

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 2376, Page 2, Section 163.063, Line 26,
2 by inserting after all of the said section and line the following:

3
4 "208.044. 1. The ~~[children's division]~~ department of elementary and secondary education
5 shall provide child day care services to any person who meets the qualifications set forth at sections
6 301 and 302 of the Family Support Act of 1988 (P.L. 100-485).

7 2. The division shall purchase the child day care services required by this section by making
8 payments directly to any providers of day care services licensed pursuant to chapter 210 or to
9 providers of day care services who are not required by chapter 210 to be licensed because they are
10 providing care to no more than six children pursuant to section 210.211.

11 3. When a person who has been eligible and receiving day care services under this section
12 becomes ineligible due to the end of the twelve-month period of transitional ~~[day]~~ child care
13 services, as defined in section 208.400, such person may receive day care services from the
14 ~~[division]~~ department of elementary and secondary education if otherwise eligible for such services.

15 208.046. 1. The ~~[children's division]~~ department of elementary and secondary education
16 shall promulgate rules ~~[to become effective no later than July 1, 2011,]~~ to modify the income
17 eligibility criteria for any person receiving state-funded child care assistance ~~[under this chapter,]~~
18 either through vouchers or direct reimbursement to child care providers~~[,]~~ as follows:

19 (1) Child care recipients eligible under this chapter and the criteria set forth in ~~[13-CSR-35-~~
20 ~~32.010]~~ 5 CSR 25-200 may pay a fee based on adjusted gross income and family size unit based on
21 a child care sliding fee scale established by the ~~[children's division]~~ department of elementary and
22 secondary education, which shall be subject to appropriations. However, a person receiving state-
23 funded child care assistance under this chapter and whose income surpasses the annual
24 appropriation level may continue to receive reduced subsidy benefits on a scale established by the
25 ~~[children's division]~~ department of elementary and secondary education, at which time such person
26 will have assumed the full cost of the maximum base child care subsidy rate established by the
27 ~~[children's division]~~ department of elementary and secondary education and shall be no longer
28 eligible for child care subsidy benefits;

29 (2) The sliding scale fee may be waived for children with special needs as established by the
30 ~~[division]~~ department of elementary and secondary education; and

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1 (3) The maximum payment by the ~~[division]~~ department of elementary and secondary
2 education shall be the applicable rate minus the applicable fee.

3 2. For purposes of this section, "annual appropriation level" shall mean the maximum
4 income level to be eligible for a full child care benefit as determined through the annual
5 appropriations process.

6 3. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
7 under the authority delegated in this section shall become effective only if it complies with and is
8 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and
9 chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to
10 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently
11 held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after
12 August 28, 2010, shall be invalid and void.

13 208.053. 1. The provisions of this section shall be known as the "Low-Wage Trap
14 Elimination Act". In order to more effectively transition persons receiving state-funded child care
15 subsidy benefits under this chapter, the ~~[children's division]~~ department of elementary and secondary
16 education, in conjunction with the department of revenue, shall, subject to appropriations, by July 1,
17 2022, implement a pilot program in a county with a charter form of government and with more than
18 six hundred thousand but fewer than seven hundred thousand inhabitants, a county of the first
19 classification with more than two hundred sixty thousand but fewer than three hundred thousand
20 inhabitants, and a county of the first classification with more than two hundred thousand but fewer
21 than two hundred sixty thousand inhabitants, to be called the "Hand-Up Program", to allow
22 applicants in the program to receive transitional child care benefits without the requirement that
23 such applicants first be eligible for full child care benefits.

24 (1) For purposes of this section, "full child care benefits" shall be the full benefits awarded
25 to a recipient based on the income eligibility amount established by the division through the annual
26 appropriations process as of August 28, 2021, to qualify for the benefits and shall not include the
27 transitional child care benefits that are awarded to recipients whose income surpasses the eligibility
28 level for full benefits to continue. The hand-up program shall be voluntary and shall be designed
29 such that an applicant may begin receiving the transitional child care benefit without having first
30 qualified for the full child care benefit or any other tier of the transitional child care benefit. Under
31 no circumstances shall any applicant be eligible for the hand-up program if the applicant's income
32 does not fall within the transitional child care benefit income limits established through the annual
33 appropriations process.

34 (2) A participating recipient shall be allowed to opt out of the program at any time, but such
35 person shall not be allowed to participate in the program a second time.

36 2. The ~~[division]~~ department of elementary and secondary education shall track the number
37 of participants in the hand-up program and shall issue an annual report to the general assembly by
38 September 1, 2023, and annually on September first thereafter, detailing the effectiveness of the
39 pilot program in encouraging recipients to secure employment earning an income greater than the

1 maximum wage eligible for the full child care benefit. The report shall also detail the costs of
 2 administration and the increased amount of state income tax paid as a result of the program, as well
 3 as an analysis of whether the pilot program could be expanded to include other types of benefits
 4 including but not limited to food stamps, temporary assistance for needy families, low-income
 5 heating assistance, women, infants and children supplemental nutrition program, the state children's
 6 health insurance program, and MO HealthNet benefits.

7 3. The ~~[division]~~ department of elementary and secondary education shall pursue all
 8 necessary waivers from the federal government to implement the hand-up program. If the ~~[division]~~
 9 department of elementary and secondary education is unable to obtain such waivers, the ~~[division]~~
 10 department shall implement the program to the degree possible without such waivers.

11 4. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
 12 under the authority delegated under this section shall become effective only if it complies with and
 13 is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and
 14 chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to
 15 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently
 16 held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after
 17 August 28, 2012, shall be invalid and void.

