189 training required under this subdivision.

190 (13) A summer camp or day camp operator shall
191 conspicuously post in each cabin on the summer camp or day
192 camp premises the proper evacuation route described in the
193 summer camp or day camp's emergency plan.

194 (14) An emergency plan submitted to, received by, or
195 accessed by the department, the Missouri state emergency
196 management agency, an emergency management agency director,
197 or any other governmental entity under this subsection is
198 confidential and not subject to disclosure under chapter 610.

199 7. (1) The department shall not issue a license or
200 renew a license for a summer camp or day camp under this
201 section if the summer camp or day camp operator is not in
202 compliance with subsection 6 of this section or a rule
203 adopted under such subsection.

204 (2) The department shall suspend a summer camp or day
205 camp license issued by the department if the summer camp or
206 day camp operator is in violation of subsection 6 of this
207 section. The department may reinstate the license only on
208 or after the date the department determines the summer camp
209 or day camp and the operator are in compliance with
210 subsection 6 of this section.

211 8. The department shall promulgate all necessary rules
212 and regulations for the administration of this section. Any
213 rule or portion of a rule, as that term is defined in
214 section 536.010, that is created under the authority
215 delegated in this section shall become effective only if it
216 complies with and is subject to all of the provisions of
217 chapter 536 and, if applicable, section 536.028. This
218 section and chapter 536 are nonseverable and if any of the

219 powers vested with the general assembly pursuant to chapter
220 536 to review, to delay the effective date, or to disapprove
221 and annul a rule are subsequently held unconstitutional,
222 then the grant of rulemaking authority and any rule proposed
223 or adopted after August 28, 2026, shall be invalid and void.

210.221. 1. The department of elementary and
2 secondary education shall have the following powers and
3 duties:

4 (1) After inspection, to grant licenses to persons to
5 operate child care facilities **or to grant licenses to**
6 **persons or organizations to operate summer camps or day**
7 **camps** if satisfied as to the good character and intent of
8 the applicant and that such applicant is qualified and
9 equipped to render care or service conducive to the welfare
10 of children **or to render recreational activities to**
11 **children.** Each license shall specify the effective date and
12 whether the license is temporary, the kind of child-care
13 services the licensee is authorized to perform, the number
14 of children that can be received or maintained, and their
15 ages;

16 (2) To inspect the conditions of the homes and other
17 places in which the applicant operates a child care facility
18 **or to inspect the conditions of the property in which the**
19 **person or organization operates a summer camp or day camp,**
20 inspect their books and records, premises and children being
21 served, examine their officers and agents, deny, suspend,
22 place on probation or revoke the license of such persons as
23 fail to obey the provisions of sections 210.201 to 210.245
24 or the rules and regulations made by the department of
25 elementary and secondary education. The commissioner also
26 may revoke or suspend a license when the licensee surrenders
27 the license;

28 (3) To promulgate and issue rules and regulations the
29 department deems necessary or proper in order to establish
30 standards of service and care to be rendered by such
31 licensees to children. No rule or regulation promulgated by
32 the department shall in any manner restrict or interfere
33 with any religious instruction, philosophies or ministries
34 provided by the facility and shall not apply to facilities
35 operated by religious organizations which are not required
36 to be licensed;

37 (4) To approve training concerning the safe sleep
38 recommendations of the American Academy of Pediatrics in
39 accordance with section 210.223; and

40 (5) To determine what records shall be kept by such
41 persons **or organizations** and the form thereof, and the
42 methods to be used in keeping such records, and to require
43 reports to be made to the department at regular intervals.

44 2. (1) In addition to the powers and duties under
45 subsection 1 of this section, the department of elementary
46 and secondary education has the power and duty to grant a
47 temporary child care license. The temporary child care
48 license shall be granted to a child care provider who:

49 (a) Is not on probation or has not been on probation
50 within the last twelve months;

51 (b) Is not in the process of having a license revoked
52 or has not had a license revoked within the last twelve
53 months; or

54 (c) Does not have a current letter of censure;

55 upon submittal of a complete license application to the
56 department of elementary and secondary education by the
57 child care provider, to expand an existing site or to add a
58 new location.

