

SECOND REGULAR SESSION

HOUSE BILL NO. 3142

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE PARKER.

6570H.011

JOSEPH ENGLER, Chief Clerk

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Section A. Sections 160.2705, 210.203, 210.211, 210.221, 210.231, 210.245, 210.252, and 210.256, RSMo, are repealed and nine new sections enacted in lieu thereof, to be known as sections 160.2705, 210.203, 210.211, 210.214, 210.221, 210.231, 210.245, 210.252, and 210.256, to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 thousand but fewer than three hundred thousand inhabitants or a county contiguous to that county;

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

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

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.

15 2. The department of social services shall administer funding to adult high schools
16 subject to appropriations. The department shall be responsible for granting and maintaining
17 authorization for adult high schools. For adult high schools in operation prior to January 1,
18 2023, the department shall maintain authorization for the nonprofit organization to operate the
19 schools, subject to compliance with this section. No more than one organization shall be
20 authorized to operate an adult high school at each location described in subsection 1 of this
21 section. An organization may establish satellite campuses for any adult high school it is
22 authorized to operate. The department shall administer funding for satellite campuses subject
23 to appropriations.

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

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

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

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

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

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

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

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

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

49 (9) Establish a process for determining outcomes of the adult high school, including
50 outcomes related to a student's ability to find a more rewarding job through the attainment of
51 a high school diploma and job training and certification; and

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

53 4. (1) The department of elementary and secondary education shall establish
54 academic requirements for students to obtain high school diplomas.

55 (2) Requirements for a high school diploma shall be based on an adult student's prior
56 high school achievement and the remaining credits and coursework that would be necessary
57 for the student to receive a high school diploma if such student were in a traditional high
58 school setting. The adult student shall meet the requirements with the same level of academic
59 rigor as would otherwise be necessary to attain such credits.

60 (3) The adult high school authorized under this section shall award high school
61 diplomas to students who successfully meet the established academic requirements. The
62 adult high school authorized under this section shall confer the diploma as though the student
63 earned the diploma at a traditional high school. The diploma shall have no differentiating
64 marks, titles, or other symbols.

65 (4) Students at adult high schools may complete required coursework at their own
66 pace and as available through the adult high school. They shall not be required to satisfy any
67 specific number of class minutes. The adult high school may also make classes available to
68 students online as may be appropriate. However, students shall not complete the majority of
69 instruction of the school's curriculum online or through remote instruction. For the purposes
70 of this subsection, synchronous instruction connecting students to a live class conducted in a
71 Missouri adult high school shall be treated the same as in-person instruction.

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

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

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

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

7 (1) Any person who is caring for six or fewer children, including a maximum of three
8 children under the age of two, at the same physical address. For purposes of this subdivision,
9 children who live in the caregiver's home and who are eligible for enrollment in a public
10 kindergarten, elementary, or high school shall not be considered in the total number of
11 children being cared for;

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

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

18 (4) ~~Any summer or day camp that is conducted in good faith primarily to provide~~
19 ~~recreation;~~

20 ~~(5)~~ Any hospital, sanitarium, or home that is conducted in good faith primarily to
21 provide medical treatment or nursing or convalescent care for children;

22 ~~[(6)]~~ (5) Any residential facility or day program licensed by the department of mental
23 health under sections 630.705 to 630.760 that provides care, treatment, and habilitation
24 exclusively to children who have a primary diagnosis of mental disorder, mental illness,
25 intellectual disability, or developmental disability, as those terms are defined in section
26 630.005;

27 ~~[(7)]~~ (6) Any school system as defined in section 210.201;

28 ~~[(8)]~~ (7) Any Montessori school as defined in section 210.201;

29 ~~[(9)]~~ (8) Any business that operates a child care program for the convenience of its
30 customers or its employees if the following conditions are met:

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

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

35 ~~[(10)]~~ (9) Any home school;

36 ~~[(11)]~~ (10) Any religious organization academic preschool or kindergarten for four-
37 and five-year-old children;

38 ~~[(12)]~~ (11) Any weekly Sunday or Sabbath school, a vacation bible school, or child
39 care made available while the parents or guardians are attending worship services or other
40 meetings and activities conducted or sponsored by a religious organization;

41 ~~[(13)]~~ (12) Any neighborhood youth development program under section 210.278;