18 5. Pursuant to section 23.253 of the Missouri sunset act:

19 (1) The provisions of the new program authorized under this section shall sunset
 20 automatically three years after August 28, 2021, unless reauthorized by an act of the general
 21 assembly; and

22 (2) If such program is reauthorized, the program authorized under this section shall sunset
 23 automatically three years after the effective date of the reauthorization of this section; and

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

26 210.027. 1. For child-care providers who receive state or federal funds for providing child-
 27 care services, either by direct payment or through reimbursement to a child-care beneficiary, the
 28 department of ~~[social services]~~ elementary and secondary education shall:

29 (1) Establish publicly available website access to provider-specific information about any
 30 health and safety licensing or regulatory requirements for the providers, and including dates of
 31 inspections, history of violations, and compliance actions taken, as well as the consumer education
 32 information required under subdivision (12) of this ~~[section]~~ subsection and subsection 2 of this
 33 section;

34 (2) Establish or designate one hotline for parents to submit complaints about child care
 35 providers;

36 (3) Be authorized to revoke the registration of a registered provider for due cause;

37 (4) Require providers to be at least eighteen years of age;

38 (5) (a) Establish minimum requirements for building and physical premises to include:

39 ~~[(a)]~~ a. Compliance with state and local fire, health, and building codes, which shall include

1 the ability to evacuate children in the case of an emergency; and

2 ~~[(b)]~~ b. Emergency preparedness and response planning.

3 (b) Child care providers shall meet ~~[these]~~ such minimum requirements prior to receiving
4 federal assistance. Where there are no local ordinances or regulations regarding smoke detectors,
5 the department shall require providers, by rule, to install and maintain an adequate number of smoke
6 detectors in the residence or other building where child care is provided;

7 (6) Require providers to be tested for tuberculosis on the schedule required for employees in
8 licensed facilities;

9 (7) Require providers to notify parents if the provider does not have immediate access to a
10 telephone;

11 (8) Make providers aware of local opportunities for training in first aid and child care;

12 (9) Promulgate rules and regulations to define preservice training requirements for child
13 care providers and employees pursuant to applicable federal laws and regulations;

14 (10) Establish procedures for conducting unscheduled on-site monitoring of child care
15 providers prior to receiving state or federal funds for providing child care services either by direct
16 payment or through reimbursement to a child care beneficiary, and annually thereafter;

17 (11) Require child care providers who receive assistance under applicable federal laws and
18 regulations to report to the department any serious injuries or death of children occurring in child
19 care; and

20 (12) With input from statewide stakeholders such as parents, child care providers or
21 administrators, and system advocate groups, establish a transparent system of quality indicators
22 appropriate to the provider setting that shall provide parents with a way to differentiate between
23 child care providers available in their communities as required by federal rules.

24 2. The system established under subdivision (12) of subsection 1 of this section shall
25 describe the standards used to assess the quality of child care providers. The system shall indicate
26 whether the provider meets Missouri's registration or licensing standards, is in compliance with
27 applicable health and safety requirements, and the nature of any violations related to registration or
28 licensing requirements. The system shall also indicate if the provider utilizes curricula and if the
29 provider is in compliance with staff educational requirements. Such system of quality indicators
30 established under this subdivision with the input from stakeholders shall be promulgated by rules.
31 Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the
32 authority delegated in this section shall become effective only if it complies with and is subject to all
33 of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536
34 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536
35 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held
36 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after
37 August 28, 2014, shall be invalid and void.

38 3. Subdivision (12) of subsection 1 of this section and subsection 2 of this [subdivision]
39 section shall not be construed as authorizing the operation, establishment, maintenance, or

1 mandating or offering of incentives to participate in a quality rating system under section [~~161.216~~]
2 161.217.

3 [~~2.No state agency shall enforce the provisions of this section until October 1, 2015, or six~~
4 ~~months after the implementation of federal regulations mandating such provisions, whichever is~~
5 ~~later.~~]

6 210.102. 1. There is hereby established within the department of [~~social services~~]
7 elementary and secondary education the "Coordinating Board for Early Childhood", which shall
8 constitute a body corporate and politic, and shall include but not be limited to the following
9 members:

- 10 (1) A representative from the governor's office;
- 11 (2) A representative from each of the following departments: health and senior services,
12 mental health, social services, and elementary and secondary education;
- 13 (3) A representative of the judiciary;
- 14 (4) A representative of the family and community trust board (FACT);
- 15 (5) A representative from the head start program; and
- 16 (6) Nine members appointed by the governor with the advice and consent of the senate who
17 are representatives of the groups, such as business, philanthropy, civic groups, faith-based
18 organizations, parent groups, advocacy organizations, early childhood service providers, and other
19 stakeholders.

20 2. The coordinating board may make all rules it deems necessary to enable it to conduct its
21 meetings, elect its officers, and set the terms and duties of its officers. The coordinating board shall
22 elect from amongst its members a [~~chairperson~~] chair, vice [~~chairperson~~] chair, a secretary-reporter,
23 and such other officers as it deems necessary. Members of the board shall serve without
24 compensation but may be reimbursed for actual expenses necessary to the performance of their
25 official duties for the board.

26 [~~2.~~] 3. The coordinating board for early childhood shall have the power to:

- 27 (1) Develop a comprehensive statewide long-range strategic plan for a cohesive early
28 childhood system;
- 29 (2) Confer with public and private entities for the purpose of promoting and improving the
30 development of children from birth through age five of this state;
- 31 (3) Identify legislative recommendations to improve services for children from birth through
32 age five;
- 33 (4) Promote coordination of existing services and programs across public and private
34 entities;
- 35 (5) Promote research-based approaches to services and ongoing program evaluation;
- 36 (6) Identify service gaps and advise public and private entities on methods to close such
37 gaps;
- 38 (7) Apply for and accept gifts, grants, appropriations, loans, or contributions to the
39 coordinating board for early childhood fund from any source, public or private, and enter into

1 contracts or other transactions with any federal or state agency, any private organizations, or any
 2 other source in furtherance of the purpose of subsection 1 of this section and this subsection, and
 3 take any and all actions necessary to avail itself of such aid and cooperation;

4 (8) Direct disbursements from the coordinating board for early childhood fund as provided
 5 in this section;

6 (9) Administer the coordinating board for early childhood fund and invest any portion of the
 7 moneys not required for immediate disbursement in obligations of the United States or any agency
 8 or instrumentality of the United States, in obligations of the state of Missouri and its political
 9 subdivisions, in certificates of deposit and time deposits, or other obligations of banks and savings
 10 and loan associations, or in such other obligations as may be prescribed by the board;

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

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

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

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

20 (14) Adopt and use an official seal;

21 (15) Assess or charge fees as the board determines to be reasonable to carry out its purposes;

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

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

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

26 ~~[3.]~~ 4. There is hereby created the "Coordinating Board for Early Childhood Fund" which
 27 shall consist of the following:

28 (1) Any moneys appropriated by the general assembly for use by the board in carrying out
 29 the powers set out in subsections 1 ~~[and 2]~~ to 3 of this section;

30 (2) Any moneys received from grants or which are given, donated, or contributed to the
 31 fund from any source;

32 (3) Any moneys received as fees authorized under subsections 1 ~~[and 2]~~ to 3 of this section;

33 (4) Any moneys received as interest on deposits or as income on approved investments of
 34 the fund; and

35 (5) Any moneys obtained from any other available source.