59 (2) The child care provider shall complete all of the
60 following in order to obtain a temporary child care license
61 to expand an existing site or add a new location:

62 (a) State and local fire inspections as provided under
63 section 210.252;

64 (b) State and local sanitation inspections as provided
65 under section 210.252;

66 (c) City inspections;

67 (d) Staff background checks and health screenings; and

68 (e) Required staff training and any ongoing required
69 training.

70 (3) Prior to obtaining a temporary child care license
71 under this subsection for another facility, the child care
72 provider shall have operated a child care facility for at
73 least thirteen months. The new facility shall be subject to
74 an inspection, without notification of the inspection, by
75 the office of childhood within sixty days of the opening of
76 the new facility.

77 (4) Temporary child care licenses shall be valid for a
78 duration of no longer than twelve months from the date of
79 issuance or until the department makes a final determination
80 on full licensure.

81 (5) If the child care facility is an existing child
82 care facility but there is a change in ownership of the
83 facility, such facility shall be subject to an inspection,
84 without notification of the inspection, by the office of
85 childhood within sixty days of the change in ownership.

86 3. Any child care facility, **summer camp, or day camp**
87 may request a variance from a rule or regulation promulgated
88 pursuant to this section. The request for a variance shall
89 be made in writing to the department of elementary and
90 secondary education and shall include the reasons the

91 facility **or camp** is requesting the variance. The department
92 shall approve any variance request that does not endanger
93 the health or safety of the children served by the facility
94 **or camp**. The burden of proof at any appeal of a disapproval
95 of a variance application shall be with the department of
96 elementary and secondary education. Local inspectors may
97 grant a variance, subject to approval by the department of
98 elementary and secondary education.

99 4. The department shall deny, suspend, place on
100 probation or revoke a license if it receives official
101 written notice that the local governing body has found that
102 license is prohibited by any local law related to the health
103 and safety of children. The department may deny an
104 application for a license if the department determines that
105 a home or other place in which an applicant would operate a
106 child care facility, **summer camp, or day camp** is located
107 within one thousand feet of any location where a person
108 required to register under sections 589.400 to 589.425
109 either resides, as that term is defined in subsection 3 of
110 section 566.147, or regularly receives treatment or
111 services, excluding any treatment or services delivered in a
112 hospital, as that term is defined in section 197.020, or in
113 facilities owned or operated by a hospital system. The
114 department may, after inspection, find the licensure, denial
115 of licensure, suspension or revocation to be in the best
116 interest of the state.

117 5. Any rule or portion of a rule, as that term is
118 defined in section 536.010, that is created under the
119 authority delegated in sections 210.201 to 210.245 shall
120 become effective only if it complies with and is subject to
121 all of the provisions of chapter 536 and, if applicable,
122 section 536.028. All rulemaking authority delegated prior

123 to August 28, 1999, is of no force and effect and repealed.
124 Nothing in this section shall be interpreted to repeal or
125 affect the validity of any rule filed or adopted prior to
126 August 28, 1999, if it fully complied with all applicable
127 provisions of law. This section and chapter 536 are
128 nonseverable and if any of the powers vested with the
129 general assembly pursuant to chapter 536 to review, to delay
130 the effective date, or to disapprove and annul a rule are
131 subsequently held unconstitutional, then the grant of
132 rulemaking authority and any rule proposed or adopted after
133 August 28, 1999, shall be invalid and void.

210.231. The department of elementary and secondary
2 education may designate to act for it, with full authority
3 of law, any instrumentality of any political subdivision of
4 the state of Missouri deemed by the department of elementary
5 and secondary education to be competent, to investigate and
6 inspect licensees and applicants for a license. Local
7 inspection of child care facilities, **summer camps, or day**
8 **camps** may be accomplished if the standards employed by local
9 personnel are substantially equivalent to state standards
10 and local personnel are available for enforcement of such
11 standards.

