

HHS/ED COMMITTEE #1
October 30, 2014
Briefing

MEMORANDUM

October 28, 2014

TO: Health and Human Services Committee
Education Committee

FROM: Vivian Yao, Legislative Analyst *VY*

SUBJECT: **Worksession: Executive Regulation 15-14 -- Before and After Childcare Programs in Public Schools**

The individuals expected to participate in the worksession include:

- Ramona Bell-Pearson, Assistant Chief Administrative Officer
- Ginny Gong, Executive Director, Office of Community Use of Public Facilities (CUPF)
- Elizabeth Habermann, Financial Administrator, CUPF
- James Song, Director, Department of Facilities Management, Montgomery County Public Schools (MCPS)

In addition, representatives from the Department of Health and Human Services (DHHS) are expected to attend the worksession.

On October 14, 2014, the Executive transmitted proposed Executive Regulation 15-14, Before and After Childcare Programs in Public Schools. The regulation contains the required procedures for scheduling of before and after school childcare programs in public school facilities. The Executive's transmittal memo is on ©1, the proposed regulation is on ©2-13, and OMB's fiscal impact statement is on ©29-30. In addition, guidelines attached at ©31-43 provide context for the Council review and details on how the regulations will be implemented.

BACKGROUND

In 1986, the Interagency Coordinating Board for Community Use of Public Facilities (ICB) approved a process to assist schools in selecting child care providers to serve students before and after school: CUPF issued permits, managed the placement transactions, and reimbursed MCPS for costs associated with this use. Because the selection of providers at individual school sites did not reoccur on a regular basis, concerns arose regarding fair access to this public asset for the purpose of operating child care programs and the absence of choice by key stakeholders. Thus, in 2007, the ICB implemented a competitive rebidding process to take

place every five years to foster equal and fair access to shared space in schools and ensure consistency with standard procurement practices. MCPS provides space to approximately 120 before and after school licensed child care programs in shared school space.¹

JURISDICTIONAL AUTHORITY

Maryland law authorizes local school boards to allow day care programs to operate in public school facilities before and after school hours² and requires local school boards to adopt regulations to implement the day care program in public school facilities.³

Following a challenge to the periodic rebid process in 2012, the Montgomery County Circuit Court found that the ICB Resolution which established the child care selection process was not the proper legal instrument for authorizing the rebid process. The Court explained that the process needed to be accomplished through a regulation approved by the County Council. Authority to manage the rebid process also needed to be delegated by the Montgomery County Board of Education, consistent with its authority under State law over day care programs in public schools.

In January 2013, the Board approved Resolution 19-13, which delegated authority to the ICB to schedule before and after school childcare programs in public schools under a regulation approved by the ICB and the Board of Education. The proposed regulation implements Resolution 19-13, and the Board of Education reviewed the proposed regulation on October 27. The Board of Education approved the recommendation with a modification related to parent participation on the selection committee, as summarized below.

Council staff notes that any changes sought by the Council to the proposed regulation would need to be approved by the County Executive, the ICB, and the Board of Education.

COUNCIL REVIEW

The proposed regulation was advertised in the September 2014 issue of the Montgomery County Register with a public comment closing date of September 30, 2014. A chart summarizing comments received is included at ©14-17, and the actual comments that were received are attached at ©18-28.

The Council is reviewing this regulation under Method (2) of Section 2A-15 of the County Code, which allows the regulation to take effect if the Council does not approve or disapprove it within 60 days after the Council receives it, unless the Council extends time. **Council staff notes an**

¹ Council staff notes that child care providers operate in different types of space within or attached to school property managed by different governmental agencies. DHHS manages the selection of early childhood programs for pre-school age children in dedicated school space. MCPS manages surplus classroom space or other designated areas that are not needed for academic purposes or other MCPS operations for all-day programs generally targeted at pre-school age children. Finally, CUPF manages the scheduling of shared school space, e.g., all-purpose rooms, classrooms, etc., for before and after school care of school age children. The proposed regulation is limited to the CUPF process for selecting before and after school child care providers for school age children.

² Section 7-109 of the Maryland Education Article.

³ Section 7-109 (b)

extension of time by the Council to approve or disapprove the regulation would likely prevent a rebid process from taking place for the 2015-2016 school year.

PUBLIC HEARING TESTIMONY AND CORRESPONDENCE

The Council held a public hearing⁴ on the proposed regulation on October 23 and received testimony from 17 speakers. The written testimony provided at the public hearing is attached at ©44-105. As a whole, the testimony requested that the Council not approve the proposed regulation as submitted and made the following arguments:

- The regulations codify the status quo instead of reflecting a comprehensive, centralized system for placing child care in public school space to be guided by child care professionals.
- Quality child care should be the priority for selecting child care providers and child care expertise should be represented on the selection committee.
- The regulation does not provide sufficient details that address the entire selection process including a weighting of points for the selection criteria, provisions for appeal or protest, and provisions for debriefing participants at the end of a selection process.
- Parents do not have a voice in the process and the selection committee should have at least one member who is currently enrolled in the incumbent's program.
- Nonprofits should not receive a five-point bonus on application ratings, and conversely, the five-point bonus does not sufficiently address the preference for nonprofit child care providers pursuant to State law.

In addition, the Council has received numerous letters (see e.g., ©106-108) from parents and other stakeholders urging the Council to address the selection process comprehensively, simplify the process for providers and stakeholders, and ensure the best system possible to allow for quality and reliable child care in public space.

ISSUES

Regulations Codify Status Quo

Comments critical of the proposed regulation suggest that the regulation merely codifies the existing process that CUPF managed before. The comments argue for consolidation of processes for selecting all child care that takes place in public schools and the management of the consolidated process by child care professionals.

Executive response: Executive staff indicated that the centralization of all child care in public schools is beyond the scope of the Board of Education delegation and that the CUPF process used between 2009-2012 was based on the approach used by DHHS and best procurement practices. Executive staff also noted that CUPF will make every effort to be in attendance at the selection committee meetings at each principal's invitation, but being present at all meetings involved an issue of resource availability.

⁴ A public hearing is not required or typically scheduled for a Method 2 regulation, which has already gone through a public notice and comment period. Because the topic has generated significant community interest over a number of years, the Council scheduled a public hearing to receive direct feedback from interested stakeholders.

Council staff comments: County Government and MCPS representatives worked on developing the proposed regulation and implementing guidelines with input from key stakeholders since the Board of Education approved Resolution 19-13. Although the structure of the process described in the proposed regulation is similar to that of the original CUPF process, i.e., principals form the selection committees and CUPF facilitates the selection process, the regulation incorporates numerous substantive changes that directly result from feedback provided by key stakeholders during the development of the regulations. Council staff notes that the Circuit Court did not make any findings that there are substantive faults with the rebid process implemented by CUPF. It simply found that the ICB Resolution authorizing the process was the incorrect legal instrument.

Council staff emphasizes that the public spaces made available for child care in schools, i.e., dedicated, surplus, and shared space, and the corresponding population targeted, i.e., preschool and school age children, are distinctly different and have warranted disparate treatment in the past. Moreover, major obstacles would need to be overcome to allow a County department other than CUPF to manage the rebid process. Based on existing State and County law, both the ICB and the Board of Education would need to approve a different structure. Thus, **Council staff recommends that CUPF continue to manage the selection of before and after school child care providers in shared school space.** Nevertheless, DHHS, CUPF, and MCPS should continue to collaborate, coordinate, and make as consistent as possible the different child care selection processes to address concerns of providers and parents.