36 5. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining
 37 in the coordinating board for early childhood fund at the end of the biennium shall not revert to the
 38 credit of the general revenue fund.

39 210.203. The department of ~~[health and senior services]~~ elementary and secondary

1 education shall maintain a record of substantiated, signed parental complaints against child care
2 facilities licensed pursuant to this chapter, and shall make such complaints and findings available to
3 the public upon request.

4 210.211. 1. It shall be unlawful for any person to establish, maintain or operate a child-care
5 facility for children, or to advertise or hold [~~himself or herself~~] oneself out as being able to perform
6 any of the services as defined in section 210.201, without having in effect a written license granted
7 by the department of [~~health and senior services~~] elementary and secondary education; except that
8 nothing in sections 210.203 to 210.245 shall apply to:

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

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

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

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

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

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

26 (7) Any school system as defined in section 210.201;

27 (8) Any Montessori school as defined in section 210.201;

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

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

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

34 (10) Any home school as defined in section 167.031;

35 (11) Any religious organization academic preschool or kindergarten for four- and five-year-
36 old children;

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

1 (13) Any neighborhood youth development program under section 210.278;

2 (14) Any religious organization elementary or secondary school;

3 (15) Any private organization elementary or secondary school system providing child care
4 to children younger than school age. If a facility or program is exempt from licensure based upon
5 this exception, such facility or program shall submit documentation annually to the department to
6 verify its licensure-exempt status;

7 (16) Any nursery school as defined in section 210.201; and

8 (17) Any child care facility maintained or operated under the exclusive control of a religious
9 organization. If a nonreligious organization having as its principal purpose the provision of child
10 care services enters into an arrangement with a religious organization for the maintenance or
11 operation of a child care facility, the facility is not under the exclusive control of the religious
12 organization.

13 2. Notwithstanding the provisions of subsection 1 of this section, no child-care facility shall
14 be exempt from licensure if such facility receives any state or federal funds for providing care for
15 children, except for federal funds for those programs which meet the requirements for participation
16 in the Child and Adult Care Food Program pursuant to 42 U.S.C. Section 1766. Grants to parents
17 for child care pursuant to sections 210.201 to 210.257 shall not be construed to be funds received by
18 a person or facility listed in subdivisions (1) and (17) of subsection 1 of this section.

19 3. Any child care facility not exempt from licensure shall disclose the licensure status of the
20 facility to the parents or guardians of children for which the facility provides care. No child care
21 facility exempt from licensure shall represent to any parent or guardian of children for which the
22 facility provides care that the facility is licensed when such facility is in fact not licensed. A parent
23 or guardian shall sign a written notice indicating ~~[he or she]~~ such parent or guardian is aware of the
24 licensure status of the facility. The facility shall keep a copy of this signed written notice on file.
25 All child care facilities shall provide the parent or guardian enrolling a child in the facility with a
26 written explanation of the disciplinary philosophy and policies of the child care facility.

27 210.221. 1. The department of ~~[health and senior services]~~ elementary and secondary
28 education shall have the following powers and duties:

29 (1) After inspection, to grant licenses to persons to operate child-care facilities if satisfied as
30 to the good character and intent of the applicant and that such applicant is qualified and equipped to
31 render care or service conducive to the welfare of children. Each license shall specify the kind of
32 child-care services the licensee is authorized to perform, the number of children that can be received
33 or maintained, and their ages ~~[and sex]~~;

34 (2) To inspect the conditions of the homes and other places in which the applicant operates a
35 child-care facility, inspect their books and records, premises and children being served, examine
36 their officers and agents, deny, suspend, place on probation or revoke the license of such persons as
37 fail to obey the provisions of sections 210.201 to 210.245 or the rules and regulations made by the
38 department of ~~[health and senior services]~~ elementary and secondary education. The ~~[director]~~
39 commissioner also may revoke or suspend a license when the licensee ~~[fails to renew or]~~ surrenders

1 the license;

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

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

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

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

20 3. The department of elementary and secondary education shall deny, suspend, place on
21 probation or revoke a license if ~~[it]~~ the department receives official written notice that the local
22 governing body has found that license is prohibited by any local law related to the health and safety
23 of children. The department may deny an application for a license if the department determines that
24 a home or other place in which an applicant would operate a child-care facility is located within one
25 thousand feet of any location where a person required to register under sections 589.400 to 589.425
26 either resides, as that term is defined in subsection 3 of section 566.147, or regularly receives
27 treatment or services, excluding any treatment or services delivered in a hospital, as that term is
28 defined in section 197.020, or in facilities owned or operated by a hospital system. The department
29 may, after inspection, find the licensure, denial of licensure, suspension or revocation to be in the
30 best interest of the state.

31 4. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
32 under the authority delegated in sections 210.201 to 210.245 shall become effective only if it
33 complies with and is subject to all of the provisions of chapter 536 and, if applicable, section
34 536.028. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and
35 repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed
36 or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This
37 section and chapter 536 are nonseverable and if any of the powers vested with the general assembly
38 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are
39 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or

1 adopted after August 28, 1999, shall be invalid and void.

2 210.223. 1. All licensed child care facilities that provide care for children less than one year
3 of age shall implement and maintain a written safe sleep policy in accordance with the most recent
4 safe sleep recommendations of the American Academy of Pediatrics. The purpose of the safe sleep
5 policy is to maintain a safe sleep environment that reduces the risk of sudden infant death syndrome
6 and sudden unexpected infant deaths in children less than one year of age.