42 ~~[(14)]~~ (13) Any program serving only children enrolled in grade six or above;

43 ~~[(15)]~~ (14) Any religious organization elementary or secondary school;

44 ~~[(16)]~~ **(15)** Any private organization elementary or secondary school system
45 providing child care to children younger than school age. If a facility or program is exempt
46 from licensure based upon this exception, such facility or program shall submit
47 documentation annually to the department to verify its licensure-exempt status;

48 ~~[(17)]~~ **(16)** Any nursery school as defined in section 210.201;

49 ~~[(18)]~~ **(17)** Any child care facility maintained or operated under the exclusive control
50 of a religious organization **not including summer camps or days camps as defined in**
51 **section 210.201.** If a nonreligious organization having as its principal purpose the provision
52 of child care services enters into an arrangement with a religious organization for the
53 maintenance or operation of a child care facility, the facility is not under the exclusive control
54 of the religious organization; and

55 ~~[(19)]~~ **(18)** Any FPE school.

56 2. Notwithstanding the provisions of subsection 1 of this section, no child care facility
57 shall be exempt from licensure if such facility receives any state or federal funds for
58 providing care for children, except for federal funds for those programs which meet the
59 requirements for participation in the Child and Adult Care Food Program pursuant to 42
60 U.S.C. Section 1766. Grants to parents for child care pursuant to sections 210.201 to 210.257
61 shall not be construed to be funds received by a person or facility listed in subdivisions (1)
62 and (18) of subsection 1 of this section.

63 3. Every child care facility, **summer camp, or day camp** shall disclose the licensure
64 status of the facility **or camp** to the parents or guardians of children for which the facility
65 provides care **or for which the camp provides a recreational program.** No child care
66 facility exempt from licensure shall represent to any parent or guardian of children for which
67 the facility provides care that the facility is licensed when such facility is in fact not licensed.
68 A parent or guardian utilizing an unlicensed child care facility shall sign a written notice
69 indicating he or she is aware of the unlicensed status of the facility. The facility shall keep a
70 copy of this signed written notice on file. All child care facilities shall provide the parent or
71 guardian enrolling a child in the facility with a written explanation of the disciplinary
72 philosophy and policies of the child care facility.

73 4. Up to two children who are five years of age or older and who are related within
74 the third degree of consanguinity or affinity to, adopted by, or under court appointed
75 guardianship or legal custody of a child care provider who is responsible for the daily
76 operation of a licensed family child care home that is organized as a corporation, association,
77 firm, partnership, limited liability company, sole proprietorship, or any other type of business
78 entity in this state shall not be included in the number of children counted toward the
79 maximum number of children for which the family child care home is licensed under section
80 210.221. If more than one member of the corporation, association, firm, partnership, limited

81 liability company, or other business entity is responsible for the daily operation of the
82 licensed family child care home, then the related children of only one such member shall be
83 excluded. A family child care home caring for children not counted in the maximum number
84 of children, as permitted under this subsection, shall disclose this to parents or guardians on
85 the written notice required under subsection 3 of this section. If a family child care home
86 begins caring for children not counted in the maximum number of children after a parent or
87 guardian has signed the written notice required under subsection 3 of this section, the family
88 child care home shall provide a separate notice to the parent or guardian that the family child
89 care home is caring for children not counted in the maximum number of children for which
90 the family child care home is licensed and shall keep a copy of the signed notice on file.

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

94 6. **Nothing in this section shall prevent the department from promulgating rules**
95 **or regulations relating to supervision requirements and capacity limitations for summer**
96 **camps or day camps.**

210.214. 1. This section shall be known and may be cited as the "Summer and
2 Day Camp Emergency Response Act".

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

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

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

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

10 (4) "Department", the department of elementary and secondary education;

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

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

18 (7) "Governmental entity", this state or a state agency or political subdivision of
19 this state;

20 (8) "Minor", a person under eighteen years of age.