Council staff also supports the role of the principal in leading the process at each school. The principal is in the best place to understand the needs of the school community. The goal of the Council should be to approve a regulation that provides a consistent process with enough flexibility to address the specific needs of each school community. **Thus, Council staff recommends additional processes that would increase the level of transparency and consistency in the selection processes that take place throughout the County:**

- Require that selection committee members receive an orientation at the beginning of the process that would provide information on the selection process timeline, expectations of committee members, conflicts of interest, and elements and indicators of quality child care.
- Require that CUPF be involved in all selection committee meetings. Currently, the regulation and implementation guidelines only provide that "a CUPF representative *may be* present to provide administrative support to the committee at the request of the principal" (emphasis added). **The Committee should seek to understand the extent to which this level of staffing will require additional resources and ensure that resources are available to accomplish this.**
- Require that CUPF determine whether disclosed conflicts of interest would disqualify a potential candidate from participating on a selection committee based on an established conflict of interest policy. This process determination needs to be applied consistently across schools.

Quality Child Care as a Priority Consideration

The Council received many comments that quality be a priority consideration in selecting child care providers, and that the process should have a specific framework for evaluating quality child care. In addition, feedback suggested that child care expertise should be represented on the selection committee and that a CUPF representative who has expertise in child care be required to provide support to each selection committee.

Executive response: Executive staff explained that the regulation provides principals with the flexibility to form committees with school educators and parent representatives. Principals and teachers are recognized as professionals with expertise in the needs of school aged children. In addition, the rating committee will continue to be provided with information related to standards established by the National Afterschool Association and MSDE standards for Implementing Quality School Age Childcare Programs.

Council staff comments: Encouraging the delivery of quality child care is policy that has been promoted by the County for many years and has received support from the County Council. Councilmembers have recognized the importance of quality care in improving educational outcomes and opportunities for children in the County. Although criteria related to quality child care have been a part of the CUPF selection process, it is important that the regulation references quality standards, consistent with policy initiatives related to quality child care

To ensure that quality considerations are given due weight, Council staff recommends that language be added to the regulation requiring that points be tied to objective criteria of quality child care. In addition, the selection committee should be briefed on elements and indicators of quality child care, as mentioned above. Council staff recognizes that school principals, teachers and parents have expertise in the needs of school age children, but they may not have specific knowledge about organizational or program attributes that indicate quality; federal, state and local child care standards; or other information pertinent to the delivery of quality child care. CUPF should consult with DHHS to develop orientation materials, determine the most appropriate delivery mechanism, and identify appropriate criteria to tie specific points to.

Parent Participation in the Process

The Council received significant feedback from stakeholders including parents and child care providers that parents need a voice in the selection process. Some providers felt that the selection committee should have at least one member who has a child enrolled in the incumbent's program.

Executive response: Executive staff indicated that the regulation and the implementation guidelines do not prohibit participation of parents and that principals will be encouraged to solicit parent feedback. However, at the Board of Education's October 27 meeting, Executive staff indicated that the County Executive does not object to requiring parent participation on the selection committee and intentionally left the decision for the Board of Education to make.

Board of Education response: At its October 27 meeting, the Board of Education expressed a preference that the selection committee include parents whose children use child

care services, if possible, and that the principal retain discretion on the number of parents to include and the cross section of parents who use or do not use the incumbents services.

Council staff comments: Council staff understands the importance of including stakeholders who use the child care services in the decision-making process. However, Council staff notes that in most cases, parents who have used the incumbent provider come to the process with a preformed view of the merits of the incumbent’s services for better or worse. Consequently, it is imperative that a conflict of interest process be fully developed and implemented to avoid potential challenges to selection committee decisions.

Even if parents are included on the selection committee, Council staff believes that it critical for the selection committee to understand the range of parent perspectives on this issue. As a result, **Council staff also recommends that the following provisions in the implementation guidelines relating to parent feedback be included in the regulations:**

- The principal must provide an opportunity for parents of the school to provide feedback regarding satisfaction with current childcare service providers, program features or services they would like to see, or similar information they would like to be considered for inclusion in the evaluation criteria addressing the provider's ability to address individual site needs.
- The principal must distribute any feedback obtained from the school community within six months prior to the bid announcement for consideration by the selection committee.

Nonprofit Preference

Section 7-109(b) of the Maryland Education Article provides that each local board of education shall “give priority to nonprofit child care programs for use of public school facilities before and after school hours.” The statute, however, does not provide guidance on what the preference should entail. The proposed regulation provides for a five-point addition to nonprofit application scores and that the nonprofit provider must be selected in the event of tie between the nonprofit and a for-profit provider. Council staff understands the intent of the regulation is to provide a 5% increase to nonprofit application scores instead of five-point increase, and that the Executive will send an amended regulation that includes this change.

Some for-profit providers have argued against the 5% bump in application scores for nonprofit child care providers and do not believe that their tax filing status impacts the quality of their services. Comments critical of the preference suggest that it could affect the outcome of a selection process negatively by allowing lower ranked providers to be selected. Conversely, the Council also received feedback that the 5% increase and tiebreaker provisions are not aligned with the State’s requirement that a preference be given, presumably suggesting that the proposed regulation does not do enough to provide a preference for nonprofits.

Council staff comments: Council staff understands that the workgroup developing the regulations put significant thought into and explored a number of options for providing the mandated nonprofit preference. Council staff believes that the preference strikes an appropriate balance between providing a significant preference without precluding the ability of for-profit providers to meaningfully compete for school space. The fact that both for-profit and non-profit

providers take issue with the preference suggests that proposed regulation has achieved some level of middle ground.

Selection Process Details

Testimony received by the Council indicates that the regulation does not provide sufficient details that address the entire selection process. Comments range from a desire to assign points for the specific selection criteria, provide for meaningful debriefing with participants at the end of selection process, and provide for an appeal or protest process.

Executive response: Executive staff explained that the process outlined in the proposed regulation was based on the approach used by HHS, and where applicable, best procurement practices. Executive staff also pointed out that as set forth in the regulations and implementation guidelines, the ICB cannot overturn a selection decision, but can make a determination that the process was not followed in a significant way and should be repeated.

Council staff comments: Council staff understands that the regulation provides a framework and general parameters to follow in the selection of child care providers without unduly restricting the process to meet the needs of individual school communities or preventing subtle changes needed to improve the process or adapt to changing circumstances. For example, the regulation provides the general criteria that will be assessed during the selection process, but does not assign specific points values or weighting, which may need to be adjusted over time. Indeed, this detail is typically made available in the RFP of a regular procurement process. Council staff notes, however, that providing for a 75-point scale without explaining how the points will be apportioned might be confusing to readers, and should be removed if it does not add any substantive direction.