7 2. When, in the opinion of the infant's licensed health care provider, an infant requires
8 alternative sleep positions or special sleeping arrangements that differ from those set forth in the
9 most recent sleep recommendations of the American Academy of Pediatrics, the child care facility
10 shall be provided with written instructions, signed by the infant's licensed health care provider,
11 detailing the alternative sleep positions or special sleeping arrangements for such infant. The child
12 care facility shall put the infant to sleep in accordance with such written instructions.

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

14 (1) "Sudden infant death syndrome", the sudden death of an infant less than one year of age
15 that cannot be explained after a thorough investigation has been conducted, including a complete
16 autopsy, an examination of the death scene, and a review of the clinical history;

17 (2) "Sudden unexpected infant death", the sudden and unexpected death of an infant less
18 than one year of age in which the manner and cause of death are not immediately obvious prior to
19 investigation. Causes of sudden unexpected infant death include, but are not limited to, metabolic
20 disorders, hypothermia or hyperthermia, neglect or homicide, poisoning, and accidental suffocation.

21 4. All employees of licensed child care facilities who care for infants less than one year of
22 age or any volunteer who may be assisting at the facility shall successfully complete department-
23 approved training on the most recent safe sleep recommendations of the American Academy of
24 Pediatrics every three years.

25 5. The department of elementary and secondary education shall promulgate rules to
26 implement the provisions of this section. Such rules shall include, but not be limited to:

27 (1) Amending any current rules which are not in compliance with the most recent safe sleep
28 recommendations of the American Academy of Pediatrics [~~including but not limited to 19-CSR~~
29 ~~30.62-092(1)C which permits the use of bumper pads in cribs or playpens~~];

30 (2) Keeping soft or loose bedding away from sleeping infants and out of safe sleep
31 environments including, but not limited to, bumper pads, pillows, quilts, comforters, sleep
32 positioning devices, sheepskins, blankets, flat sheets, cloth diapers, bibs, and other similar items;
33 and

34 (3) Prohibiting blankets or other soft or loose bedding from being hung on the sides of cribs.

35 6. The department of elementary and secondary education may adopt emergency rules to
36 implement the requirements of this section. Any rule or portion of a rule, as that term is defined in
37 section 536.010, that is created under the authority delegated in this section shall become effective
38 only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable,
39 section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested

1 with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to
2 disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking
3 authority and any rule proposed or adopted after August 28, 2015, shall be invalid and void.

4 210.231. The department of [~~health and senior services~~] elementary and secondary
5 education may designate to act for it, with full authority of law, any instrumentality of any political
6 subdivision of the state of Missouri deemed by the department of [~~health and senior services~~]
7 elementary and secondary education to be competent, to investigate and inspect licensees and
8 applicants for a license. Local inspection of child care facilities may be accomplished if the
9 standards employed by local personnel are substantially equivalent to state standards and local
10 personnel are available for enforcement of such standards.

11 210.241. Any person aggrieved by a final decision of the department of [~~health and senior~~
12 ~~services~~] elementary and secondary education made in the administration of sections 210.201 to
13 210.245 shall be entitled to judicial review thereof as provided in chapter 536.

14 210.245. 1. Any person who violates any provision of sections 210.201 to 210.245, or who
15 for such person or for any other person makes materially false statements in order to obtain a license
16 or the renewal thereof pursuant to sections 210.201 to 210.245, shall be guilty of a class C
17 misdemeanor for the first offense and shall be assessed a fine not to exceed seven hundred fifty
18 dollars and shall be guilty of a class A misdemeanor and shall be assessed a fine of up to two
19 thousand dollars per day, not to exceed a total of ten thousand dollars for subsequent offenses. In
20 case such guilty person is a corporation, association, institution or society, the officers thereof who
21 participate in such misdemeanor shall be subject to the penalties provided by law.

22 2. If the department of [~~health and senior services~~] elementary and secondary education
23 proposes to deny, suspend, place on probation or revoke a license, the department [~~of health and~~
24 ~~senior services~~] shall serve upon the applicant or licensee written notice of the proposed action to be
25 taken. The notice shall contain a statement of the type of action proposed, the basis for it, the date
26 the action will become effective, and a statement that the applicant or licensee shall have thirty days
27 to request in writing a hearing before the administrative hearing commission and that such request
28 shall be made to the department of [~~health and senior services~~] elementary and secondary education.
29 If no written request for a hearing is received by the department of [~~health and senior services~~]
30 elementary and secondary education within thirty days of the delivery or mailing by certified mail of
31 the notice to the applicant or licensee, the proposed discipline shall take effect on the thirty-first day
32 after such delivery or mailing of the notice to the applicant or licensee. If the applicant or licensee
33 makes a written request for a hearing, the department of [~~health and senior services~~] elementary and
34 secondary education shall file a complaint with the administrative hearing commission within ninety
35 days of receipt of the request for a hearing.

36 3. The department of [~~health and senior services~~] elementary and secondary education may
37 issue letters of censure or warning without formal notice or hearing. Additionally, the department of
38 [~~health and senior services~~] elementary and secondary education may place a licensee on probation
39 pursuant to chapter 621.

1 4. The department of ~~[health and senior services]~~ elementary and secondary education may
2 suspend any license simultaneously with the notice of the proposed action to be taken in subsection
3 2 of this section, if the department ~~[of health and senior services]~~ finds that there is a threat of
4 imminent bodily harm to the children in care. The notice of suspension shall include the basis of the
5 suspension and the appeal rights of the licensee pursuant to this section. The licensee may appeal
6 the decision to suspend the license to the department of ~~[health and senior services]~~ elementary and
7 secondary education. The appeal shall be filed within ten days from the delivery or mailing by
8 certified mail of the notice of appeal. A hearing shall be conducted by the department of ~~[health and~~
9 ~~senior services]~~ elementary and secondary education within ten days from the date the appeal is
10 filed. The suspension shall continue in effect until the conclusion of the proceedings, including
11 review thereof, unless sooner withdrawn by the department of ~~[health and senior services]~~
12 elementary and secondary education, dissolved by a court of competent jurisdiction or stayed by the
13 administrative hearing commission. Any person aggrieved by a final decision of the department
14 made pursuant to this section shall be entitled to judicial review in accordance with chapter 536.

