

HOUSE BILL NO. 2264

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SWAN.

5065H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 210.102, RSMo, and to enact in lieu thereof one new section relating to early childhood care and education programs.

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

Section A. Section 210.102, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 210.102, to read as follows:

210.102. 1. **As used in this section, "early childhood care and education program" means a public or privately sponsored nonresidential program that:**

- (1) Provides for the care and education of:**
 - (a) School-aged children when not attending school; or**
 - (b) Infants, toddlers, or preschool children by someone other than members of the child's family; or**
- (2) Involves and supports the child's parents or guardians and is appropriate to the development of the child, including but not limited to:**
 - (a) Child care subsidy;**
 - (b) Home visiting programs;**
 - (c) In-home care;**
 - (d) Homemaker services;**
 - (e) Family child care homes;**
 - (f) Group child care homes;**
 - (g) Large-family child care homes;**
 - (h) Full-day child care centers;**
 - (i) Part-day preschool programs and nursery schools;**

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.

- 18 (j) Private kindergartens;
19 (k) Infant and maternal health consultation and intervention programs;
20 (l) Mental health consultation and intervention programs; or
21 (m) Temporary shelter care programs that offer night care.

22 2. (1) There is hereby established [~~within the department of social services the~~
23 ~~"Coordinating Board for Early Childhood"~~] the **"Missouri Early Childhood Cabinet"**, which
24 shall constitute a body corporate and politic[, and shall include but not be limited to the
25 following members:

- 26 ~~—— (1) A representative from the governor's office;~~
27 ~~—— (2) A representative from each of the following departments: health and senior services,~~
28 ~~mental health, social services, and elementary and secondary education;~~
29 ~~—— (3) A representative of the judiciary;~~
30 ~~—— (4) A representative of the family and community trust board (FACT);~~
31 ~~—— (5) A representative from the head start program;~~
32 ~~—— (6) Nine members appointed by the governor with the advice and consent of the senate~~
33 ~~who are representatives of the groups, such as business, philanthropy, civic groups, faith-based~~
34 ~~organizations, parent groups, advocacy organizations, early childhood service providers, and~~
35 ~~other stakeholders].~~ The cabinet shall be designated as the state advisory council on early
36 childhood education and care for children from birth to school entry under Section
37 11(b)(1)(A) of the federal Improving Head Start for School Readiness Act of 2007 (42
38 U.S.C. Section 9837b(b)(1)(A)), as amended.

39 (2) The cabinet and its executive director and staff shall be housed within the
40 department of elementary and secondary education for administrative purposes only. The
41 cabinet and its executive director and staff shall not be subject to the power and authority
42 of the state board of education.

43 (3) The cabinet membership shall consist of the following voting members who shall
44 each serve for a five-year term:

- 45 (a) The governor or the governor's designee;
46 (b) a. Three lay citizens who represent, to the greatest extent possible, the
47 following:
48 (i) The parent of a young child receiving early childhood services from the state;
49 (ii) Pediatric medicine; and
50 (iii) The business community.
51 b. Such members shall be appointed by the governor, with the advice and consent
52 of the senate, after an open committee hearing;
53 (c) a. Three lay citizens who represent the following:

- 54 (i) Early childhood care and education providers;
55 (ii) Local head start agencies; and
56 (iii) The faith community.
- 57 b. Such members shall be appointed by the state board of education, after an open
58 hearing;
- 59 (d) Two members of the house of representatives, who shall be appointed by the
60 speaker of the house and shall be members of two different political parties; and
- 61 (e) Two members of the senate, who shall be appointed by the president pro
62 tempore of the senate and shall be members of two different political parties.
- 63 (4) The following persons shall serve as ex officio members of the board without
64 appointment:
- 65 (a) The director or the director's designee from each of the following:
66 a. The department of health and senior services;
67 b. The department of labor and industrial relations;
68 c. The department of mental health;
69 d. The department of social services; and
70 e. The MO HealthNet division established in section 208.201;
- 71 (b) The commissioner or the commissioner's designee from each of the following:
72 a. The department of elementary and secondary education; and
73 b. The department of higher education and workforce development;
- 74 (c) The lead program administrator from each agency with a state-sponsored home
75 visiting program;
- 76 (d) The lead coordinator of the child care and development fund established within
77 the children's division of the department of social services;
- 78 (e) The director of the Missouri Head Start State Collaboration Office;
- 79 (f) The executive director of the children's trust fund, or the executive director's
80 designee.
- 81 (5) The ~~[coordinating board]~~ cabinet may make all rules it deems necessary to enable
82 it to conduct its meetings, elect its officers, and set the terms and duties of its officers. The
83 ~~[coordinating board]~~ governor or the governor's designee shall be the chair, and the cabinet
84 shall elect from amongst its members a ~~[chairperson,]~~ vice ~~[chairperson]~~ chair, a
85 secretary-reporter, and such other officers as it deems necessary. Members of the board shall
86 serve without compensation but may be reimbursed for actual expenses necessary to the
87 performance of their official duties for the board.
- 88 (6) The cabinet shall hire an executive director who shall serve subject to the
89 supervision of and at the pleasure of the cabinet. The executive director shall be

90 **responsible for the administrative operations of the cabinet and perform such other duties**
91 **delegated or assigned to the executive director by law or by rule of the cabinet. The**
92 **executive director shall employ staff and retain such contract services as the executive**
93 **director deems necessary, within the limits authorized by appropriations by the general**
94 **assembly.**

95 (7) **The cabinet shall establish and maintain a conflict of interest policy for its**
96 **members.**

97 (8) **The cabinet shall submit a written report prior to December thirty-first of each**
98 **year to the governor, the lieutenant governor, and the joint committee on education. The**
99 **report shall be posted to the department of elementary and secondary education's website**
100 **so that general assembly members may access a copy of the report electronically. The**
101 **written report shall include any recommendations the cabinet may have for legislative**
102 **action, as well as any recommendations to the department of elementary and secondary**
103 **education, the department of social services, and the department of health and senior**
104 **services. The report shall also include an analysis and statement of the manner in which**
105 **statutory provisions relating to early childhood care and education programs are being**
106 **executed. The report shall also include an analysis of the cabinet's actions under this**
107 **section.**

108 ~~[2-]~~ 3. The ~~[coordinating board for early childhood]~~ **cabinet** shall have the power to:

109 (1) Develop a comprehensive statewide long-range strategic plan for a cohesive early
110 childhood system;

111 (2) Confer **and coordinate** with public and private entities for the purpose of promoting
112 and improving the development of children from birth through age five of this state;

113 (3) Identify legislative recommendations to improve services for children from birth
114 through age five;

115 (4) ~~[Promote coordination of]~~ **Coordinate and align** existing services and **early**
116 **childhood care and education** programs across public and private entities;

117 (5) Promote ~~[research-based]~~ **evidence-based** approaches to services and ongoing
118 program evaluation;

119 (6) Identify **early childhood care and education program** service gaps and ~~[advise]~~
120 **coordinate with** public and private entities on methods to close such gaps;

121 (7) Apply for and accept gifts, grants, appropriations, loans, or contributions to the
122 ~~[coordinating board for]~~ early childhood **cabinet** fund from any source, public or private, and
123 enter into contracts or other transactions with any federal or state agency, any private
124 organizations, or any other source in furtherance of the ~~[purpose of subsection 1]~~ **purposes** of

125 this section ~~[and this subsection]~~, and take any and all actions necessary to avail itself of such
126 aid and cooperation;

127 (8) Direct disbursements from the ~~[coordinating board for]~~ early childhood **cabinet** fund
128 as provided in this section;

129 (9) Administer the ~~[coordinating board for]~~ early childhood **cabinet** fund and invest any
130 portion of the moneys not required for immediate disbursement in obligations of the United
131 States or any agency or instrumentality of the United States, in obligations of the state of
132 Missouri and its political subdivisions, in certificates of deposit and time deposits, or other
133 obligations of banks and savings and loan associations, or in such other obligations as may be
134 prescribed by the ~~[board]~~ **cabinet**;