Council staff recommends that the procedures for making process appeals to the ICB should be articulated in the regulation. Currently, the regulation only mentions in Section 5(p) that the "decision of the childcare selection committee on a Childcare Service Provider is final." The implementation guidelines provision that appeals for process issues are to be made to the ICB is not included in the regulation. Council staff recommends that the provision for appeal should be included in the regulation, so that potentially aggrieved parties will have notice of the opportunity for appeal. **Furthermore, additional detail is needed about the appeals process including any deadline for making the appeal, a timeframe within which the ICB must decide, and any further recourse that an aggrieved party may have if ICB denies the appeal.**

Finally, Council staff recommends that language be inserted to Section 7(3). That provision allows the principal to request a satisfaction survey and "request a re-bid of the school for the next school year after review of the issues in the event that . . . a majority of parents indicate a high level of dissatisfaction." **Council staff recommends that the section should provide apply "a majority of parents of enrolled children."** This language would prevent a situation where only a limited but vocal segment of users respond to a survey and trigger a rebid.



OFFICE OF THE COUNTY EXECUTIVE
ROCKVILLE, MARYLAND 20850

Isiah Leggett
County Executive

MEMORANDUM

October 16, 2014

TO: Craig Rice, President, Montgomery County Council

FROM: Isiah Leggett, County Executive 

SUBJECT: Executive Regulation 15-14 – Childcare Regulations for Before and After School Childcare Programs in Public Schools

The purpose of this memorandum is to submit Executive Regulation 15-14 for the Council's review and approval. This regulation implements the delegation of authority granted by the Board of Education of Montgomery County through Resolution No. 19-13 on January 8, 2013. Resolution No. 19-13 delegates to the Montgomery County Interagency Coordination Board for the Community Use of Public Facilities the authority to schedule the before and after school childcare programs in Montgomery County Public School facilities.

Executive Regulation 15-14 was advertised in the September 2014 issue of the *Montgomery County Register*. Comments were received in response to this advertisement and the Regulation has been amended to address those comments where appropriate. Attached you will find a spreadsheet that summarizes how the comments were addressed as well as the actual comments that were received.

The proposed regulation has been reviewed by the Office of Management and Budget, the Interagency Coordination Board, and the Office of the County Attorney. The Board of Education will review on October 27, 2014 and will provide any available comments to the joint Health and Human Services and Education Committee work session on October 30, 2014. Any input those Agencies had was incorporated into the amendments to these regulations and was advertised. The attached regulations being transmitted to Council contain the proposed required procedures to be followed when Community Use of Public Facilities manages the scheduling of before and after school childcare programs in public school facilities. Also attached is the fiscal impact statement for this regulation.

IL:rbp

Attachments



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject: Before and After School Childcare Programs in Public Schools	Number 15-14
Originating Department Community Use of Public Facilities	Effective Date

Montgomery County Regulation on

BEFORE AND AFTER SCHOOL CHILDCARE PROGRAMS IN PUBLIC SCHOOLS

Issued by: County Executive
Regulation No. 15-14
COMCOR No. 44.04.01

Authority: Montgomery County Code (2004) Sections 44-1(f); 44-3(a)(5)

Supersedes: Executive Regulation: N/A

Council Review: Method (2) under Code Section 2A-15

Register Vol. 31 No. 9

Effective Date: _____

Comment Deadline: September 30, 2014

Summary: This regulation implements Resolution No. 19-13, which was adopted by the Board of Education of Montgomery County on January 8, 2013. Resolution No. 19-13 delegates to the Interagency Coordinating Board for the Community Use of Public Facilities the authority to schedule the before and after school childcare programs in Montgomery County Public School facilities.

Staff contact: Ginny Gong, Director
Community Use of Public Facilities

Address: 255 Rockville, Suite 201
Rockville, Maryland 20850

Background: Section 7-109 of the Maryland Education Article authorizes the local school boards to allow day care programs to operate in public school facilities before and after school hours. Section 7-109(a)(1) states that use of school property for day care programs shall give priority to nonprofit day care programs. Section 7-109(b) requires the local school boards to adopt regulations to implement the day care program in public school facilities. Section 7-108 of the Maryland Education Article authorizes Montgomery County to create an Interagency Coordinating Board that may regulate non-school use of school facilities. Chapter 44 of the County Code implements Section 7-108 of the Education Article. Code Sections 44-1(f) and 44-3(a)(5) authorize the Interagency Coordinating Board to issue regulations to implement Chapter 44.

By Resolution No. 19-13, the Montgomery County Board of Education delegated authority to the Interagency Coordinating Board for the Community Use of Public



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Facilities to schedule the before and after school childcare program in Montgomery County Public School facilities under a regulation approved by: 1) the Interagency Coordinating Board under Chapter 44 of the Montgomery County Code; and 2) the Montgomery County Board of Education.

Section 1. Authority.

This Executive Regulation is authorized under Resolution 19-13 adopted by the Montgomery County Board of Education on January 8, 2013, and Sections 44-1(f) and 44-3(a)(5) of the Montgomery County Code.

Section 2. Purpose

This Executive Regulation is intended to implement Montgomery County Board of Education Resolution 19-13 and Chapter 44 of the Montgomery County Code. The Montgomery County Board of Education delegated authority to the County to schedule the before and after school childcare programs in Montgomery County Public School facilities.

Section 3. Definitions.

(a) **Childcare Service Provider** – an entity licensed by the Maryland State Department of Education (MSDE) under Title 13A, *State Board of Education*, Subtitle 16, *Child Care Centers*, Code of Maryland Regulations (COMAR).

(b) **Community Use of Public Facilities (CUPF)** – the office responsible for implementing Interagency Coordinating Board and County policies under Chapter 44 of the Montgomery County Code.

(c) **Facility Use License Agreement (FULA)** – means the CUPF licensing agreement signed by a community group or individual that states the terms and conditions governing the use of public space.

(d) **Interagency Coordination Board (ICB)** – the Board established under Section 44-3 of the County Code.

(e) **Montgomery County Public Schools (MCPS)** – the Board of Education for Montgomery County, Maryland.

(f) **Selected Childcare Service Provider** – the provider selected by the school selection



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committee to provide custodial before and after school childcare services in a MCPS facility in designated licensable spaces and afforded special placement considerations.

Section 4. Designation.

Pursuant to Code Section 44-4 of Montgomery County and Montgomery County Board of Education Resolution 19-13, the Community Use of Public Facilities (CUPF) must administer this Regulation pertaining to the before and after school childcare selection and scheduling processes under the direction of the Interagency Coordinating Board (ICB).

Section 5. Childcare Service Providers—Selection Process

- (a) CUPF must establish a schedule that designates when each facility that MCPS designates for use by a Childcare Service Provider should be subject to a competitive selection process under this Regulation. The schedule should require that each designated facility be subject to the selection process at least once every seven (7) years. The schedule must be updated annually. CUPF may include a facility in the competitive selection process, if there is no current Childcare Service Provider at the facility, or the current Childcare Service at the facility:
 - (1) is no longer able to provide the service in a manner acceptable to MCPS, as determined by MCPS;
 - (2) has not complied with the provisions of the FULA
 - (3) is no longer licensed as a Childcare Service Provider by the Maryland State Department of Education (MSDE); or
 - (4) plans to discontinue providing services.
- (b) Based on the schedule created by CUPF under subsection (a), CUPF must notify each school principal and current Childcare Service Provider, if any, that the school facility's childcare program will be subject to the competitive selection process set out in this Regulation a minimum of 45 days in advance of posting a request for applications.
- (c) The principal of the school must then make a public announcement reasonably calculated to give staff, parents and the school community notice that the competitive selection process for a Childcare Service Provider has begun. Each



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incumbent Childcare Service Provider must notify the parents of children using their services at that facility that the competitive selection process to select a Childcare Service Provider has begun.