15 5. In addition to initiating proceedings pursuant to subsection 1 of this section, or in lieu
16 thereof, the prosecuting attorney of the county where the child-care facility is located may file suit
17 for a preliminary and permanent order overseeing or preventing the operation of a child-care facility
18 for violating any provision of sections 210.201 to 210.245. The order shall remain in force until
19 such a time as the court determines that the child-care facility is in substantial compliance. If the
20 prosecuting attorney refuses to act or fails to act after receipt of notice from the department of
21 ~~[health and senior services]~~ elementary and secondary education, the department ~~[of health and~~
22 ~~senior services]~~ may request that the attorney general seek an injunction of the operation of such
23 child-care facility.

24 6. In cases of imminent bodily harm to children in the care of a child-care facility, including
25 an unlicensed, nonexempt facility, the department of elementary and secondary education may file
26 suit in the circuit court of the county in which the child-care facility is located for injunctive relief,
27 which may include removing the children from the facility, overseeing the operation of the facility
28 or closing the facility. Failure by the department to file suit under the provisions of this subsection
29 shall not be construed as creating any liability in tort or incurring other obligations or duties except
30 as otherwise specified.

31 7. Any person who operates an unlicensed, nonexempt child-care facility in violation of the
32 provisions of sections 210.201 to 210.245 shall be liable for a civil penalty of not less than seven
33 hundred fifty dollars and not more than two thousand dollars. The department of elementary and
34 secondary education shall serve upon such person written notice of the department's findings as to
35 the child-care facility's unlicensed, nonexempt status, along with educational materials about
36 Missouri's child-care facility laws and regulations, how a facility may become exempt or licensed,
37 and penalties for operating an unlicensed, nonexempt child-care facility. The notice shall contain a
38 statement that the person shall have thirty days to become compliant with sections 210.201 to
39 210.245, including attaining exempt status or becoming licensed. The person's failure to do so shall

1 result in a civil action in the circuit court of Cole County or criminal charges under this section. If,
2 following the receipt of the written notice, the person operating the child-care facility fails to
3 become compliant with sections 210.201 to 210.245, the department may bring a civil action in the
4 circuit court of Cole County against such person. The department may, but shall not be required to,
5 request that the attorney general bring the action in place of the department. No civil action
6 provided by this subsection shall be brought if the criminal penalties under subsection 1 of this
7 section have been previously ordered against the person for the same violation. Failure by the
8 department to file suit under the provisions of this subsection shall not be construed as creating any
9 liability in tort or incurring other obligations or duties except as otherwise specified.

10 8. There shall be established the "Family Child Care Provider Fund" in the state treasury,
11 which shall consist of such funds as appropriated by the general assembly. The state treasurer shall
12 be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may
13 approve disbursements. The fund shall be a dedicated fund and moneys in the fund shall be used
14 solely by the department of elementary and secondary education for the dissemination of
15 information concerning compliance with child-care facility laws and regulations, including licensed
16 or exempt status; educational initiatives relating to, inter alia, child care, safe sleep practices, and
17 child nutrition; and the provision of financial assistance on the basis of need for family child-care
18 homes to become licensed, as determined by the department and subject to available moneys in the
19 fund. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in
20 the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The
21 state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any
22 interest and moneys earned on such investments shall be credited to the fund.

23 210.251. 1. [~~By January 1, 1994,~~] Financial incentives shall be provided by the department
24 of [~~health and senior services~~] elementary and secondary education through the child development
25 block grant and other public moneys for child-care facilities wishing to upgrade their standard of
26 care and which meet quality standards.

27 2. The department of health and senior services shall make federal funds available to
28 licensed or inspected child-care centers pursuant to federal law as set forth in the Child and Adult
29 Care Food Program, 42 U.S.C. Section 1766.

30 3. Notwithstanding any other provision of law to the contrary, in the administration of the
31 program for at-risk children through the Child and Adult Care Food Program, 42 U.S.C. Section
32 1766, this state shall not have requirements that are stricter than federal regulations for participants
33 in such program. Child care facilities shall not be required to be licensed child care providers to
34 participate in such federal program so long as minimum health and safety standards are met and
35 documented.

36 210.254. 1. Child-care facilities operated by religious organizations pursuant to the exempt
37 status recognized in subdivision (17) of subsection 1 of section 210.211 shall upon enrollment of
38 any child provide the parent or guardian enrolling the child two copies of a notice of parental
39 responsibility, one copy of which shall be retained in the files of the facility after the enrolling

1 parent acknowledges, by signature, having read and accepted the information contained therein.

2 2. The notice of parental responsibility shall include the following:

3 (1) Notification that the child-care facility is exempt as a religious organization from state
4 licensing and therefore not inspected or supervised by the department of [~~health and senior services~~]
5 elementary and secondary education other than as provided herein and that the facility has been
6 inspected by those designated in section 210.252 and is complying with the fire, health and
7 sanitation requirements of sections 210.252 to 210.257;

8 (2) The names, addresses and telephone numbers of agencies and authorities which inspect
9 the facility for fire, health and safety and the date of the most recent inspection by each;

10 (3) The staff/child ratios for enrolled children under two years of age, for children ages two
11 to four and for those five years of age and older as required by the department of [~~health and senior~~
12 ~~services~~] elementary and secondary education regulations in licensed facilities, the standard ratio of
13 staff to number of children for each age level maintained in the exempt facility, and the total number
14 of children to be enrolled by the facility;

15 (4) Notification that background checks have been conducted under the provisions of
16 section 210.1080;

17 (5) The disciplinary philosophy and policies of the child-care facility; and

18 (6) The educational philosophy and policies of the child-care facility.

19 3. A copy of notice of parental responsibility, signed by the principal operating officer of the
20 exempt child-care facility and the individual primarily responsible for the religious organization
21 conducting the child-care facility and copies of the annual fire and safety inspections shall be filed
22 annually during the month of August with the department of [~~health and senior services~~] elementary
23 and secondary education.