210.245. 1. Any person who violates any provision of
2 sections 210.201 to 210.245, or who for such person or for
3 any other person makes materially false statements in order
4 to obtain a license or the renewal thereof pursuant to
5 sections 210.201 to 210.245, shall be guilty of a class C
6 misdemeanor for the first offense and shall be assessed a
7 fine not to exceed seven hundred fifty dollars and shall be
8 guilty of a class A misdemeanor and shall be assessed a fine
9 of up to two thousand dollars per day, not to exceed a total
10 of ten thousand dollars for subsequent offenses. In case

11 such guilty person is a corporation, association,
12 institution or society, the officers thereof who participate
13 in such misdemeanor shall be subject to the penalties
14 provided by law.

15 2. If the department of elementary and secondary
16 education proposes to deny, suspend, place on probation or
17 revoke a license, the department of elementary and secondary
18 education shall serve upon the applicant or licensee written
19 notice of the proposed action to be taken. The notice shall
20 contain a statement of the type of action proposed, the
21 basis for it, the date the action will become effective, and
22 a statement that the applicant or licensee shall have thirty
23 days to request in writing a hearing before the
24 administrative hearing commission and that such request
25 shall be made to the department of elementary and secondary
26 education. If no written request for a hearing is received
27 by the department of elementary and secondary education
28 within thirty days of the delivery or mailing by certified
29 mail of the notice to the applicant or licensee, the
30 proposed discipline shall take effect on the thirty-first
31 day after such delivery or mailing of the notice to the
32 applicant or licensee. If the applicant or licensee makes a
33 written request for a hearing, the department of elementary
34 and secondary education shall file a complaint with the
35 administrative hearing commission within ninety days of
36 receipt of the request for a hearing.

37 3. The department of elementary and secondary
38 education may issue letters of censure or warning without
39 formal notice or hearing. Additionally, the department of
40 elementary and secondary education may place a licensee on
41 probation pursuant to chapter 621.

42 4. The department of elementary and secondary
43 education may suspend any license simultaneously with the
44 notice of the proposed action to be taken in subsection 2 of
45 this section, if the department of elementary and secondary
46 education finds that there is a threat of imminent bodily
47 harm to the children in care. The notice of suspension
48 shall include the basis of the suspension and the appeal
49 rights of the licensee pursuant to this section. The
50 licensee may appeal the decision to suspend the license to
51 the department of elementary and secondary education. The
52 appeal shall be filed within ten days from the delivery or
53 mailing by certified mail of the notice of appeal. A
54 hearing shall be conducted by the department of elementary
55 and secondary education within ten days from the date the
56 appeal is filed. The suspension shall continue in effect
57 until the conclusion of the proceedings, including review
58 thereof, unless sooner withdrawn by the department of
59 elementary and secondary education, dissolved by a court of
60 competent jurisdiction or stayed by the administrative
61 hearing commission. Any person aggrieved by a final
62 decision of the department made pursuant to this section
63 shall be entitled to judicial review in accordance with
64 chapter 536.

65 5. In addition to initiating proceedings pursuant to
66 subsection 1 of this section, or in lieu thereof, the
67 prosecuting attorney of the county where the child-care
68 facility, **summer camp, or day camp** is located may file suit
69 for a preliminary and permanent order overseeing or
70 preventing the operation of a child-care facility, **summer**
71 **camp, or day camp** for violating any provision of sections
72 210.201 to 210.245. The order shall remain in force until
73 such a time as the court determines that the child-care

74 facility, **summer camp, or day camp** is in substantial
75 compliance. If the prosecuting attorney refuses to act or
76 fails to act after receipt of notice from the department of
77 elementary and secondary education, the department of
78 elementary and secondary education may request that the
79 attorney general seek an injunction of the operation of such
80 child-care facility, **summer camp, or day camp**.

