

FIRST REGULAR SESSION

# HOUSE BILL NO. 118

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SHIELDS.

0502H.011

DANA RADEMAN MILLER, Chief Clerk

## AN ACT

To repeal section 163.018, RSMo, and to enact in lieu thereof one new section relating to the calculation of average daily attendance for early childhood education programs.

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

Section A. Section 163.018, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 163.018, to read as follows:

163.018. 1. ~~[+]~~ **As used in this section, the following terms mean:**

(1) "Eligible program", an early childhood education program that is either:

(a) Operated by and in a school district or by a charter school that has declared itself a local educational agency providing full-day kindergarten and that meets standards established by the state board of education; or

(b) Under contract with a school district or charter school that has declared itself a local educational agency and that meets standards established by the state board of education and this section;

(2) "Qualifying pupil", a pupil three, four, or five years of age who is eligible for free or reduced price lunch and attends an eligible program.

2. (1) Notwithstanding the definition of average daily attendance in subdivision (2) of section 163.011 to the contrary, **qualifying** pupils ~~[between the ages of three and five who are eligible for free and reduced price lunch and attend an early childhood education program:~~

~~(a) That is operated by and in a district or by a charter school that has declared itself as a local educational agency providing full-day kindergarten and that meets standards established by the state board of education; or~~

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.

17 ~~(b) That is under contract with a district or charter school that has declared itself as a~~  
18 ~~local educational agency and that meets standards established by the state board of~~  
19 ~~education;~~ **who attend eligible programs** shall be included in the district's or charter  
20 school's calculation of average daily attendance[-] **as follows:**

21 **(a) For the 2023-24 school year,** the total number of ~~[such]~~ **qualifying** pupils  
22 included in the district's or charter school's calculation of average daily attendance shall not  
23 exceed four percent of the total number of **nonqualifying** pupils **from five to eighteen years**  
24 **of age** who are eligible for free and reduced price lunch ~~[between the ages of five and~~  
25 ~~eighteen]~~ **and** who are included in the district's or charter school's calculation of average daily  
26 attendance[-];

27 **(b) For the 2024-25 school year, the total number of qualifying pupils included in**  
28 **the district's or charter school's calculation of average daily attendance shall not exceed**  
29 **six percent of the total number of nonqualified pupils ages five to eighteen who are**  
30 **eligible for free and reduced price lunch and who are included in the district's or**  
31 **charter school's calculation of average daily attendance;**

32 **(c) For the 2025-26 school year, the total number of qualifying pupils included in**  
33 **the district's or charter school's calculation of average daily attendance shall not exceed**  
34 **eight percent of the total number of nonqualified pupils ages five to eighteen who are**  
35 **eligible for free and reduced price lunch and who are included in the district's or**  
36 **charter school's calculation of average daily attendance; and**

37 **(d) For the 2026-27 school year and each school year thereafter, the total number**  
38 **of qualifying pupils included in the district's or charter school's calculation of average**  
39 **daily attendance shall not exceed ten percent of the total number of nonqualified pupils**  
40 **ages five to eighteen who are eligible for free and reduced price lunch and who are**  
41 **included in the district's or charter school's calculation of average daily attendance.**

42 **(2) If a qualifying pupil** ~~[described under subdivision (1) of this subsection]~~ leaves an  
43 ~~[early childhood education]~~ **eligible** program during the school year, a district or charter  
44 school shall be allowed to fill the vacant enrollment spot with another **qualifying** pupil  
45 ~~[between the ages of three and five who is eligible for free and reduced price lunch]~~ without  
46 affecting the district's or charter school's calculation of average daily attendance.

47 ~~[2-]~~ **3. (1)** In establishing standards for any early childhood education program that is  
48 under contract with a district or charter school that has declared itself as a local educational  
49 agency, the state board of education shall consider:

50 ~~[1-]~~ **(a)** Whether a program offers full-day and full-year programming;

51 ~~[2-]~~ **(b)** Whether a program has teacher-to-child ratios consistent with reasonable  
52 standards set by early childhood education program accrediting agencies;

53           ~~[(3)]~~ (c) Whether a program offers professional development supports for educators  
54 and the type of supports offered;

55           ~~[(4)]~~ (d) Whether a program uses appropriately credentialed educators;

56           ~~[(5)]~~ (e) Whether a program uses an early childhood education curriculum that has  
57 been approved by the department of elementary and secondary education and whether the  
58 curriculum is developmentally appropriate; and

59           ~~[(6)]~~ (f) Any other factor that the state board of education determines to be significant  
60 in ensuring that children achieve high levels of kindergarten readiness.

61           (2) The state board of education shall require that staff members of any early  
62 childhood education program that is under contract with a district or charter school that has  
63 declared itself as a local educational agency undergo background checks as described in  
64 section 168.133.

65           ~~[3-]~~ 4. This section shall not require school attendance beyond that mandated under  
66 section 167.031 and shall not change or amend the provisions of sections 160.051, 160.053,  
67 160.054, and 160.055 relating to kindergarten attendance.

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