24 210.255. 1. A parent or guardian of a child enrolled in a child care facility established,
25 maintained or operated by a religious organization who has cause to believe that this section and
26 section 210.254 are being violated may notify appropriate local law enforcement authorities.

27 2. If a child care facility maintained or operated under the exclusive control of a religious
28 organization is suspected of violating any provision of sections 210.252 to 210.255, or if there is
29 good cause to believe that the signatory made a materially false statement in the notice of parental
30 responsibility required by sections 210.252 to 210.255, the department of [~~health and senior~~
31 ~~services~~] elementary and secondary education shall give twenty days' written notice to the facility
32 concerning the nature of its suspected noncompliance. If compliance is not forthcoming within the
33 twenty days, the department shall thereafter notify the prosecuting attorney of the county wherein
34 the facility is located concerning the suspected noncompliance. If the prosecuting attorney refuses
35 to act or fails to act within thirty days of receipt of notice from the department, the department of
36 [~~health and senior services~~] elementary and secondary education may notify the attorney general
37 concerning the suspected noncompliance and the attorney general may proceed under section
38 [~~210.248~~] 27.060.

39 210.256. 1. Any person who violates any provision of sections 210.252 to 210.255, or who

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

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

12 3. In cases of imminent bodily harm to children in the care of a child-care facility, the
13 department of ~~health and senior services~~ elementary and secondary education may apply to the
14 circuit court of the county in which the child-care facility is located for injunctive relief, which may
15 include removing the children from the facility, overseeing the operation of the facility or closing
16 the facility.

17 210.258. 1. The provisions of this section and section 210.259 apply to a child care facility
18 maintained or operated under the exclusive control of a religious organization. Nothing in sections
19 210.252 to 210.257 shall be construed to authorize the department of ~~health and senior services~~
20 elementary and secondary education or any other governmental entity:

21 (1) To interfere with the program, curriculum, ministry, teaching or instruction offered in a
22 child care facility;

23 (2) To interfere with the selection, certification, minimal formal educational degree
24 requirements, supervision or terms of employment of a facility's personnel;

25 (3) To interfere with the selection of individuals sitting on any governing board of a child
26 care facility;

27 (4) To interfere with the selection of children enrolled in a child care facility; or

28 (5) To prohibit the use of corporal punishment. However, the department of ~~health and~~
29 ~~senior services~~ elementary and secondary education may require the child care facility to provide
30 the parent or guardian enrolling a child in the facility a written explanation of the disciplinary
31 philosophy and policies of the child care facility.

32 2. Nothing in subdivisions (2) and (3) of subsection 1 of this section shall be interpreted to
33 relieve a child care facility of its duties and obligations under section 210.1080, or to interfere with
34 the department's duties and obligations under said section.

35 210.275. Any program licensed by the department of ~~health and senior services~~
36 elementary and secondary education pursuant to this chapter providing child care to school-age
37 children that is located and operated on elementary or secondary school property shall comply with
38 the child-care licensure provisions in this chapter; except that, for safety, health and fire purposes,
39 all buildings and premises for any such programs shall be deemed to be in compliance with the

1 child-care licensure provisions in this chapter.

2 210.1007. 1. The department of ~~[health and senior services]~~ elementary and secondary
3 education shall ~~[, on or before July 1, 2003, and]~~ quarterly ~~[thereafter,]~~ provide all child-care
4 facilities licensed pursuant to this chapter with a comprehensive list of children's products that have
5 been identified by the Consumer Product Safety Commission as unsafe.

6 2. Upon notification, a child-care facility shall inspect its premises and immediately dispose
7 of any unsafe children's products which are discovered. Such inspection shall be documented by
8 signing and dating the department's notification form in a space designated by the department.
9 Signed and dated notification forms shall be maintained in the facility's files for departmental
10 inspection.

11 3. During regular inspections, the department of elementary and secondary education shall
12 document the facility's maintenance of past signed and dated notification forms. If the department
13 discovers an unsafe children's product, the facility shall be instructed to immediately dispose of the
14 product. If a facility fails to dispose of a product after being given notice that it is unsafe, it shall be
15 considered a violation under the inspection.

16 4. The department of elementary and secondary education may promulgate rules for the
17 implementation of this section. Any rule or portion of a rule, as that term is defined in section
18 536.010, that is created under the authority delegated in this section shall become effective only if it
19 complies with and is subject to all of the provisions of chapter 536 and, if applicable, section
20 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the
21 general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and
22 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any
23 rule proposed or adopted after August 28, 2002, shall be invalid and void.

24 210.1080. 1. As used in this section, the following terms mean:

25 (1) "Child care provider", a person licensed, regulated, or registered to provide child care
26 within the state of Missouri, including the member or members, manager or managers, shareholder
27 or shareholders, director or directors, and officer or officers of any entity licensed, regulated, or
28 registered to provide child care within the state of Missouri;

29 (2) "Child care staff member", a child care provider; persons employed by the child care
30 provider for compensation, including contract employees or self-employed individuals; individuals
31 or volunteers whose activities involve the care or supervision of children for a child care provider or
32 unsupervised access to children who are cared for or supervised by a child care provider; individuals
33 residing in a family child care home who are ~~[seventeen years of age or older before January 1,~~
34 ~~2021, or]~~ eighteen years of age or older ~~[on or after January 1, 2021,]~~; or individuals residing in a
35 ~~[family child care]~~ home where child care is provided who are under ~~[seventeen years of age before~~
36 ~~January 1, 2021, or under]~~ eighteen years of age ~~[on or after January 1, 2021,]~~ and have been
37 certified as an adult for the commission of an offense;

38 (3) "Criminal background check":

39 (a) A Federal Bureau of Investigation fingerprint check;

1 (b) A search of the National Crime Information Center's National Sex Offender Registry;
2 and

3 (c) A search of the following registries, repositories, or databases in Missouri, the state
4 where the child care staff member resides, and each state where such staff member resided during
5 the preceding five years:

6 a. The state criminal registry or repository, with the use of fingerprints being required in the
7 state where the staff member resides and optional in other states;

8 b. The state sex offender registry or repository; and

9 c. The state-based child abuse and neglect registry and database;

10 (4) "~~[Designated] Department~~", the department ~~[to which criminal background check results~~
11 ~~are sent; the department of health and senior services for child care staff members or prospective~~
12 ~~child care staff members of licensed child care facilities; and the department of social services for~~
13 ~~child care staff members or prospective child care staff members of a license-exempt child care~~
14 ~~facility or an unlicensed child care facility registered with the department of social services under~~
15 ~~section 210.027] of elementary and secondary education;~~

16 (5) "Qualifying result" or "qualifying criminal background check", a finding that a child
17 care staff member or prospective child care staff member is eligible for employment or presence in a
18 child care setting described under this section.