81 6. In cases of imminent bodily harm to children in the
82 care of a child-care facility, **summer camp, or day camp**,
83 including an unlicensed, nonexempt facility, the department
84 may file suit in the circuit court of the county in which
85 the child-care facility, **summer camp, or day camp** is located
86 for injunctive relief, which may include removing the
87 children from the facility **or camp**, overseeing the operation
88 of the facility **or camp**, or closing the facility **or camp**.
89 Failure by the department to file suit under the provisions
90 of this subsection shall not be construed as creating any
91 liability in tort or incurring other obligations or duties
92 except as otherwise specified.

93 7. Any person who operates an unlicensed, nonexempt
94 child-care facility, **summer camp, or day camp** in violation
95 of the provisions of sections 210.201 to 210.245 shall be
96 liable for a civil penalty of not less than seven hundred
97 fifty dollars and not more than two thousand dollars. The
98 department shall serve upon such person written notice of
99 the department's findings as to the child-care facility's
100 unlicensed, nonexempt status, along with educational
101 materials about Missouri's child-care facility laws and
102 regulations, how a facility may become exempt or licensed,
103 and penalties for operating an unlicensed, nonexempt child-
104 care facility. The notice shall contain a statement that
105 the person shall have thirty days to become compliant with

106 sections 210.201 to 210.245, including attaining exempt
107 status or becoming licensed. The person's failure to do so
108 shall result in a civil action in the circuit court of Cole
109 County or criminal charges under this section. If, following
110 the receipt of the written notice, the person operating the
111 child-care facility fails to become compliant with sections
112 210.201 to 210.245, the department may bring a civil action
113 in the circuit court of Cole County against such person.
114 The department may, but shall not be required to, request
115 that the attorney general bring the action in place of the
116 department. No civil action provided by this subsection
117 shall be brought if the criminal penalties under subsection
118 1 of this section have been previously ordered against the
119 person for the same violation. Failure by the department to
120 file suit under the provisions of this subsection shall not
121 be construed as creating any liability in tort or incurring
122 other obligations or duties except as otherwise specified.

123 8. There shall be established the "Family Child Care
124 Provider Fund" in the state treasury, which shall consist of
125 such funds as appropriated by the general assembly. The
126 state treasurer shall be custodian of the fund. In
127 accordance with sections 30.170 and 30.180, the state
128 treasurer may approve disbursements. The fund shall be a
129 dedicated fund and moneys in the fund shall be used solely
130 by the department for the dissemination of information
131 concerning compliance with child-care facility, **summer camp,**
132 **or day camp** laws and regulations, including licensed or
133 exempt status; educational initiatives relating to, inter
134 alia, child care, safe sleep practices, and child nutrition;
135 and the provision of financial assistance on the basis of
136 need for family child-care homes to become licensed, as
137 determined by the department and subject to available moneys

138 in the fund. Notwithstanding the provisions of section
139 33.080 to the contrary, any moneys remaining in the fund at
140 the end of the biennium shall not revert to the credit of
141 the general revenue fund. The state treasurer shall invest
142 moneys in the fund in the same manner as other funds are
143 invested. Any interest and moneys earned on such
144 investments shall be credited to the fund.

210.252. 1. All buildings and premises used by a
2 child-care facility to care for more than six children
3 except those exempted from the licensing provisions of the
4 department of elementary and secondary education pursuant to
5 subdivisions (1) to [(16)] (15) of subsection 1 of section
6 210.211[,] **or all buildings and premises used by a summer**
7 **camp or day camp** shall be inspected annually for fire and
8 safety by the state fire marshal, the marshal's designee or
9 officials of a local fire district and for health and
10 sanitation by the department of elementary and secondary
11 education or the department's designee, including officials
12 of the department of health and senior services, or
13 officials of the local health department. Evidence of
14 compliance with the inspections required by this section
15 shall be kept on file and available to parents of children
16 enrolling in the child-care facility.

17 2. Local inspection of child-care facilities, **summer**
18 **camps, or day camps** may be accomplished if the standards
19 employed by local personnel are substantially equivalent to
20 state standards and local personnel are available for
21 enforcement of such standards.