- (d) The principal must form a selection committee after receiving the notification under subsection (b). The childcare selection committee must evaluate the applications, conduct interviews, and select the next Childcare Service Provider for the facility. The childcare selection committee may be comprised of any combination of staff, parents or other responsible individuals chosen by the school principal. The committee should have a minimum of 5 members to review the applications and conduct interviews. The maximum number of committee members should be nine (9). Prior to reviewing an application, each committee member must affirm in writing that he or she will exercise fair and impartial judgment in evaluating each applicant seeking to become a Childcare Service Provider. Committee members must also disclose any vested interest or prior/current relationship with any of the applicants. Committee members who fail to disclose a conflict of interest must be dismissed from the committee.
- (e) The principal of each facility subject to the competitive childcare selection process must give to CUPF, 30 days prior to advertisement of the bid, any site specific program requirements to be met by the Childcare Service Provider. The selection committee must use the following criteria:
 - (1) Non-Profit status of the applicant;
 - (2) The applicant's organizational experience;
 - (3) The demonstrated ability of the applicant's proposed staff to deliver quality services;
 - (4) The applicant's proposed program and services;
 - (5) The applicant's proposed fees and policies;
 - (6) Opportunities for parent involvement and approach to conflict mediation;
 - (7) References from parents of children who use the services of the Childcare Service Provider; and
 - (8) Any other criteria, relevant to that school facility, which has been approved



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by the Superintendent or designee.

(f) Once the principal provides to CUPF the information identified in subsection (e), CUPF must notify the public, by any reasonable means, that it seeks applications for qualified, licensed entities to provide before and after childcare in the identified school facility. CUPF must include the evaluation criteria identified in subsection (e) and insurance requirements that CUPF requires the Childcare Service Provider to maintain. The notification period requesting applications from interested Childcare Service Providers should not be less than 30 days nor more than 45 days.

(1) At the time of notification of intent to advertise a bid, CUPF will send a current account status report to all childcare service providers operating before and after school sites for the prior month.

(2) CUPF will notify the public that it seeks applications for qualified, licensed entities to provide before and after school childcare in the identified school facilities. The advertisement will include at least one newspaper of general circulation in the County. CUPF will also post the notice on its webpage.

(3) The notification period requesting applications from interested Before and After School Childcare service providers will be a minimum of 30 days, but not more than 45 days.

(g) A structured application will be used for all sites selected for a rebid. The application will include, but not be limited to, questions addressing:

1) Applicant information: legal name, contact information of the authorized representative

2) Tax Status: Non-Profit vs. For Profit and where applicable if female, minority or disabled-owned

3) Description of organizational experience and capability to deliver services

4) Description of program and services

5) Budget, Fee policy and schedule



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- 6) Financial Responsibility (ownership, plan for financing program, etc)
- 7) Opportunities for parent involvement and approach to conflict mediation
- 8) Staffing Plan
- 9) Maryland Excels status
- 10) Contact information for a minimum of three current references

i. Other components of the application will include

1) A statement that the representative submitting the application has the authority to make obligations on behalf of the organization and that the information included is true and correct.

2) Statements demonstrating agreement to:

- a. Accommodate unannounced site visits by selection committees
- b. Acknowledge disqualification from further consideration if the selection committee reports inappropriate efforts to influence the outcome of the Committee's decision.
- c. Accept State and local childcare subsidy vouchers
- d. Enroll in Maryland Excels
- e. Participate in transition plan, if required
- f. Identify which answers contain proprietary information and not public information
- g. Maintain insurance and MSDE compliance if selected.

ii. At the discretion of the childcare service Provider at the time of submission the applicant may include for distribution to the committee the



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following:

- a. Reference letters
 - b. Parent handbook
 - c. Link to website
- (h) CUPF must forward to the principal applications received. An application must not be forwarded to the principal if it is received after the closing of the submission deadline or if applicant has an overdue account balance with CUPF greater than \$500 for more than 60 days at the time of the submission closing date.
 - (i) The childcare selection committee must meet to evaluate the childcare applications based on criteria published in the solicitation.
 - (j) The childcare selection committee must come to a decision as to which Childcare Service Providers will be interviewed after each member has reviewed and rated each application. The Childcare Service Providers with the highest ratings will receive an interview. A minimum of three Childcare Service Providers must be interviewed, unless fewer applications are received or fewer applications are not deemed responsive by the committee. If fewer than five applications are received, all responsive applicants must be interviewed. In accordance with Section 7-109 (a) of the Maryland Education Code, the selection committee must give a non-profit entity at least a 5 point bonus in awarding points to the application of a non-profit entity. In the case of a tie in the award of points between a non-profit and a for-profit entity, the selection committee must select the non-profit entity.
 - (k) The childcare selection committee must schedule each applicant interview. The selection committee must develop the interview questions. The selection committee must ask each applicant the same questions and give each applicant the same opportunity to answer. The selection committee must give the applicant a minimum of seven (7) business days' notice of the interview date, time and location.
 - (l) Using the criteria published in the solicitation, the child care selection committee must come to a majority decision based on the combined scores of the application review and interview to select the Childcare Service Provider.



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- 1) Each application will be scored on a maximum scale of 75 points for each application reviewed. Ratings must be awarded in whole numbers. The Selection Committee must use the following criteria:
 - a) Description of organizational experience and capability to deliver services
 - b) Description of program and services
 - c) Budget, fee policy and schedule
 - d) Financial responsibility (ownership, plan for financing program, proposed budget and current Financial Statement)
 - e) Opportunities for parent involvement and approach to conflict mediation
 - f) Staffing plan
 - g) Maryland Excels status
 - h) Tax Status (non-profit vs. for-profit)
 - i) Any other criteria advertised

 - 2) Optional Criteria - Members of the committee may visit sites operated by the applicant Providers. If the committee elects to make site visits, visits must be made to a site operated by all the applicant Providers during the application evaluation step or to sites operated by the Providers selected to proceed to the interview step. As a courtesy, the Principal(s) at the selected site(s) should be notified of the visit in advance

 - 3) The combined total scores of all the raters will be used.
- (m)
- 1) A minimum of the top three highest rated applicants based on the aggregated scores on the application step will be selected for an interview. In the event of a tie among the third highest score, both applicants should be interviewed.

 - 2) The childcare selection committee must schedule each applicant interview and give the applicant a minimum of seven business days' notice of the interview date, time and location.



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- 3) The selection committee must ask each applicant the same questions, in the same order and give each applicant the same opportunity to answer.
 - 4) Each committee member will individually rate the interview. The maximum number of points to be awarded per applicant interviewed will be 75 points.
 - 5) Individual ratings will be anonymous and scores will only be reported in the aggregate.
 - 6) Scores from each of the raters on both the application review and interview steps will be added. The Provider with the highest aggregate score will be selected.
 - 7) In the event of a scoring tie, between a for-profit and non-profit childcare service provider, the non-profit must be selected.
 - 8) In the event of a tie between two childcare service providers with the same tax status, a consensus decision, facilitated by the Principal is required. A stalemate may be resolved by majority vote.
- (n) If only one Childcare Service Provider applies, the application must be reviewed by the childcare selection committee to determine if all of the requirements and qualifications are met. If so, the selection committee may select that Childcare Service Provider.
 - (o) A CUPF representative may be present to provide administrative support to the committee at the request of the principal, but will not participate in the selection of any applicant.
 - (p) The decision of the childcare selection committee on a Childcare Service Provider is final.
 - (q) The principal must notify CUPF of the name of the Childcare Service Provider chosen by the selection committee, and forward to CUPF all documents used by the childcare selection committee. CUPF must post the name of the Childcare Service Provider on CUPF's web page. The posting should remain on CUPF's web page for 30 days.
 - (r) At the conclusion of the rating process, a summary of the scores will be prepared. The summary form will list for each applicant the combined scores of the raters on each application and interview (as applies), and scoring range and any additional



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject: Before and After School Childcare Programs in Public Schools	Number 15-14
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comments recorded by the selection committee.