19 2. (1) Prior to the employment or presence of a child care staff member in a licensed,
20 license-exempt, or unlicensed registered child care facility, the child care provider shall request the
21 results of a criminal background check for such child care staff member from the department ~~[of~~
22 ~~health and senior services]~~.

23 (2) ~~[Prior to the employment or presence of a child care staff member in a license-exempt~~
24 ~~child care facility or an unlicensed child care facility registered with the department of social~~
25 ~~services, the child care provider shall request the results of a criminal background check for such~~
26 ~~child care staff member from the department of social services.~~

27 (3) A prospective child care staff member may begin work for a child care provider after
28 receiving the qualifying result of either a Federal Bureau of Investigation fingerprint check or a
29 search of the Missouri criminal registry or repository with the use of fingerprints ~~[has been received~~
30 ~~from the designated department]~~; however, pending completion of the criminal background check,
31 the prospective child care staff member shall be supervised at all times by another child care staff
32 member who received a qualifying result on the criminal background check within the past five
33 years.

34 ~~[(4)]~~ (3) Any individual who meets the definition of child care provider but is not
35 responsible for the oversight or direction of the child care facility and does not have independent
36 access to the child care facility is not required to request the results of a criminal background check
37 under this section; however, such individual shall be accompanied by an individual with a qualifying
38 criminal background check in order to be present at the child care facility during child care hours.

39 3. The costs of the criminal background check shall be the responsibility of the child care

1 staff member but may be paid or reimbursed by the child care provider at the provider's discretion.
2 The fees charged for the criminal background check shall not exceed the actual cost of processing
3 and administration.

4 4. Upon completion of the criminal background check, any child care staff member or
5 prospective child care staff member shall be ineligible for employment or presence at a licensed or
6 license-exempt child care facility or an unlicensed child care facility registered with the department
7 ~~[of social services]~~ and shall be disqualified from receipt of state or federal funds for providing child
8 care services either by direct payment or through reimbursement to an individual who receives child
9 care benefits if such person:

10 (1) Refuses to consent to the criminal background check as required by this section;

11 (2) Knowingly makes a materially false statement in connection with the criminal
12 background check as required by this section;

13 (3) Is registered, or is required to be registered, on a state sex offender registry or repository
14 or the National Sex Offender Registry;

15 (4) Is listed as a perpetrator of child abuse or neglect under sections 210.109 to 210.183 or
16 any other finding of child abuse or neglect based on any other state's registry or database; or

17 (5) Has pled guilty or nolo contendere to or been found guilty of:

18 (a) Any felony for an offense against the person as defined in chapter 565;

19 (b) Any other offense against the person involving the endangerment of a child as
20 prescribed by law;

21 (c) Any misdemeanor or felony for a sexual offense as defined in chapter 566;

22 (d) Any misdemeanor or felony for an offense against the family as defined in chapter 568;

23 (e) Burglary in the first degree as defined in 569.160;

24 (f) Any misdemeanor or felony for robbery as defined in chapter 570;

25 (g) Any misdemeanor or felony for pornography or related offense as defined in chapter
26 573;

27 (h) Any felony for arson as defined in chapter 569;

28 (i) Any felony for armed criminal action as defined in section 571.015, unlawful use of a
29 weapon as defined in section 571.030, unlawful possession of a firearm as defined in section
30 571.070, or the unlawful possession of an explosive weapon as defined in section 571.072;

31 (j) Any felony for making a terrorist threat as defined in section 574.115, 574.120, or
32 574.125;

33 (k) A felony drug-related offense committed during the preceding five years; or

34 (l) Any similar offense in any federal, state, municipal, or other court of similar jurisdiction
35 of which the director of the ~~[designated]~~ department has knowledge.

36 5. Household members ~~[seventeen years of age or older before January 1, 2021, or eighteen~~
37 ~~years of age or older on or after January 1, 2021, or household members under seventeen years of~~
38 ~~age before January 1, 2021, or under eighteen years of age on or after January 1, 2021,]~~ who have
39 been certified as an adult for the commission of an offense shall be ineligible to maintain a presence

1 at a ~~[facility licensed as a family child care]~~ home where child care is provided during child care
2 hours if any one or more of the provisions of subsection 4 of this section apply to such members.

3 6. A child care provider may also be disqualified from receipt of state or federal funds for
4 providing child care services either by direct payment or through reimbursement to an individual
5 who receives child care benefits if such person~~;~~ or any person ~~[seventeen years of age or older~~
6 ~~before January 1, 2021, or]~~ eighteen years of age or older ~~[on or after January 1, 2021,]~~ residing in
7 the household in which child care is being provided, excluding child care provided in the child's
8 home, has been refused licensure or has experienced licensure suspension or revocation under
9 section 210.221 or 210.496.

10 7. A child care provider shall not be required to submit a request for a criminal background
11 check under this section for a child care staff member if:

12 (1) The staff member received a qualifying criminal background check within five years
13 before the latest date on which such a submission may be made and while employed by or seeking
14 employment by another child care provider within Missouri;

15 (2) The department of elementary and secondary education, the department of health and
16 senior services, or the department of social services provided to the first provider a qualifying
17 criminal background check result, consistent with this section, for the staff member; and

18 (3) The staff member is employed by a child care provider within Missouri or has been
19 separated from employment from a child care provider within Missouri for a period of not more than
20 one hundred eighty consecutive days.

21 8. (1) The department ~~[processing]~~ shall process the request for a criminal background
22 check for any prospective child care staff member or child care staff member ~~[shall do so]~~ as
23 expeditiously as possible, but not to exceed forty-five days after the date on which the provider
24 submitted the request.