21 3. A person holding a license issued under this chapter shall:

22 **(1) Renew the license annually by submitting a renewal application on a date**
23 **determined by department rule on a form provided by the department; and**

24 **(2) Submit a renewal application no later than the thirtieth day after the date the**
25 **person:**

26 **(a) Alters the boundaries of a summer camp or day camp operated by the**
27 **person; or**

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

30 **a. Increases or decreases the number of beds in an affected cabin; or**

31 **b. Alters the method of ingress or egress to an affected cabin.**

32 **4. The department shall review the camper-to-counselor ratios for overnight**
33 **stays at summer camps, or day camps when applicable, and provide to the**
34 **commissioner recommendations regarding minimum camper-to-counselor ratios. The**
35 **commissioner, by rule, shall establish minimum camper-to-counselor ratios for**
36 **overnight stays at summer camps, or day camps when applicable.**

37 **5. (1) A summer camp or day camp operator shall include in a prominent place**
38 **on the summer camp's or day camp's publicly accessible internet website a clearly**
39 **marked link to the summer camp or day camp program web page on the department's**
40 **internet website for campers, parents, and camp staff and volunteers to use to report the**
41 **camp's noncompliance with this chapter.**

42 **(2) The department shall investigate each complaint filed with the department**
43 **for a summer camp or day camp to ensure that the summer camp or day camp operator**
44 **is:**

45 **(a) Properly implementing the camp's approved emergency plan submitted as**
46 **required under subsection 6 of this section; and**

47 **(b) Complying with the provisions of this chapter.**

48 **(3) A department investigation under this section shall include an inspection to**
49 **ensure the summer camp's or day camp's compliance with this chapter. The inspection**
50 **shall be performed in the same manner as required under this chapter.**

51 **6. (1) Each summer camp or day camp shall comply with all fire, safety, health,**
52 **and sanitation inspections that may be required by state law or local ordinance.**

53 **(2) The commissioner, by rule, shall require a summer camp or day camp**
54 **operator in the emergency plan to do the following:**

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

57 **(b) Establish procedures for responding to an emergency event, including:**

58 **a. A lost camper;**

- 59 **b. A fire on the premises of the camp;**
60 **c. A severe injury, severe illness, serious accident, or death of one or more**
61 **campers, visitors, camp staff, or camp volunteers that occurs:**
62 **(i) On the camp premises; or**
63 **(ii) While under the supervision of camp staff;**
64 **d. An aquatic emergency if the camp borders a watercourse, lake, pond, or any**
65 **other body of water;**
66 **e. An epidemic;**
67 **f. An unauthorized or unknown individual present on the camp's premises;**
68 **g. A transportation emergency; and**
69 **h. Any other natural disaster or emergency event required under department**
70 **rules;**
71 **(c) Establish procedures to identify and account for each camper affected by the**
72 **emergency event;**
73 **(d) Establish procedures to notify and communicate with:**
74 **a. Local law enforcement agencies;**
75 **b. Camp administrative and medical services staff; and**
76 **c. The parents or legal guardians of each camper identified under paragraph (c)**
77 **of this subdivision; and**
78 **(e) Designate a camp emergency preparedness coordinator.**
79 **(3) The commissioner, by rule, shall require a summer camp or day camp**
80 **operator to, at each summer camp or day camp the operator operates:**
81 **(a) Maintain at the camp an operable radio capable of providing real-time**
82 **weather alerts issued by the National Weather Service or a similar professional weather**
83 **service;**
84 **(b) Install and maintain at the camp an emergency warning system that is**
85 **capable of alerting all campers and camp occupants of an emergency;**
86 **(c) Monitor safety alerts issued:**
87 **a. By the National Weather Service or a similar professional weather service;**
88 **and**
89 **b. By local river authorities, if applicable to the camp, or through other local**
90 **emergency notification systems; and**
91 **(d) Certify the operator's compliance with this subdivision.**
92 **(4) In developing a summer camp's or day camp's emergency plan, a summer**
93 **camp or day camp operator shall annually submit the initial or updated plan to the**
94 **department for approval in the form and manner prescribed by the department.**

95 (5) If the department determines a summer camp's or day camp's submitted
96 emergency plan does not meet the minimum standards prescribed by department rules,
97 the summer camp or day camp operator shall revise and resubmit the plan no later than
98 the forty-fifth day after the date the operator receives notice from the department of the
99 plan's deficiencies.