- 1) Where a range of scores significantly deviates more than 25 points above or below the average, a notation should be made on the form by the principal indicating that these deviations were discussed by the group and supported by the rater.
 - 2) Raters cannot be forced to change their scores.
 - 3) Applicants may review the summary sheet at the conclusion of the process.
- (s) If not selected, the current childcare service provider must notify the impacted parents and staff immediately upon being notified of the selection committee's decision.
- 1) The current provider must provide 30 days notice to CUPF if they plan to leave before the last day of the school year. The new provider will be offered the opportunity to begin services immediately and placement procedures will be expedited where feasible.
 - 2) The principal will notify the school community via a notification in a visible site and through other available resources such as a school newsletter that a new provider has been selected. This notice should include:
 - i. Name and contact information of the selected childcare service provider and the date as to when the change becomes effective
 - ii. The Principal should also:
 - a) Allow MSDE access to the school for inspection and licensing of the space for the new childcare service provider and
 - b) Allow new provider to advertise their program
- (t) CUPF must retain the records transmitted by the principal under section (o) for three (3) years.

Section 6. Space Reservation

- (a) Once the selection committee has selected a Childcare Service Provider, the

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MONTGOMERY COUNTY EXECUTIVE REGULATION

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principal must designate space for the operation of the before and after school childcare program that satisfies the requirements of the Maryland State Board of Education's Child Care Licensing Division.

(b) The Childcare Service Provider must sign a FULA that is conditioned on the Childcare Service Provider: (1) maintaining insurance as set out in the solicitation under subsection 5(f); (2) maintaining a current MSDE License; (3) adhering to all applicable CUPF and MCPS policies, guidelines and procedures, including the authority of MCPS to change, after reasonable notice, the space in the school facility made available to the Childcare Service Provider; and (4) maintaining the space in a manner required by MSDE.

(1) The selected childcare service provider must abide by MCPS closure procedures and CUPF guidelines during inclement weather days. The selected childcare service provider may also operate during MCPS professional staff days, winter and spring school breaks, administrative holidays, and student half-days.

(2) Enrollment in the before and after school childcare program is only-open for students of the school. Enrollment for students from another school requires approval from the principal.

(c) CUPF may then issue a Permit to the selected Childcare Service Provider. The Permit issued by CUPF to a Childcare Service Provider must be for the duration of the school year.

Section 7. Miscellaneous

The service agreement for delivery of before and after school childcare services is between the Childcare Service Provider and the parent or guardian. Neither Montgomery County nor Board of Education is responsible for the Childcare Service Provider's adherence to the terms of the service agreement. Childcare Service Providers are directly responsible for compliance with MSDE regulations and other applicable local and state laws. Disputes between any parent or guardian and the Childcare Service Provider must be resolved in accordance with the service agreement and applicable State law.

(1) Major safety or security issues, or possible violations of the MSDE license or other applicable laws, must be reported to the appropriate authorities (i.e. police, protective services, MSDE). Notice of such reports should be given to CUPF as the Program Administrator for the relevant school location.



MONTGOMERY COUNTY EXECUTIVE REGULATION

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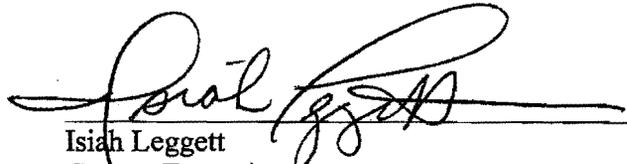
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(2) Conflicts or issues regarding the terms of the shared space permit will be mediated by CUPF. Spaces which are licensed by MSDE are to be maintained at an acceptable level as required by the State. The school Principal will designate and maintain to an acceptable standard spaces which are licensed by MSDE. The school must provide adequate notification of not less than 10 business days to move childcare service Providers from the primary space to the alternate space(s) licensed by MSDE, except during emergency situations.

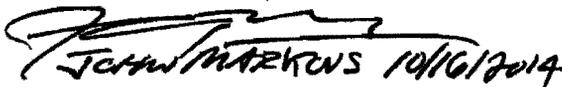
(3) Conflicts or issues regarding the quality or overall satisfaction with the program offered by a significant number of parents will be referred to the school's Principal. A parent satisfaction survey administered by the Provider may be requested by the Principal. The Provider must conduct the survey and share the results within 30 days of the request. The Principal may request a re-bid of the school for the next school year after review of the issues in the event that repeated conflict mediation efforts have not resolved the problem(s) and a majority of parents indicate a high level of dissatisfaction.

Section 8. Effective Date.

This Regulation becomes effective 30 days after adoption by the County Council and approval by the Board of Education.


Isiah Leggett
County Executive

Approved as to form and legality:


JOHN MARKENS 10/16/2014

Office of the County Attorney/Date

**Executive Regulation 15-14: Before and After School Childcare Program in Public Schools
Posted for Public Comment September 1 – September 30, 2014**

Comments were received from the following:

Sean Rose, former Chair representing the Montgomery County Commission on Child Care
 Joanne Hurt, representing Before and After School Childcare Providers
 Monika and Steve Utrecht, owners of Global Children's Center
 Michelle Green, Montgomery Child Care Assoc. Inc.

Summary of Comments

Prepared by Elizabeth Habermann, CUPF, in conjunction with representatives from MCPS, Facilities Management, County Department of Health and Human Services, and Office of the County Executive.

Comments related to the Administrative Procedure were also provided.

General Comments				
Reference	Submitted by	Comment	Analysis	Work Group Response
Delegation of Responsibility	Sean Rose, representing Montgomery County Commission on Child Care (MCCC)	<p>MCCC stated that the proposed regulations and implementation procedures represents codification of existing process and do not address the Commissions position that all childcare administration be centralized under one agency, DHHS.</p> <p>MCCC also stated that the regulations do not specify which branch of government is responsible if parents or providers have an issue with CUPF's actions.</p> <p>MCCC requested that the Council reject both the Exec. Reg. and AP and "require the creation of a more comprehensive process and framework for quality childcare selection that will more effectively embrace consistency, transparency, and accountability."</p>	<p>Centralization of Childcare is beyond the scope of the BOE delegation.</p> <p>The process used by CUPF between 2009-12 is still applicable. The process was based on the approach used by HHS and, where applicable, best procurement practices.</p> <p>The Interagency Coordinating Board (ICB) has oversight of the policies and procedures used for community use of schools and County buildings.</p>	Groups with concerns about actions of CUPF may submit concerns to the ICB