135 (10) Purchase, receive, take by grant, gift, devise, bequest or otherwise, lease, or
136 otherwise acquire, own, hold, improve, employ, use, and otherwise deal with real or personal
137 property or any interests therein, wherever situated;

138 (11) Sell, convey, lease, exchange, transfer or otherwise dispose of all or any of its
139 property or any interest therein, wherever situated;

140 (12) Employ and fix the compensation of an executive director and such other agents or
141 employees as it considers necessary;

142 (13) Adopt, alter, or repeal by its own bylaws, rules, and regulations governing the
143 manner in which its business may be transacted;

144 (14) Adopt and use an official seal;

145 (15) Assess or charge fees as the ~~[board]~~ **cabinet** determines to be reasonable to carry
146 out its purposes;

147 (16) Make all expenditures which are incident and necessary to carry out its purposes;

148 (17) Sue and be sued in its official name;

149 (18) **Adopt, amend, and repeal rules and regulations necessary or desirable to carry**
150 **out the provisions of this chapter and that are not inconsistent with the Constitution or**
151 **laws of this state;**

152 (19) **Serve as the lead administrative and regulatory agency for early childhood**
153 **care and education programs;**

154 (20) **Consult with the Missouri workforce development board established under**
155 **section 620.511;**

156 (21) **Assist other state agencies and municipalities in obtaining available federal**
157 **funding for early childhood care and education programs and child development programs**
158 **and services only if such funding is not available to the cabinet;**

159 (22) **Implement and maintain a communications strategy for outreach to families,**
160 **service providers, and policymakers to promote all early childhood care and education**
161 **programs;**

162 (23) **Create a unified set of reporting requirements for the purpose of collecting the**
163 **data elements necessary to assess the effect and quality of early childhood care and**
164 **education programs;**

165 (24) **Develop and implement a system with the ability to evaluate the effect of**
166 **prekindergarten programs on school readiness and long-term workforce outcomes;**

167 (25) **Compare and analyze information collected under the reporting requirements**
168 **in this subdivision and subdivision (26) of this subsection with the data collected by the**
169 **department of elementary and secondary education, department of higher education and**
170 **workforce development, and the department of labor and industrial relations; and**

171 (26) **Take such action, enter into such agreements, and exercise all functions necessary**
172 **or appropriate to carry out the duties and purposes set forth in this section.**

173 **4. (1) The cabinet shall formulate a cross-departmental consolidated program**
174 **budget summary for all state-level early childhood care and education programs for each**
175 **fiscal year.**

176 **(2) The budget summary prepared by the cabinet shall be provided to the budget**
177 **director on or before October first in each year preceding the annual session of the general**
178 **assembly.**

179 ~~[3.]~~ **5. (1) [There is hereby created] The "Coordinating Board for Early Childhood Fund"**
180 **[which] is hereby renamed the "Early Childhood Cabinet Fund", and shall consist of the**
181 **following:**

182 ~~[(1)]~~ **(a) Any moneys appropriated by the general assembly for use by the [board]**
183 **cabinet in carrying out the powers set out in [subsections 1 and 2 of] this section;**

184 ~~[(2)]~~ **(b) Any moneys received from grants or [which] that are given, donated, or**
185 **contributed to the fund from any source;**

186 ~~[(3)]~~ **(c) Any moneys received as fees authorized under [subsections 1 and 2 of] this**
187 **section;**

188 ~~[(4)]~~ **(d) Any moneys received as interest on deposits or as income on approved**
189 **investments of the fund; and**

190 ~~[(5)]~~ **(e) Any moneys obtained from any other available source.**

191 **(2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys**
192 **remaining in the [coordinating board for] early childhood cabinet fund at the end of the**
193 **biennium shall not revert to the credit of the general revenue fund.**

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