

FIRST REGULAR SESSION

HOUSE BILL NO. 1099

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES OXFORD (Sponsor), DONNELLY, BAKER (25), ZWEIFEL, GEORGE, MEINERS, SCHIEFFER, LAMPE, LOWE (44), STORCH, McCLANAHAN, JOHNSON, CURLS, YAEGER, NASHEED, WITTE, SCHOEMEHL, LOW (39), HUBBARD, PAGE, BURNETT, DAUS, TALBOY, HOLSMAN, WALSH, EL-AMIN, HARRIS (110), BROWN (50), NORR, WILDBERGER, BOWMAN, YOUNG, HARRIS (23), HAYWOOD, AULL, WALTON, LIESE, KOMO, FRAME, ROBINSON, FALLERT, GRILL, CORCORAN, VILLA, CASEY, CHAPPELLE-NADAL, LeVOTA, ROORDA, DOUGHERTY, ZIMMERMAN, RUCKER, WRIGHT-JONES, DARROUGH, KRATKY, HODGES AND BLAND (Co-sponsors).

Read 1st time March 8, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

2496L.02I

AN ACT

To amend chapters 208 and 210, RSMo, by adding thereto three new sections relating to child care.

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

Section A. Chapters 208 and 210, RSMo, are amended by adding thereto three new sections, to be known as sections 208.046, 210.028, and 210.205, to read as follows:

208.046. 1. The children's division shall promulgate rules to become effective July 1, 2008, to modify the income eligibility criteria for receipt of child care subsidy benefits for any person employed and caring for children as follows:

(1) For incomes of less than one hundred fifty percent of the federal poverty level for the applicable family size, recipients shall receive full child care subsidy benefits;

(2) For incomes of one hundred fifty percent to two hundred twenty-five percent of the federal poverty level for the applicable family size, recipients shall receive child care subsidy benefits reduced proportionately based on income in excess of one hundred fifty percent of the federal poverty level for the applicable family size;

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.

10 **(3) For incomes in excess of two hundred twenty-five percent of the federal poverty**
11 **level for applicable family size, persons shall be ineligible for child care subsidy benefits.**

12 **2. Nothing in this section shall be construed as prohibiting the imposition of a fee**
13 **to child care subsidy benefit recipients based on gross income and family unit size and**
14 **based on a child care sliding fee scale established by the division. The sliding scale fee may**
15 **be waived for children with special needs as established by the division.**

210.028. 1. The department of social services shall establish by rule a market
2 **related payment rate for all child care providers. Payment rates shall be sufficient to**
3 **ensure equal access for eligible families to child care services comparable to those provided**
4 **to children whose families are not eligible to receive assistance under any federal or state**
5 **child care programs.**

6 **2. All licensed child care providers shall be reimbursed at the seventy-fifth**
7 **percentile of the market rate survey conducted by the department of social services every**
8 **other year.**

9 **3. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,**
10 **that is created under the authority delegated in this section shall become effective only if**
11 **it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**
12 **applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**
13 **and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,**
14 **to review, to delay the effective date, or to disapprove and annul a rule are subsequently**
15 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**
16 **adopted after August 28, 2007, shall be invalid and void.**

210.205. 1. By September 1, 2007, the department of social services in collaboration
2 **with the departments of health and senior services, elementary and secondary education,**
3 **and mental health shall develop a quality rating system for licensed child care facilities,**
4 **early childhood, and before- and after-school programs operated in this state. Such ratings**
5 **shall be built upon Missouri's current system of licensing and regulation. The base level**
6 **of the rating system shall be licensing, and the highest level of the rating system shall**
7 **include accreditation by a state or nationally recognized accrediting agency. The**
8 **department of social services shall utilize the model from the existing Missouri quality**
9 **rating system pilots developed by the University of Missouri Center for Family Policy and**
10 **Research, or any successor organization, to establish this system.**

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

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

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

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

18 **3. By July 1, 2014, one hundred percent of all licensed child care facilities shall be**
19 **rated using the quality rating system established under this section. The coordinating**
20 **board for early childhood, established under section 210.102, shall develop a plan for a**
21 **tiered system of reimbursement for child care subsidies based on the quality rating system**
22 **established under this section. The plan shall be submitted to the general assembly with**
23 **recommendations for implementation of the reimbursement system, to begin July 1, 2009.**

24 **4. There is hereby created in the state treasury the "Early Childhood Program**
25 **Quality Improvement Grant Fund", which shall consist of all gifts, donations, transfers,**
26 **moneys appropriated by the general assembly, and bequests to the fund. The state**
27 **treasurer shall be custodian of the fund and shall approve disbursements from the fund**
28 **in accordance with sections 30.170 and 30.180, RSMo. Upon appropriation, money in the**
29 **fund shall be used solely for the administration of this section to provide grants directly to**
30 **licensed providers seeking assistance for quality improvements to undergo evaluation**
31 **under the quality rating system established under this section or to community-based**
32 **organizations assisting providers with such improvements. The fund shall be administered**
33 **by the department of social services. Notwithstanding the provisions of section 33.080,**
34 **RSMo, to the contrary, any moneys remaining in the fund at the end of the biennium shall**
35 **not revert to the credit of the general revenue fund. The state treasurer shall invest**
36 **moneys in the fund in the same manner as other funds are invested. Any interest and**
37 **moneys earned on such investments shall be credited to the fund.**

38 **5. The departments of social services in collaboration with the departments of**
39 **health and senior services and elementary and secondary education shall be responsible**
40 **for:**

41 **(1) Collecting and distributing resource materials to educate the public and child**
42 **care and early childhood providers about the quality rating system established under this**
43 **section;**

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

48 **(3) Posting the ratings of the quality rating system on the Internet in a format easily**
49 **understood and accessible by the public by January 1, 2009.**

50 **6. The department of social services shall promulgate rules to implement the**
51 **provisions of this section. Any rule or portion of a rule, as that term is defined in section**
52 **536.010, RSMo, that is created under the authority delegated in this section shall become**
53 **effective only if it complies with and is subject to all of the provisions of chapter 536,**
54 **RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are**
55 **nonseverable and if any of the powers vested with the general assembly pursuant to**
56 **chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule**
57 **are subsequently held unconstitutional, then the grant of rulemaking authority and any**
58 **rule proposed or adopted after August 28, 2007, shall be invalid and void.**

59 **7. Pursuant to section 23.253, RSMo, of the Missouri sunset act:**

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

63 **(2) If such program is reauthorized, the program authorized under this section**
64 **shall automatically sunset six years after the effective date of the reauthorization of this**
65 **section; and**

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

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