Delegation of Responsibility	Joanne Hurt representing Childcare Providers in Public Space workgroup	The Childcare Providers in Public Space workgroup representative indicated that the procedures should make it clearer as to who is in charge of the process to make it easier for parents to get problems addressed.	Responsibility for various aspects of the rebid process is outlined in the implementation guidelines.	Language added to indicate that groups with concerns about before and after school childcare programs may submit concerns to the ICB.
Delegation of Responsibility	Joanne Hurt representing Childcare Providers in Public Space	The Childcare Providers in Public Space workgroup representative indicated that the proposed regulations and implementation guidelines are codification of existing process. Too confusing to have separate processes governed by MCPS, HHS and CUPF. Council should not approve this regulation.	See Above.	See Above.
Selection Committee Composition	Joanne Hurt representing Childcare Providers in Public Space	The Childcare Providers in Public Space workgroup representative indicated that parents with children enrolled in programs in public space need more of a voice in the process.	Neither the regulation nor procedure prohibits the participation of parents. Principals will be encouraged to solicit feedback.	No changes recommended
Selection Committee Composition	Sean Rose, (MCCC)	MCCC stated that the proposed regulation and administrative procedure "neglect to require that the selection committee include a member with child care expertise." (Early education and youth development).	Principals have the flexibility to form committees with school educators and parent representatives. Principals and teachers are recognized as professionals with expertise in the needs of school aged children. Rating committees will continue to be provided with information related to standards established by the National Afterschool Association and MSDE Standards for Implementing Quality School Age Childcare Programs.	No changes recommended

Alignment between Regulation and Procedures	Joanne Hurt representing Childcare Providers in Public Space	MCCA stated that provisions in the implementation guidelines should be incorporated into the Regulation so that all changes are approved by the Council.	Realignment of some provisions under consideration by the County Attorney	Pending
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Executive Regulation

Exec. Reg 5 (i) Priority for Non-Profit Organizations by interviewing all non-profit providers	Monika and Steve Utrech, Global Children's Center	Global supported the prior process and that the rebid should continue under CUPF. They indicated that proposed changes to require an interview of all non-profit organizations "circumvent the existing fair and balanced process for one that favors specialty and tax exempt organizations...discourage quality care and promote complacency for those companies already established."	The interviewing of all non-profit vendors as currently included in the Regulation may become burden on school selection committees	Change to no longer require automatic interviews for non-profit Providers. Instead an award of automatic 5 points to non-profit provider applications will be made. Use Non-profit status used as a tie-breaker
Priority for Non-Profit Organizations	Joanne Hurt representing Childcare Providers in Public Space	The Childcare Providers in Public Space workgroup representative indicated that the Maryland law giving priority to non profits is not appropriately applied.	How priority is applied is not specified in Title 7.	See above
Exec. Reg 5 (m) Presence of CUPF Staff	Michelle Green, Montgomery Child Care Assoc. Inc.	MCCA advocated that CUPF staff be mandated to be present at all selection committee meetings to ensure consistency.	CUPF will make every effort to be in attendance at the principal's invitation -- issue of resource availability.	No changes recommended
Exec. Reg. Section 5, AP Section 7.11-13 Handling of Protests	Joanne Hurt representing Childcare Providers in Public Space	MCCA pointed out that there were inconsistencies between Regulation and implementation guideline, specifically point to how protests are handled. The Regulation addresses the decision of the committee while the implementation guidelines address procedural violations.	The ICB cannot overturn a selection decision, but can make a determination that the process was not followed in a significant way and should be repeated.	Section 7 has been changed to: <i>The decision of the childcare selection committee on a Childcare Service Provider is final.</i>

Appeals related to the process may be submitted to the ICB for its review and decision.

From: Yao, Vivian
Sent: Monday, October 06, 2014 12:53 PM
To: Habermann, Elizabeth; Bell-Pearson, Ramona
Subject: FW: Monika and Steve Utrecht @ Global Children's Center

Vivian Yao
Legislative Analyst
Montgomery County Council
240-777-7820 (phone)
240-777-7888 (fax)

From: monika utrecht [mailto:utrechtfamilybeachhouse@verizon.net]
Sent: Monday, September 29, 2014 9:25 PM
To: Rice's Office, Councilmember; Yao, Vivian
Cc: Rice, Craig
Subject: RE: Monika and Steve Utrecht @ Global Children's Center

 Description:
GCC logo

Global Children's Center
12417 Deoudes Road. Boyds, MD 20841-9022 Phone 301.972.5982 Fax 302.972.4706

September 29, 2014
To: Mr. Craig Rice
Montgomery County Council Office Building
100 Maryland Avenue, 5th Floor
Rockville, MD 20850

Dear Mr. Rice and Montgomery County Council members,

We are writing to you on behalf of our company, Global Children's Center Inc., and the families of students in our before and after school care program. We recently received troubling news of a proposed change in the handling of contracts care providers like us at public schools in Montgomery County. Please let this correspondence serve as our stark opposition to these proposed changes, and our utmost confidence in the current system administered through the Interagency Coordinating Board.

Since 2007, the ICB has instituted a rebid process for existing contracts between before and after care providers and the Montgomery County Public School system. This process allows schools, through a committee of stakeholders at the individual sites, to ensure the quality and integrity of the programs administered at these locations. This process has allowed wider competition amongst care providers, while raising the standards of quality each company is expected to maintain in servicing the families of these schools.

Unfortunately, some of our competitors do not see this same benefit. Rather, they are encouraging action by the County Council to circumvent the existing fair and balanced process for one that favors specialty and tax exempt organizations. This move will do nothing to benefit the community, but instead discourage quality care and promote complacency for those companies already established. In prime example, our company has been successful in bids for sites where we have been able to offer

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higher quality, more inclusive before and after care programs at significant discount to our nonprofit competitors.

We have provided quality, affordable child care services in the Montgomery County area for over fifteen years. We hope to continue our strong relationship with the County and its public school system in the years to come. The proposal by our competitors will not benefit our schools, but instead reinforce the status quo, which is unacceptable for our County, and devastating to our children.

Sincerely,

Monika and Steve Utrecht

Monika and Steve Utrecht
Global Children's Center
202.352.1589
9/29/2014

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Bell-Pearson, Ramona

From: Yao, Vivian
Sent: Tuesday, September 23, 2014 2:17 PM
To: Bell-Pearson, Ramona; Habermann, Elizabeth
Subject: FW: Executive Regulation and Administrative Procedures Comments

FYI Don't know if you've seen this or not.

Vivian Yao
Legislative Analyst
Montgomery County Council
240-777-7820 (phone)
240-777-7888 (fax)

From: Michelle Green [mailto:Michelle.Green@mccaedu.org]
Sent: Thursday, September 18, 2014 5:06 PM
To: Yao, Vivian
Subject: Executive Regulation and Administrative Procedures Comments

Provided below is feedback related to the proposed Executive Regulation and Administrative Procedures for Before and After School Childcare Programs in Public Schools. As we discussed, these documents are currently out for public comment. Montgomery Child Care Association, Inc. remains concerned that these documents as currently drafted have provisions that may result in unintended consequences related to the delivery of quality child care for school aged children. While we support the concept and practice of periodic, competitive bidding for the operating rights to provide childcare services in public schools, we are concerned that the process for bidding and license award, as currently written, lacks transparency and consistency. Specifically, we would like to raise the following issues for your consideration prior to the presentation of these documents to the County Council for review:

Executive Regulation

Section 5. (m) notes that "A CUPF representative may be present to provide administrative support to the committee at the request of the principal, but will not participate in the selection of any applicant." Related to consistency, this provision may serve to significantly undermine the process across schools and communities if Principals can opt out of having CUPF support the administration of the Selection Committee processes and procedures. "May" should be change to "must."