25 (2) The department shall provide the results of the criminal background check to the child
26 care provider in a statement that indicates whether the prospective child care staff member or child
27 care staff member is eligible or ineligible for employment or presence at the child care facility or
28 receipt of state or federal funds for providing child care services either by direct payment or through
29 reimbursement to an individual who receives child care benefits. The department shall not reveal to
30 the child care provider any disqualifying crime or other related information regarding the
31 prospective child care staff member or child care staff member.

32 (3) If such prospective child care staff member or child care staff member is ineligible for
33 employment or presence at the child care facility, the department shall, when providing the results of
34 criminal background check, include information related to each disqualifying crime or other related
35 information, in a report to such prospective child care staff member or child care staff member,
36 along with information regarding the opportunity to appeal under subsection 9 of this section.

37 (4) If a prospective child care provider or child care provider has been denied state or
38 federal funds by the department ~~[of social services]~~ for providing child care, ~~[he or she]~~ such
39 individual may appeal such denial to the department ~~[of social services]~~ under section 210.027.

1 9. (1) The prospective child care staff member or child care staff member may appeal a
2 finding of ineligibility for employment or presence at a child care facility in writing to the
3 department [~~that made the determination of ineligibility~~] to challenge the accuracy or completeness
4 of the information contained in [~~his or her~~] such individual's criminal background check if [~~his or~~
5 ~~her~~] such individual's finding of ineligibility is based on one or more of the following offenses:

- 6 (a) Murder, as described in 18 U.S.C. Section 1111;
7 (b) Felony child abuse or neglect;
8 (c) A felony crime against children, including child pornography;
9 (d) Felony spousal abuse;
10 (e) A felony crime involving rape or sexual assault;
11 (f) Felony kidnapping;
12 (g) Felony arson;
13 (h) Felony physical assault or battery;
14 (i) A violent misdemeanor offense committed as an adult against a child, including the
15 offense of child abuse, child endangerment, or sexual assault, or a misdemeanor offense involving
16 child pornography; or
17 (j) Any similar offense in any federal, state, municipal, or other court.

18 (2) If a finding of ineligibility is based on an offense not provided for in subdivision (1) of
19 this subsection, the prospective child care staff member or child care staff member may appeal to
20 challenge the accuracy or completeness of the information contained in [~~his or her~~] such individual's
21 criminal background check or to offer information mitigating the results and explaining why an
22 eligibility exception should be granted.

23 (3) The written appeal shall be filed with the department [~~that made the determination~~]
24 within ten days from the mailing of the notice of ineligibility. [~~Such~~] The department shall attempt
25 to verify the accuracy of the information challenged by the individual, including making an effort to
26 locate any missing disposition information related to the disqualifying offense. After the department
27 verifies the accuracy of the information challenged by the individual, the department shall [~~forward~~
28 ~~the appeal to the child care background screening review committee established in subdivision (4)~~
29 ~~of this subsection. The child care background screening review committee shall~~] make a final
30 decision on the written appeal, and such decision shall be made in a timely manner. Such decision
31 shall be considered a noncontested final agency decision by the department [~~that made the~~
32 ~~determination of ineligibility under this section~~] and appealable under section 536.150. Such
33 decision shall be appealed within thirty days of the mailing of the decision.

34 ~~[(4) There is hereby established a "Child Care Background Screening Review Committee",~~
35 ~~which shall consist of the directors of the department of health and senior services and the~~
36 ~~department of social services or the directors' designee or designees.~~

37 ~~(5) Any decision by the child care background screening review committee to grant an~~
38 ~~eligibility exception as allowed in this section shall only be made upon the approval of all~~
39 ~~committee members.~~

1 ~~10. The department of health and senior services and the department of social services are~~
 2 ~~authorized to enter into any agreements necessary to facilitate the sharing of information between~~
 3 ~~the departments for the enforcement of this section including, but not limited to, the results of the~~
 4 ~~criminal background check or any of its individual components.~~

5 ~~11.] 10.~~ Nothing in this section shall prohibit ~~[either]~~ the department ~~[of health and senior~~
 6 ~~services or the department of social services]~~ from requiring more frequent checks of the family care
 7 safety registry established under section 210.903 or the central registry for child abuse established
 8 under section 210.109 in order to determine eligibility for employment or presence at the child care
 9 facility or receipt of state or federal funds for providing child care services either by direct payment
 10 or through reimbursement to an individual who receives child care benefits.

11 ~~[12.] 11.~~ The department ~~[of health and senior services and the department of social~~
 12 ~~services]~~ may ~~[each]~~ adopt emergency rules to implement the requirements of this section. Any rule
 13 or portion of a rule, as that term is defined in section 536.010, that is created under the authority
 14 delegated in this section shall become effective only if it complies with and is subject to all of the
 15 provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
 16 nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to
 17 review, to delay the effective date, or to disapprove and annul a rule are subsequently held
 18 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after
 19 August 28, 2018, shall be invalid and void.

20 ~~[13.] 12.~~ The provisions of this section shall not apply to any child care facility, as defined
 21 in section 210.201, maintained or operated under the exclusive control of a religious organization, as
 22 described in subdivision (17) of subsection 1 of section 210.211, unless such facility is a recipient of
 23 federal funds for providing care for children, except for federal funds for those programs that meet
 24 the requirements for participation in the Child and Adult Care Food Program under 42 U.S.C.
 25 Section 1766.

26
 27 ~~[210.199. Any applicant for a grant or contract who offers early childhood~~
 28 ~~development, education or care programs and who receives funds derived from an~~
 29 ~~appropriation to the department of elementary and secondary education pursuant~~
 30 ~~to paragraph (d) of subdivision (3) of section 313.835 shall be licensed by the~~
 31 ~~department of health and senior services pursuant to sections 210.201 to 210.259~~
 32 ~~prior to opening of the facility. The provisions of this section shall not apply to~~
 33 ~~any grant or contract awarded to a request for proposal issued prior to August 28,~~
 34 ~~1999.]"; and~~

35
 36 Further amend said bill by amending the title, enacting clause, and intersectional references
 37 accordingly.