

SECOND REGULAR SESSION

# SENATE BILL NO. 973

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WALLINGFORD.

Read 1st time February 4, 2020, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5097S.011

## AN ACT

To repeal sections 160.805, 210.102, and 630.1000, RSMo, and to enact in lieu thereof three new sections relating to early childhood care and education programs.

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

Section A. Sections 160.805, 210.102, and 630.1000, RSMo, are repealed  
2 and three new sections enacted in lieu thereof, to be known as sections 160.805,  
3 210.102, and 630.1000, to read as follows:

160.805. 1. The articles of incorporation and bylaws of the corporation  
2 shall provide that the purpose of the corporation is to create a more efficient and  
3 effective education system that more adequately prepares students for the  
4 challenges of entering the workforce.

5 2. The board of directors of the corporation shall be composed of thirteen  
6 members. The governor shall annually appoint one of its members, who shall be  
7 employed in the private sector, as chairperson. The board shall consist of the  
8 following members:

- 9 (1) The director of the department of economic development;
- 10 (2) The commissioner of higher education;
- 11 (3) The chairperson of the coordinating board for higher education;
- 12 (4) The president of the state board of education;
- 13 (5) The chairperson of the [coordinating board of early childhood]  
14 **Missouri early childhood cabinet;**
- 15 (6) The commissioner of education;
- 16 (7) Seven members appointed by the governor. Two members shall  
17 represent higher education institutions, one two-year institution and one  
18 four-year institution; two members shall represent elementary and secondary

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

19 schools; two members shall represent the private, for-profit business sector; and  
20 one member shall represent an early childhood education provider.

21 3. Each member of the board of directors of the corporation appointed by  
22 the governor shall serve for a term of four years. Of the directors initially  
23 appointed to the board of directors by the governor, two directors shall be  
24 designated by the governor to serve a term of four years, two directors shall be  
25 designated to serve a term of three years, two directors shall be designated to  
26 serve a term of two years, and one director shall be designated to serve a term of  
27 one year. Thereafter, directors shall serve a term of four years. Each director  
28 shall continue to serve until a successor is duly appointed by the governor.

29 4. The corporation may receive money from any source, may borrow  
30 money, may enter into contracts, and may expend money for any activities  
31 appropriate to its purpose.

32 5. The corporation may appoint staff and do all other things necessary or  
33 incidental to carrying out the functions listed in sections 160.800 to 160.820.

34 6. Any changes in the articles of incorporation or bylaws shall be approved  
35 by the governor.

36 7. The corporation shall submit an annual report to the governor and to  
37 the Missouri general assembly by the first day of November and shall include  
38 detailed information on the structure, operation, and financial status of the  
39 corporation. The corporation shall conduct an annual public hearing to receive  
40 comments from interested parties regarding the report, and notice of the hearing  
41 shall be given at least fourteen days prior to the hearing.

42 8. The corporation shall be subject to an annual audit by the state  
43 auditor. The corporation shall bear the full cost of the audit.

210.102. 1. [There is hereby established within the department of social  
2 services] **As used in this section, "early childhood care and education  
3 program" means a public or privately sponsored nonresidential  
4 program that:**

5 **(1) Provides for the care and education of school-aged children  
6 when not attending school or infants, toddlers, or preschool children  
7 by someone other than members of the child's family; or**

8 **(2) Involves and supports the child's parents or guardians and  
9 is appropriate to the development of the child, including, but not  
10 limited to, the following:**

11 **(a) Child care subsidies;**

- 12           **(b) Home visiting programs;**  
13           **(c) In-home care;**  
14           **(d) Homemaker services;**  
15           **(e) Family child care homes;**  
16           **(f) Group child care homes;**  
17           **(g) Large-family child care homes;**  
18           **(h) Full-day child care centers;**  
19           **(i) Part-day preschool programs and nursery schools;**  
20           **(j) Private kindergartens;**  
21           **(k) Infant and maternal health consultation and intervention**  
22 **programs;**  
23           **(l) Mental health consultation and intervention programs; or**  
24           **(m) Temporary shelter care programs that offer night care.**

25           **2. (1) The "Coordinating Board for Early Childhood" is hereby**  
26 **renamed the "Missouri Early Childhood Cabinet",** which shall constitute a  
27 body corporate and politic[, and shall include but not be limited to the following  
28 members:

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

43           **(2) The cabinet and its functions, duties, and powers under this**  
44 **section shall be transferred from the department of social services to**  
45 **the department of elementary and secondary education by type III**  
46 **transfer, as defined under paragraph (c) of subdivision (1) of subsection**  
47 **7 of section 1 of the omnibus state reorganization act of 1974.**

48           **3. The cabinet membership shall consist of the following voting**  
49 **members who shall each serve for a five-year term, except for the**  
50 **governor and legislative members:**

