

SECOND REGULAR SESSION

# SENATE BILL NO. 797

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR JUSTUS.

Read 1st time February 16, 2012, and ordered printed.

TERRY L. SPIELER, Secretary.

5829S.02I

## AN ACT

To amend chapter 161, RSMo, by adding thereto one new section relating to voluntary prekindergarten.

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

Section A. Chapter 161, RSMo, is amended by adding thereto one new section, to be known as section 161.214, to read as follows:

**161.214. 1. This section establishes the voluntary prekindergarten education program to provide an opportunity for each eligible child in Missouri to voluntarily enroll in a publicly-funded prekindergarten program.**

**2. For purposes of this section, the following terms shall mean:**

**(1) "Department", the department of elementary and secondary education;**

**(2) "Eligible child", or "eligible children", a child who has attained, or children who have attained, the age of three before August first of the calendar year in which he or she enrolls in a prekindergarten program under this section and who resides or reside in Missouri. A child shall remain eligible until he or she enrolls in kindergarten or attains the age of seven;**

**(3) "Eligible provider", a private, for-profit, non-profit, or community-based organization or public school that meets the standards established by the department pursuant to this section and may receive public funds for services provided to eligible children;**

**(4) "Program", the voluntary prekindergarten education program.**

**3. The department shall establish and oversee a prekindergarten program to provide prekindergarten services to eligible children. Any eligible provider that meets the department's standards and is**

22 approved by the department shall be eligible to enroll eligible children  
23 and participate in the program. The parent or legal guardian of an  
24 eligible child may enroll him or her in an eligible provider's  
25 prekindergarten program.

26 4. The department shall implement an application and selection  
27 process for eligible provider participation and shall establish program  
28 education and performance standards for providers that participate in  
29 the program. The department shall establish the amount of funds to be  
30 distributed to each eligible provider.

31 5. Any provider that would like to participate in the program  
32 shall apply to the department, following application procedures and  
33 deadlines established by the department. For providers receiving  
34 public funds for offering voluntary prekindergarten under this section,  
35 the department shall establish standards in the following areas:

36 (1) Maximum and minimum teacher-child ratios;

37 (2) Class sizes;

38 (3) Student learning standards;

39 (4) Guidelines for eligible providers to collaborate with  
40 participating families, early care providers, and community partners,  
41 including but not limited to head start programs, child care centers,  
42 area education agencies, services funded by Title I of the federal  
43 Elementary and Secondary Education Act of 1965, and family support  
44 programs; and

45 (5) Qualifications for teachers and staff employed by an eligible  
46 provider.

47 6. The department shall establish the rate of payment or rate of  
48 reimbursement for eligible providers that participate in the program.

49 7. The department may collaborate with the coordinating board  
50 for early childhood to develop the program.

51 8. The department shall begin implementing the program by  
52 November 30, 2012 and shall complete the phase-in of the program by  
53 July 1, 2017.

54 9. The program established under this section shall be subject to  
55 appropriations.

56 10. The department of elementary and secondary education shall  
57 promulgate rules and regulations to implement the provisions of this  
58 section. Any rule or portion of a rule, as that term is defined in section

59 536.010 that is created under the authority delegated in this section  
60 shall become effective only if it complies with and is subject to all of  
61 the provisions of chapter 536, and, if applicable, section 536.028. This  
62 section and chapter 536 are nonseverable and if any of the powers  
63 vested with the general assembly pursuant to chapter 536, to review, to  
64 delay the effective date, or to disapprove and annul a rule are  
65 subsequently held unconstitutional, then the grant of rulemaking  
66 authority and any rule proposed or adopted after August 28, 2012, shall  
67 be invalid and void.

68 11. Pursuant to section 23.253 of the Missouri sunset act:

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

72 (2) If such program is reauthorized, the program authorized  
73 under this section shall automatically sunset twelve years after the  
74 effective date of the reauthorization of this section; and

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

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