

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for
2 Senate Bill No. 60, Page 7, Section 168.071, Line 116, by inserting after all of said section and line
3 the following:
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5 "210.221. 1. The department of elementary and secondary education shall have the
6 following powers and duties:

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

12 (2) To inspect the conditions of the homes and other places in which the applicant operates a
13 child-care facility, inspect their books and records, premises and children being served, examine
14 their officers and agents, deny, suspend, place on probation or revoke the license of such persons as
15 fail to obey the provisions of sections 210.201 to 210.245 or the rules and regulations made by the
16 department of elementary and secondary education. The commissioner also may revoke or suspend
17 a license when the licensee surrenders the license;

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

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

25 (5) To determine what records shall be kept by such persons and the form thereof, and the
26 methods to be used in keeping such records, and to require reports to be made to the department at
27 regular intervals.

28 2. (1) In addition to the powers and duties under subsection 1 of this section, the department
29 of elementary and secondary education has the power and duty to grant a temporary child care
30 license. The temporary child care license shall be granted to a child care provider who:

Action Taken _____ Date _____

1 (a) Is not on probation or has not been on probation within the last twelve months;
2 (b) Is not in the process of having a license revoked or has not had a license revoked within
3 the last twelve months; or
4 (c) Does not have a current letter of censure,
5
6 upon submittal of a complete license application to the department of elementary and secondary
7 education by the child care provider, to expand an existing site or to add a new location.

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

10 (a) State and local fire inspections as provided under section 210.252;
11 (b) State and local sanitation inspections as provided under section 210.252;
12 (c) City inspections;
13 (d) Staff background checks and health screenings; and
14 (e) Required staff training and any ongoing required training.

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

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

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

25 3. Any child-care facility may request a variance from a rule or regulation promulgated
26 pursuant to this section. The request for a variance shall be made in writing to the department of
27 elementary and secondary education and shall include the reasons the facility is requesting the
28 variance. The department shall approve any variance request that does not endanger the health or
29 safety of the children served by the facility. The burden of proof at any appeal of a disapproval of a
30 variance application shall be with the department of elementary and secondary education. Local
31 inspectors may grant a variance, subject to approval by the department of elementary and secondary
32 education.

33 ~~[3-]~~ 4. The department shall deny, suspend, place on probation or revoke a license if it
34 receives official written notice that the local governing body has found that license is prohibited by
35 any local law related to the health and safety of children. The department may deny an application
36 for a license if the department determines that a home or other place in which an applicant would
37 operate a child-care facility is located within one thousand feet of any location where a person
38 required to register under sections 589.400 to 589.425 either resides, as that term is defined in
39 subsection 3 of section 566.147, or regularly receives treatment or services, excluding any treatment

1 or services delivered in a hospital, as that term is defined in section 197.020, or in facilities owned
2 or operated by a hospital system. The department may, after inspection, find the licensure, denial of
3 licensure, suspension or revocation to be in the best interest of the state.

4 [4.] 5. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
5 under the authority delegated in sections 210.201 to 210.245 shall become effective only if it
6 complies with and is subject to all of the provisions of chapter 536 and, if applicable, section
7 536.028. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and
8 repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed
9 or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This
10 section and chapter 536 are nonseverable and if any of the powers vested with the general assembly
11 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are
12 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or
13 adopted after August 28, 1999, shall be invalid and void."; and

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15 Further amend said bill by amending the title, enacting clause, and intersectional references
16 accordingly.