51           **(1) The governor or the governor's designee;**

52           **(2) Three lay citizens, appointed by the governor, with the advice**  
53 **and consent of the senate, who represent, to the greatest extent**  
54 **possible, the following:**

55           **(a) The parent of a young child receiving early childhood**  
56 **services from the state;**

57           **(b) Pediatric medicine; and**

58           **(c) The business community;**

59           **(3) Three lay citizens appointed by the state board of education**  
60 **following a public hearing, who represent the following:**

61           **(a) Early childhood care and education providers;**

62           **(b) Local head start agencies; and**

63           **(c) The faith community;**

64           **(4) Two members of the house of representatives, who shall be**  
65 **appointed by the speaker of the house of representatives and shall be**  
66 **members of two different political parties; and**

67           **(5) Two members of the senate, who shall be appointed by the**  
68 **president pro tempore of the senate and shall be members of two**  
69 **different political parties.**

70 **The terms of the original members shall be staggered so that no more**  
71 **than one-third of the terms shall expire in a given year.**

72           **4. The following persons shall serve as ex officio members of the**  
73 **cabinet without appointment:**

74           **(1) The director, or the director's designee, from each of the**  
75 **following:**

76           **(a) The department of health and senior services;**

77           **(b) The department of labor and industrial relations;**

78           **(c) The department of mental health;**

79           **(d) The department of social services; and**

80           **(e) The MO HealthNet division established in section 208.201;**

81           **(2) The commissioner, or the commissioner's designee, from each**  
82 **of the following:**

83           **(a) The department of elementary and secondary education; and**

84           **(b) The department of higher education and workforce**

85 **development;**

86 **(3) The lead program administrator from each agency with a**  
87 **state-sponsored home visiting program;**

88 **(4) The lead coordinator of the child care and development fund**  
89 **established within the children's division of the department of social**  
90 **services;**

91 **(5) The director of the Missouri Head Start State Collaboration**  
92 **Office; and**

93 **(6) The executive director of the children's trust fund, or the**  
94 **executive director's designee.**

95 **5. The [coordinating board] cabinet may make all rules it deems**  
96 **necessary to enable it to conduct its meetings, elect its officers, and set the terms**  
97 **and duties of its officers. The [coordinating board] governor, or the**  
98 **governor's designee, shall be the chair, and the cabinet shall elect from**  
99 **amongst its members a [chairperson,] vice [chairperson] chair, a**  
100 **secretary-reporter, and such other officers as it deems necessary. Members of the**  
101 **[board] cabinet shall serve without compensation, but may be reimbursed for**  
102 **actual expenses necessary to the performance of their official duties for the**  
103 **[board] cabinet.**

104 **6. The cabinet shall hire an executive director, who shall serve**  
105 **subject to the supervision of and at the pleasure of the cabinet. The**  
106 **executive director shall be responsible for the administrative**  
107 **operations of the cabinet and perform such other duties delegated or**  
108 **assigned to the executive director by law or by rule of the cabinet. The**  
109 **executive director shall employ staff and retain such contract services**  
110 **as the executive director deems necessary, within the limits authorized**  
111 **by appropriations by the general assembly.**

112 **7. The cabinet shall establish and maintain a conflict of interest**  
113 **policy for its members.**

114 **[2.] 8. The [coordinating board for early childhood] cabinet shall have**  
115 **the power to:**

116 **(1) Develop a comprehensive statewide long-range strategic plan for a**  
117 **cohesive early childhood system;**

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

- 121 (3) Identify legislative recommendations to improve services for children  
122 from birth through age five;
- 123 (4) [Promote coordination of] **Coordinate and align** existing services  
124 and **early childhood care and education** programs across public and private  
125 entities;
- 126 (5) Promote [research-based] **evidence-based** approaches to services and  
127 ongoing program evaluation;
- 128 (6) Identify **early childhood care and education program** service  
129 gaps and [advise] **coordinate with** public and private entities on methods to  
130 close such gaps;
- 131 (7) Apply for and accept gifts, grants, appropriations, loans, or  
132 contributions to the [coordinating board for] early childhood **cabinet** fund  
133 **established under subsection 11 of this section** from any source, public or  
134 private, and enter into contracts or other transactions with any federal or state  
135 agency, any private organizations, or any other source in furtherance of the  
136 [purpose of subsection 1] **purposes** of this section [and this subsection], and take  
137 any and all actions necessary to avail itself of such aid and cooperation;
- 138 (8) Direct disbursements from the [coordinating board for] early childhood  
139 **cabinet** fund as provided in this section;
- 140 (9) Administer the [coordinating board for] early childhood **cabinet** fund  
141 and invest any portion of the moneys not required for immediate disbursement  
142 in obligations of the United States or any agency or instrumentality of the United  
143 States, in obligations of the state of Missouri and its political subdivisions, in  
144 certificates of deposit and time deposits, or other obligations of banks and savings  
145 and loan associations, or in such other obligations as may be prescribed by the  
146 [board] **cabinet**;
- 147 (10) Purchase, receive, take by grant, gift, devise, bequest or otherwise,  
148 lease, or otherwise acquire, own, hold, improve, employ, use, and otherwise deal  
149 with real or personal property or any interests therein, wherever situated;
- 150 (11) Sell, convey, lease, exchange, transfer or otherwise dispose of all or  
151 any of its property or any interest therein, wherever situated;
- 152 (12) Employ and fix the compensation of an executive director and such  
153 other agents or employees as it considers necessary;
- 154 (13) Adopt, alter, or repeal by its own bylaws, rules, and regulations  
155 governing the manner in which its business may be transacted;
- 156 (14) Adopt and use an official seal;