Administrative Procedures

GENERAL

5.1 Space Reservation for Before and After School Childcare Services

A 1) notes that a CUPF permit may be terminated early when "...or other serious circumstances exist which cannot be resolved." This language is unnecessarily vague and gives broad latitude and powers for principals and others to use indiscriminately.

5.2 Problem Resolution Between Provider and Parents/Guardians Using Service

C. This provision requires that major safety or security issues or possible violations of the MSDE license or other applicable laws must be reported to the appropriate authorities and notice given to CUPF. As an example, it uses police and protective services. It would be inappropriate for a provider that makes a confidential report to child protective services to give notice to CUPF of the report as it would destroy the intended confidentiality of the reporting process. MSDE has a reporting and notice process in place related to its licensing activities. To require providers to make a duplicate filing is inefficient. This clause should be deleted in its entirety.

D. This provision notes that "The school" must provide adequate notification of not less than 10 business days to move childcare service Providers from the primary space to the alternate space(s) licensed by MSDE, except during emergency

situations. Who is "the school?" Could a PTA member be considered authorized to make this notification? This requires clarification.

E. This provision notes that a parent satisfaction survey can be used as the basis to require a re-bid of a contract if repeated conflict mediation efforts have not resolved the problem(s) and a majority of parents indicate a high level of dissatisfaction. Given that a "majority" can be 50%+1, and sample sizes can significantly impact the outcome and statistical reliability of a survey instrument, this clause should be deleted. A single, point in time parent satisfaction survey should not be used as a trigger for rebidding or revoking a provider's license.

5.3 Other Requests for Advertisements

"6) other reasons determined by CUP and approved by the ICB and MCPS" This is the type of language that is so broad and subjective that it serves to diminish confidence in the transparency of the bidding and award process.

RESPONSIBILITIES

6.2 (no title)

This section describes that "the objective of the committee is to fully evaluate each proposal received in accordance with the evaluation criteria. The result of the recommendation should provide the best option for the families with children attending that school." Recognizing that each principal and committee will determine the criteria and needs for their school community, this concept of "best option" provides for significant variation and interpretation as to what constitutes a "best option." Without a framework to assess the attributes of quality child care and no child care expertise required as part of the selection committee, this concept of "best option" diminishes the transparency and consistency for child care selection and service delivery.

6.6 MSDE has pushed back its implementation of the State Child Care Subsidy requirement to June 29, 2015. The January 1, 2015 date should be modified accordingly.

PROCEDURES

7.0 Selecting School Facilities for Periodic Competitive Reconsideration

This section notes that "the schedule must be updated annually." It does not require that the schedule be published and publicly available. Failure to require release of this information on other than a piecemeal, as notified basis, contributes to a lack of transparency and inhibits existing providers' abilities to do advance planning and investment for related to their child care businesses.

7.2 Notification of Account Status

This section appears to be missing language as the sentence makes no sense as currently written.

7.3 Advertisement of Request for Applications

A. This section notes that CUPF will notify the public that it seeks applications but it does not indicate where, other than at least one newspaper of general circulation, the notice will be made. The notice requirement should be posted on CUPF's website.

7.4 Selection Committee Composition

A. This provision notes that the Committee must be "chaired by the Principal or designee..." This is highly concerning as it provides for a broad delegation of responsibility that could materially impact the consistency and transparency of the process. The Principal should not be able to delegate their primary responsibility for the process.

A. 1) Many PTAs run afterschool clubs and programs that, in some instances act as unregulated child care or compete directly with before and afterschool child care providers services. These clubs are often offered for free or at nominal cost. In many communities, these PTA sponsored arrangements set up a direct conflict of interest making this member of the selection committee suspect as it relates to independence and conflicts of interest.

Most disappointing of all within the context of the selection committee composition is that there is no mention or requirement for any member to have an understanding of or expertise in child care regulations, the child care economic model or child care quality indicators and metrics.

7.7 Review of Applications

A. 1) References rating forms and instructional materials – these should be made available for public review and comment before they are put into use in the Administrative Procedures.

A. 3) Notes that selection committee members must make a good faith effort to select a “provider that will benefit all children at the school.” As previously noted, these types of sweeping statements that are made without criteria to define their meaning reduce the appearance of transparency and objectivity as core tenants of a fair and open competitive process.

Thank you for the opportunity to share our perspective.

Michelle Martineau Green
Executive Director
Montgomery Child Care Association, Inc.
3204 Tower Oaks Boulevard
Rockville, Maryland 20852
www.mccaedu.org

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September 23, 2014

To: Council President Craig Rice
From: Child Care Providers in Public Space

Re: Feedback and Comments on the August 2014 Community Use of Public Facilities Draft Regulation and Administrative Procedure

The Providers who lease space through CUPF to operate before and after school programs in MCPS buildings have been represented on the ICB Work Group as a way to give input in the development of the draft Regulation and Administrative Procedure. The Providers were allowed two representatives from for profit companies and one representative from a non profit organization. Other members of the Work Group included representatives from MCPS, CUPF, Council Staff, Executive Staff, HHS, and the Commission on Child Care. The Providers were included in three meetings of the Work Group and continue to be committed to providing feedback to ensure a fair, transparent and lawful process for the administration of the rebid process. Upon review of the draft Regulation and Administrative Procedure, the Providers have three overarching concerns:

1. It is still unclear who has authority over the administration of Child Care in Public Space. Although the Board of Education delegated authority over before and after school care to CUPF, MCPS still has a great deal of control over the bidding process. In addition MCPS and HHS would both still directly administer other child care in public space programs.
2. Parents with children enrolled in programs using public space need more of a voice in this process. Additionally, it needs to be clear who is in charge so they know how to get problems addressed without having to navigate a complex web of government bureaucracy.
3. There are a number of inconsistencies between the current draft Regulation and the Administrative Procedure as well as several substantive pieces of the process that are only mentioned in the Administrative Procedure. For example, the Regulation says the decisions are final while the Administrative Procedure outlines an appeals process.

1. Authority over Child Care in Public Space

Resolution No. 19-13, which was adopted by the Board of Education of Montgomery County on January 8, 2013, delegates to the Interagency Coordinating Board for the Community Use of Public Facilities the authority to schedule the before and after school child care programs in Montgomery County Public School facilities. Yet, the first criteria listed in the Administrative Procedure as a reason to initiate a competitive selection process in Section 5 (a)(1) is that the current child care provider "is no longer able

to provide the service in a manner acceptable to MCPS, as determined by MCPS.” In addition, the sole responsibility of managing the selection process belongs to the MCPS Principal.

The draft Regulation and Administrative Procedure only applies to Child Care in Public Space that is administered by CUPF. MCPS has other space that it uses for child care with its own process and procedures. HHS also has space that it uses for child care with its own process and procedures. Sometimes all three of these types of spaces exist in one facility. There are inconsistencies between the processes which undermine the assumption that parents rightly make that all programs in the MCPS buildings are vetting for quality and best practices. These multiple agencies and procedures subject providers to inconsistent processes and administration of the process.