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

103 (7) Notwithstanding any provision of law, no later than the tenth business day
104 following the date the department approves a summer camp's or day camp's emergency
105 plan or, if the department determines the plan is deficient under subdivision (5) of this
106 subsection, the operator shall provide a copy of the plan to:

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

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

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

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

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

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

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

121 b. A prospective camper who is registered to participate in a future camp
122 session;

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

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

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

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

134 (b) Instructs each camper on behavioral expectations in an emergency event;
135 and

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

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

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

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

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

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

149 (13) A summer camp or day camp operator shall conspicuously post in each
150 cabin on the summer camp or day camp premises the proper evacuation route described
151 in the summer camp or day camp's emergency plan.

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

156 7. (1) The department shall not issue a license or renew a license for a summer
157 camp or day camp under this section if the summer camp or day camp operator is not in
158 compliance with subsection 6 of this section or a rule adopted under such subsection.

159 (2) The department shall suspend a summer camp or day camp license issued by
160 the department if the summer camp or day camp operator is in violation of subsection 6
161 of this section. The department may reinstate the license only on or after the date the
162 department determines the summer camp or day camp and the operator are in
163 compliance with subsection 6 of this section.

164 8. The department shall promulgate all necessary rules and regulations for the
165 administration of this section. Any rule or portion of a rule, as that term is defined in
166 section 536.010, that is created under the authority delegated in this section shall
167 become effective only if it complies with and is subject to all of the provisions of chapter
168 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable

169 **and if any of the powers vested with the general assembly pursuant to chapter 536 to**
170 **review, to delay the effective date, or to disapprove and annul a rule are subsequently**
171 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**
172 **adopted after August 28, 2026, shall be invalid and void.**

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

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

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

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

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

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

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

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

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

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

37

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

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

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

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

45 (c) City inspections;

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

47 (e) Required staff training and any ongoing required training.

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

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

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

58 3. Any child care facility, **summer camp, or day camp** may request a variance from
59 a rule or regulation promulgated pursuant to this section. The request for a variance shall be
60 made in writing to the department of elementary and secondary education and shall include
61 the reasons the facility **or camp** is requesting the variance. The department shall approve any
62 variance request that does not endanger the health or safety of the children served by the
63 facility **or camp**. The burden of proof at any appeal of a disapproval of a variance application
64 shall be with the department of elementary and secondary education. Local inspectors may
65 grant a variance, subject to approval by the department of elementary and secondary
66 education.

67 4. The department shall deny, suspend, place on probation or revoke a license if it
68 receives official written notice that the local governing body has found that license is
69 prohibited by any local law related to the health and safety of children. The department may
70 deny an application for a license if the department determines that a home or other place in

71 which an applicant would operate a child care facility, **summer camp, or day camp** is
72 located within one thousand feet of any location where a person required to register under
73 sections 589.400 to 589.425 either resides, as that term is defined in subsection 3 of section
74 566.147, or regularly receives treatment or services, excluding any treatment or services
75 delivered in a hospital, as that term is defined in section 197.020, or in facilities owned or
76 operated by a hospital system. The department may, after inspection, find the licensure,
77 denial of licensure, suspension or revocation to be in the best interest of the state.

78 5. Any rule or portion of a rule, as that term is defined in section 536.010, that is
79 created under the authority delegated in sections 210.201 to 210.245 shall become effective
80 only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable,
81 section 536.028. All rulemaking authority delegated prior to August 28, 1999, is of no force
82 and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the
83 validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with all
84 applicable provisions of law. This section and chapter 536 are nonseverable and if any of the
85 powers vested with the general assembly pursuant to chapter 536 to review, to delay the
86 effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then
87 the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999,
88 shall be invalid and void.

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

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

10 2. If the department of elementary and secondary education proposes to deny,
11 suspend, place on probation or revoke a license, the department of elementary and secondary
12 education shall serve upon the applicant or licensee written notice of the proposed action to be

13 taken. The notice shall contain a statement of the type of action proposed, the basis for it, the
14 date the action will become effective, and a statement that the applicant or licensee shall have
15 thirty days to request in writing a hearing before the administrative hearing commission and
16 that such request shall be made to the department of elementary and secondary education. If
17 no written request for a hearing is received by the department of elementary and secondary
18 education within thirty days of the delivery or mailing by certified mail of the notice to the
19 applicant or licensee, the proposed discipline shall take effect on the thirty-first day after such
20 delivery or mailing of the notice to the applicant or licensee. If the applicant or licensee
21 makes a written request for a hearing, the department of elementary and secondary education
22 shall file a complaint with the administrative hearing commission within ninety days of
23 receipt of the request for a hearing.

