

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SS/Senate Bill No. 1111, Page 14, Section 210.211, Line 134,

2 by inserting after all of said line the following:

3 "210.221. 1. The department of elementary and
4 secondary education shall have the following powers and
5 duties:

6 (1) After inspection, to grant licenses to persons to
7 operate child-care facilities if satisfied as to the good
8 character and intent of the applicant and that such
9 applicant is qualified and equipped to render care or
10 service conducive to the welfare of children. Each license
11 shall specify its effective dates and whether it is
12 temporary, the kind of child-care services the licensee is
13 authorized to perform, the number of children that can be
14 received or maintained, and their ages ;

15 (2) To inspect the conditions of the homes and other
16 places in which the applicant operates a child-care
17 facility, inspect their books and records, premises and
18 children being served, examine their officers and agents,
19 deny, suspend, place on probation or revoke the license of
20 such persons as fail to obey the provisions of sections
21 210.201 to 210.245 or the rules and regulations made by the
22 department of elementary and secondary education. The
23 commissioner also may revoke or suspend a license when the
24 licensee surrenders the license;

25 (3) To promulgate and issue rules and regulations the
26 department deems necessary or proper in order to establish

27 standards of service and care to be rendered by such
28 licensees to children. No rule or regulation promulgated by
29 the department shall in any manner restrict or interfere
30 with any religious instruction, philosophies or ministries
31 provided by the facility and shall not apply to facilities
32 operated by religious organizations which are not required
33 to be licensed;

34 (4) To approve training concerning the safe sleep
35 recommendations of the American Academy of Pediatrics in
36 accordance with section 210.223; [and]

37 (5) To determine what records shall be kept by such
38 persons and the form thereof, and the methods to be used in
39 keeping such records, and to require reports to be made to
40 the department at regular intervals; and

41 (6) To grant a temporary child care license to a child
42 care provider upon submission of a complete license
43 application to expand an existing site or to add a new
44 location; provided, that the child care provider also
45 submits an approved fire safety inspection and an approved
46 sanitation inspection for the site being expanded or added.

47 2. Any child-care facility may request a variance from
48 a rule or regulation promulgated pursuant to this section.
49 The request for a variance shall be made in writing to the
50 department of elementary and secondary education and shall
51 include the reasons the facility is requesting the
52 variance. The department shall approve any variance request
53 that does not endanger the health or safety of the children
54 served by the facility. The burden of proof at any appeal
55 of a disapproval of a variance application shall be with the
56 department of elementary and secondary education. Local
57 inspectors may grant a variance, subject to approval by the
58 department of elementary and secondary education.

59 3. The department shall deny, suspend, place on
60 probation or revoke a license if it receives official
61 written notice that the local governing body has found that
62 license is prohibited by any local law related to the health
63 and safety of children. The department may deny an
64 application for a license if the department determines that
65 a home or other place in which an applicant would operate a
66 child-care facility is located within one thousand feet of
67 any location where a person required to register under
68 sections 589.400 to 589.425 either resides, as that term is
69 defined in subsection 3 of section 566.147, or regularly
70 receives treatment or services, excluding any treatment or
71 services delivered in a hospital, as that term is defined in
72 section 197.020, or in facilities owned or operated by a
73 hospital system. The department may, after inspection, find
74 the licensure, denial of licensure, suspension or revocation
75 to be in the best interest of the state.

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

91 rulemaking authority and any rule proposed or adopted after
92 August 28, 1999, shall be invalid and void."; and

93 Further amend the title and enacting clause accordingly.