22 3. Any child-care facility, **summer camp, or day camp**
23 may request a variance from a rule or regulation promulgated
24 pursuant to this section. The request for a variance shall
25 be made in writing to the department of elementary and

26 secondary education and shall include the reasons the
27 facility **or camp** is requesting the variance. The department
28 shall approve any variance request that does not endanger
29 the health or safety of the children served by the facility
30 **or camp**. The burden of proof at any appeal of a disapproval
31 of a variance application shall be with the department of
32 elementary and secondary education. Local inspectors may
33 grant a variance, subject to approval by the department of
34 elementary and secondary education.

35 4. The department of elementary and secondary
36 education shall administer the provisions of sections
37 210.252 to 210.256, with the cooperation of the state fire
38 marshal, the department of health and senior services, local
39 fire departments and local health agencies.

40 5. The department of elementary and secondary
41 education shall promulgate rules and regulations to
42 implement and administer the provisions of sections 210.252
43 to 210.256. Such rules and regulations shall provide for
44 the protection of children in all child-care facilities,
45 **summer camps, or day camps** whether or not such facility **or**
46 **camp** is subject to the licensing provisions of sections
47 210.201 to 210.245.

48 6. The department of health and senior services, after
49 consultation with the department of elementary and secondary
50 education, may promulgate rules and regulations to implement
51 and administer the provisions of this section related to
52 sanitation requirements. Such rules and regulations shall
53 provide for the protection of children in all child-care
54 facilities, **summer camps, or day camps** whether or not such
55 facility **or camp** is subject to the licensing provisions of
56 sections 210.201 to 210.245.

57 7. Any rule or portion of a rule, as that term is
58 defined in section 536.010, that is created under the
59 authority delegated in sections 210.252 to 210.256 shall
60 become effective only if it complies with and is subject to
61 all of the provisions of chapter 536 and, if applicable,
62 section 536.028. All rulemaking authority delegated prior
63 to August 28, 1999, is of no force and effect and repealed.
64 Nothing in this section shall be interpreted to repeal or
65 affect the validity of any rule filed or adopted prior to
66 August 28, 1999, if it fully complied with all applicable
67 provisions of law. This section and chapter 536 are
68 nonseverable and if any of the powers vested with the
69 general assembly pursuant to chapter 536 to review, to delay
70 the effective date or to disapprove and annul a rule are
71 subsequently held unconstitutional, then the grant of
72 rulemaking authority and any rule proposed or adopted after
73 August 28, 1999, shall be invalid and void.

 210.256. 1. Any person who violates any provision of
2 sections 210.252 to 210.255, or who for such person or for
3 any other person makes a materially false statement in the
4 notice of parental responsibility required by sections
5 210.254 and 210.255, shall be guilty of an infraction for
6 the first offense and shall be assessed a fine not to exceed
7 two hundred dollars and shall be guilty of a class A
8 misdemeanor for subsequent offenses. In case such guilty
9 person is a corporation, association, institution, or
10 society, the officers thereof who participate in such
11 violation shall be subject to the same penalties.

12 2. In addition to initiating proceedings pursuant to
13 subsection 1 of this section, or in lieu thereof, the
14 prosecuting attorney of the county where the child-care
15 facility, **summer camp, or day camp** is located may file suit

16 for a preliminary and permanent order overseeing or
17 preventing the operation of a child-care facility, **summer**
18 **camp, or day camp** for violating any provision of section
19 210.252. The injunction shall remain in force until such
20 time as the court determines that the child-care facility,
21 **summer camp, or day camp** is in substantial compliance.

22 3. In cases of imminent bodily harm to children in the
23 care of a child-care facility, **summer camp, or day camp**, the
24 department of elementary and secondary education may apply
25 to the circuit court of the county in which the child-care
26 facility, **summer camp, or day camp** is located for injunctive
27 relief, which may include removing the children from the
28 facility **or camp**, overseeing the operation of the facility
29 **or camp**, or closing the facility **or camp**.

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