24 3. The department of elementary and secondary education may issue letters of
25 censure or warning without formal notice or hearing. Additionally, the department of
26 elementary and secondary education may place a licensee on probation pursuant to chapter
27 621.

28 4. The department of elementary and secondary education may suspend any license
29 simultaneously with the notice of the proposed action to be taken in subsection 2 of this
30 section, if the department of elementary and secondary education finds that there is a threat of
31 imminent bodily harm to the children in care. The notice of suspension shall include the basis
32 of the suspension and the appeal rights of the licensee pursuant to this section. The licensee
33 may appeal the decision to suspend the license to the department of elementary and secondary
34 education. The appeal shall be filed within ten days from the delivery or mailing by certified
35 mail of the notice of appeal. A hearing shall be conducted by the department of elementary
36 and secondary education within ten days from the date the appeal is filed. The suspension
37 shall continue in effect until the conclusion of the proceedings, including review thereof,
38 unless sooner withdrawn by the department of elementary and secondary education, dissolved
39 by a court of competent jurisdiction or stayed by the administrative hearing commission. Any
40 person aggrieved by a final decision of the department made pursuant to this section shall be
41 entitled to judicial review in accordance with chapter 536.

42 5. In addition to initiating proceedings pursuant to subsection 1 of this section, or in
43 lieu thereof, the prosecuting attorney of the county where the child-care facility, **summer**
44 **camp, or day camp** is located may file suit for a preliminary and permanent order overseeing
45 or preventing the operation of a child-care facility, **summer camp, or day camp** for violating
46 any provision of sections 210.201 to 210.245. The order shall remain in force until such a
47 time as the court determines that the child-care facility, **summer camp, or day camp** is in
48 substantial compliance. If the prosecuting attorney refuses to act or fails to act after receipt of
49 notice from the department of elementary and secondary education, the department of

50 elementary and secondary education may request that the attorney general seek an injunction
51 of the operation of such child-care facility, **summer camp, or day camp**.

52 6. In cases of imminent bodily harm to children in the care of a child-care facility,
53 **summer camp, or day camp**, including an unlicensed, nonexempt facility, the department
54 may file suit in the circuit court of the county in which the child-care facility, **summer camp,**
55 **or day camp** is located for injunctive relief, which may include removing the children from
56 the facility **or camp**, overseeing the operation of the facility **or camp**, or closing the facility
57 **or camp**. Failure by the department to file suit under the provisions of this subsection shall
58 not be construed as creating any liability in tort or incurring other obligations or duties except
59 as otherwise specified.

60 7. Any person who operates an unlicensed, nonexempt child-care facility, **summer**
61 **camp, or day camp** in violation of the provisions of sections 210.201 to 210.245 shall be
62 liable for a civil penalty of not less than seven hundred fifty dollars and not more than two
63 thousand dollars. The department shall serve upon such person written notice of the
64 department's findings as to the child-care facility's unlicensed, nonexempt status, along with
65 educational materials about Missouri's child-care facility laws and regulations, how a facility
66 may become exempt or licensed, and penalties for operating an unlicensed, nonexempt child-
67 care facility. The notice shall contain a statement that the person shall have thirty days to
68 become compliant with sections 210.201 to 210.245, including attaining exempt status or
69 becoming licensed. The person's failure to do so shall result in a civil action in the circuit
70 court of Cole County or criminal charges under this section. If, following the receipt of the
71 written notice, the person operating the child-care facility fails to become compliant with
72 sections 210.201 to 210.245, the department may bring a civil action in the circuit court of
73 Cole County against such person. The department may, but shall not be required to, request
74 that the attorney general bring the action in place of the department. No civil action provided
75 by this subsection shall be brought if the criminal penalties under subsection 1 of this section
76 have been previously ordered against the person for the same violation. Failure by the
77 department to file suit under the provisions of this subsection shall not be construed as
78 creating any liability in tort or incurring other obligations or duties except as otherwise
79 specified.