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

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

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

162 (18) **Adopt, amend, and repeal rules and regulations necessary or**  
163 **desirable to carry out the provisions of this section and that are not**  
164 **inconsistent with the Constitution or laws of this state;**

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

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

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

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

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

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

182 (25) **Compare and analyze information collected under the**  
183 **reporting requirements in subdivision (23) of this subsection with the**  
184 **data collected by the department of elementary and secondary**  
185 **education, department of higher education and workforce development,**  
186 **and the department of labor and industrial relations; and**

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

190 **9. The cabinet shall formulate a cross-departmental consolidated**  
191 **program budget summary for all state-level early childhood care and**  
192 **education programs for each fiscal year. The budget summary**  
193 **prepared by the cabinet shall be provided to the house of**

194 representatives budget committee and the senate appropriations  
195 committee on or before October first in each year preceding the annual  
196 session of the general assembly.

197       **10. The cabinet shall submit a written report prior to December**  
198 **thirty-first of each year to the governor, the lieutenant governor, and**  
199 **the joint committee on education. The report shall be posted to the**  
200 **department of elementary and secondary education's website so that**  
201 **general assembly members may access a copy of the report**  
202 **electronically. The written report shall include the following:**

203           **(1) Any recommendations the cabinet may have for legislative**  
204 **action, as well as any recommendations to the department of**  
205 **elementary and secondary education, the department of social services,**  
206 **and the department of health and senior services;**

207           **(2) An analysis and statement of the manner in which statutory**  
208 **provisions relating to early childhood care and education programs are**  
209 **being executed; and**

210           **(3) An analysis of the cabinet's actions under this section.**

211       **[3.] 11. (1) [There is hereby created] The "Coordinating Board for Early**  
212 **Childhood Fund" [which] is hereby renamed the "Early Childhood Cabinet**  
213 **Fund", and shall consist of the following:**

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

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

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

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

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

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

228       **12. Any rule or portion of a rule, as that term is defined in**  
229 **section 536.010, that is created under the authority delegated in this**



230 section shall become effective only if it complies with and is subject to  
231 all of the provisions of chapter 536 and, if applicable, section  
232 536.028. This section and chapter 536 are nonseverable and if any of  
233 the powers vested with the general assembly pursuant to chapter 536  
234 to review, to delay the effective date, or to disapprove and annul a rule  
235 are subsequently held unconstitutional, then the grant of rulemaking  
236 authority and any rule proposed or adopted after August 28, 2020, shall  
237 be invalid and void.

630.1000. 1. There is hereby established in the department of mental  
2 health an "Office of Comprehensive Child Mental Health". The office of  
3 comprehensive child mental health, under the supervision of the director of the  
4 department of mental health, shall provide leadership in developing and  
5 implementing the comprehensive child mental health service system plan  
6 established under section 630.097. The office shall:

7 (1) Assure oversight and monitoring of the implementation of the  
8 comprehensive child mental health service system plan;

9 (2) Provide support, technical assistance and training to all departments  
10 participating in the development and implementation of the comprehensive child  
11 mental health service system established under section 630.097;

12 (3) Develop and coordinate service system, financing and quality  
13 assurance policy for all children's mental health services within the department  
14 of mental health;

15 (4) Provide leadership in program development for children's mental  
16 health services within the department of mental health, to include developing  
17 program standards and providing technical assistance in developing program  
18 capacity;

19 (5) Provide clinical consultation, technical assistance and clinical  
20 leadership for all child mental health within the department and to other  
21 child-serving agencies participating in the comprehensive child mental health  
22 system;

23 (6) Participate in the work of the [coordinating board for early childhood]  
24 **Missouri early childhood cabinet;**

25 (7) Participate in interagency child mental health initiatives as directed;  
26 and

27 (8) Provide staff support and leadership to the state comprehensive  
28 system management team established under section 630.097.

29           2. The departments participating in the comprehensive child mental  
30 health service system established under section 630.097 shall designate staff to  
31 represent their respective department on the state comprehensive system  
32 management team.

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