80 8. There shall be established the "Family Child Care Provider Fund" in the state
81 treasury, which shall consist of such funds as appropriated by the general assembly. The state
82 treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the
83 state treasurer may approve disbursements. The fund shall be a dedicated fund and moneys in
84 the fund shall be used solely by the department for the dissemination of information
85 concerning compliance with child-care facility, **summer camp, or day camp** laws and
86 regulations, including licensed or exempt status; educational initiatives relating to, inter alia,

87 child care, safe sleep practices, and child nutrition; and the provision of financial assistance
88 on the basis of need for family child-care homes to become licensed, as determined by the
89 department and subject to available moneys in the fund. Notwithstanding the provisions of
90 section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium
91 shall not revert to the credit of the general revenue fund. The state treasurer shall invest
92 moneys in the fund in the same manner as other funds are invested. Any interest and moneys
93 earned on such investments shall be credited to the fund.

210.252. 1. All buildings and premises used by a child-care facility to care for more
2 than six children except those exempted from the licensing provisions of the department of
3 elementary and secondary education pursuant to subdivisions (1) to ~~[(16)]~~ (18) of subsection
4 1 of section 210.211~~[-]~~ **or all buildings and premises used by a summer camp or day**
5 **camp** shall be inspected annually for fire and safety by the state fire marshal, the marshal's
6 designee or officials of a local fire district and for health and sanitation by the department of
7 elementary and secondary education or the department's designee, including officials of the
8 department of health and senior services, or officials of the local health department. Evidence
9 of compliance with the inspections required by this section shall be kept on file and available
10 to parents of children enrolling in the child-care facility.

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

14 3. Any child-care facility, **summer camp, or day camp** may request a variance from
15 a rule or regulation promulgated pursuant to this section. The request for a variance shall be
16 made in writing to the department of elementary and secondary education and shall include
17 the reasons the facility **or camp** is requesting the variance. The department shall approve any
18 variance request that does not endanger the health or safety of the children served by the
19 facility **or camp**. The burden of proof at any appeal of a disapproval of a variance application
20 shall be with the department of elementary and secondary education. Local inspectors may
21 grant a variance, subject to approval by the department of elementary and secondary
22 education.

23 4. The department of elementary and secondary education shall administer the
24 provisions of sections 210.252 to 210.256, with the cooperation of the state fire marshal, the
25 department of health and senior services, local fire departments and local health agencies.

26 5. The department of elementary and secondary education shall promulgate rules and
27 regulations to implement and administer the provisions of sections 210.252 to 210.256. Such
28 rules and regulations shall provide for the protection of children in all child-care facilities,
29 **summer camps, or day camps** whether or not such facility **or camp** is subject to the
30 licensing provisions of sections 210.201 to 210.245.

31 6. The department of health and senior services, after consultation with the
32 department of elementary and secondary education, may promulgate rules and regulations to
33 implement and administer the provisions of this section related to sanitation requirements.
34 Such rules and regulations shall provide for the protection of children in all child-care
35 facilities, **summer camps, or day camps** whether or not such facility **or camp** is subject to
36 the licensing provisions of sections 210.201 to 210.245.

37 7. Any rule or portion of a rule, as that term is defined in section 536.010, that is
38 created under the authority delegated in sections 210.252 to 210.256 shall become effective
39 only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable,
40 section 536.028. All rulemaking authority delegated prior to August 28, 1999, is of no force
41 and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the
42 validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with all
43 applicable provisions of law. This section and chapter 536 are nonseverable and if any of the
44 powers vested with the general assembly pursuant to chapter 536 to review, to delay the
45 effective date or to disapprove and annul a rule are subsequently held unconstitutional, then
46 the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999,
47 shall be invalid and void.

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

8 2. In addition to initiating proceedings pursuant to subsection 1 of this section, or in
9 lieu thereof, the prosecuting attorney of the county where the child-care facility, **summer**
10 **camp, or day camp** is located may file suit for a preliminary and permanent order overseeing
11 or preventing the operation of a child-care facility, **summer camp, or day camp** for violating
12 any provision of section 210.252. The injunction shall remain in force until such time as the
13 court determines that the child-care facility, **summer camp, or day camp** is in substantial
14 compliance.

15 3. In cases of imminent bodily harm to children in the care of a child-care facility,
16 **summer camp, or day camp**, the department of elementary and secondary education may
17 apply to the circuit court of the county in which the child-care facility, **summer camp, or day**
18 **camp** is located for injunctive relief, which may include removing the children from the

19 facility **or camp**, overseeing the operation of the facility **or camp**, or closing the facility **or**
20 **camp**.

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