2. Parent Involvement

Parents who rely on the services provided by before and after school providers are absent from this process. It is critical that parents are given an active role on the selection committees, including parents who are using the incumbent provider. Moreover, parents assume that programs operating in public school buildings have been thoroughly vetted to ensure quality and safety for their children. Currently, MCPS and CUPF have an inconsistent approach to allowing school space to be used after school, which has led to licensed providers operating in schools which also rent space to unlicensed, unregulated programs. Unless a parent is told otherwise, parents assume that all programs in MCPS buildings are appropriated licensed and regulated.

3. Inconsistencies and other problems with the draft Regulation and Administrative Procedure

It is important that substantive parts of the administration of CCIPS that are important to creating a fair and transparent process are included in the Regulation. The Regulation cannot be changed without Council involvement while the Administrative Procedures can be changed at any time.

The Draft Regulation states in Section 5 (n) that the “decision of the childcare selection committee is final.” However, the Draft Administrative Procedure outlines a process for Protests. This is an inconsistency. An appeals process should be created in the regulation and the entity responsible for hearing appeals should be designated.

7.11 states “The decision will be considered final within 10 days unless a protest is received”. 7.13 states that a written protest will be accepted for consideration by the CUPF Director, if received within 5 days. The decision is made by the CUPF Director. If the matter is to be pursued further, it is to go to a Montgomery County Hearing Officer. The final decision rests in a sub-committee of the ICB. The entity that has been given authority by the Board of Education should not also be the entity to make decisions on appeals.

There are multiple examples in the Administrative Procedure where its clarity is undermined by a catchall provision that grants CUPF or MCPS the discretion to act however it chooses. For example,

There is no stated process for making changes to the Administrative Procedure.

Criteria for evaluating proposals is not scored.

A member on the selection committee who has a conflict of interest is not disqualified from participation.

Interview questions are determined by each selection committee, rather than a standardization of questions.

The Maryland law giving priority to non profits is not appropriately applied.

These broad but important concerns demonstrate a need for the Child Care in Public Space process to be reorganized in a more significant way. One of the main problems with the current system is that it is confusing and inconsistent. Parents and Providers do not understand how to navigate it. There should be one point of contact in the County to manage and oversee Child Care in Public Space so that it is clear who is in charge. In addition, inconsistencies and lack of transparency are also caused by the vast amount of discretion given to the entities controlling the process. The purpose of creating the Regulation was to create clear procedures and standards. However, this Regulation is an attempt to codify a previous process that was demonstrated to be broken. We therefore respectfully request that the County Council not approve the Regulation for Before and After School Child Care Programs in Public Schools and create a new Regulation that incorporates the best practices in County procurement, parental perspectives and Provider feedback.

From: Gies, Mary
Sent: Friday, September 19, 2014 2:32 PM
To: Rice's Office, Councilmember; Ike Leggett
Cc: Ahluwalia, Uma; 'Phil_Kauffman@mcpsmd.org'
Subject: A Letter from the Commission on Child Care

September 19, 2014

The Honorable Isiah Leggett
Montgomery County Executive
101 Monroe Street, 2nd Floor
Rockville, MD 20850

The Honorable Craig Rice
President, Montgomery County Council
100 Maryland Avenue, 6th Floor
Rockville, MD 20850

Dear County Executive Leggett and President Rice,

The Commission on Child Care (Commission) is writing in response to the draft Montgomery County Executive Regulation for Before and After School Childcare Programs in Public Schools and the associated draft Administrative Procedures. We value the thoughtful consideration of issues by the County Council (Council) and we appreciate the opportunity to share our thoughts and concerns related to ensuring that quality child care is available for all Montgomery County children and families.

In the Commission's view, these two documents represent a codification of the status quo and do not serve to address the concerns raised by child care providers and parents related to the selection of well-qualified providers and the implementation of consistent, quality child care in elementary before and after school programs. The Regulation and Administrative Procedures apply only to Child Care in Public Space (CCIPS) administered by the Community Use of Public Facilities (CUPF), afford CUPF much discretion in the process, and do not make it clear which section of government is responsible when parents or providers have an issue with CUPF's actions. **Of particular concern is that the draft Administrative Procedures neglect to require that the selection committee include a member with child care expertise.** Based on testimony and feedback from parents and providers throughout the years, the Commission has consistently urged that expertise in early education and child development be at the center of any County supported child care initiative. Despite the location or type of real estate the core value should be the delivery of quality child care. The Regulation and Administrative Procedures, as currently written, ignore this core value.

As you know from our previous correspondence, the Commission has been receiving complaints from providers and parents regarding the administration of CCIPS for many years. The complaints include a lack of transparency, consistency and accountability that create a lack of stability and reliability in the child care delivery system, which are two qualities that are critical to quality programs. The Commission, individual providers and parents have made many attempts to address these issues with no success.

In 2012, child care providers brought a lawsuit against the County, in which the Montgomery County Circuit Court decided that the bidding process was not legal, as State law assigns the responsibility to each local Board of Education. As a result, the Montgomery County Board of Education passed a resolution to give the responsibility back to the governing board that runs CUPF. In addition, Montgomery County was directed to adopt the above mentioned Executive Regulation governing the administration of before and after school child care within Montgomery County Public Schools (MCPS)

The Commission provided input to the Council that the proposed regulation failed to create much needed transparency, consistency and accountability. You may recall that the Councilmembers reviewed the proposed regulation and requested the completion of the accompanying Administrative Procedures before Council action would be taken.

Following the Councilmembers' request, a CCIPS Work Group was formed that included four representatives from MCPS, one from the County Executive's Office, one from Council staff, one from the Montgomery County Department of Health and Human Services (HHS), and two from CUPF, three provider representatives (two for-profit and one non-profit) and a representative from our organization, the Commission on Child Care. The group did not include any representation by parents who have previously raised public space concerns. The Work Group held three meetings with the Commission and provider representatives. The rest of the Work Group met and communicated independently as an internal County group to produce the current draft Regulation and Administrative Procedures.

For this latest draft of the Regulation and Administrative Procedures, the Work Group opted to reduce the public comment period from 30 to 15 days. This change was not shared with the Commission or provider representatives. Fortunately, a Commission representative learned of the reduced public comment period and was able to work to have it restored to the full 30 days (the printed notice in the register still reflects the 15 day period). The Commission is concerned that this process reflects a lack of appreciation for input by stakeholders in CCIPS. Effective government requires listening to the experience and views of all stakeholders and developing a thoughtful, balanced solution.

In order to effectively repair the problems with CCIPS, there needs to be a structural change with how it is managed. Trust will not be restored to the process if we continue to do things the same way as they have been done in the past. We therefore recommend that the Council rejects the Executive Regulation and Administrative Procedures package as currently submitted and require the creation

of a more comprehensive process and framework for quality child care selection that will more effectively embrace consistency, transparency and accountability.

We thank you for your consideration of this important issue.

Sincerely,



Shaun Rose
Child Care in Public Space Representative
for the Commission on Child Care

cc: The Honorable Philip Kauffman, President, Montgomery County Board of Education
Uma Ahluwalia, Director, Montgomery County Department of Health and Human Services

Warm regards,

Mary

Mary E.L. Gies, MSW, LGSW
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Program Manager
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**Fiscal Impact Statement
Executive Regulation 15-14**

1. **Executive Regulation Summary**
This regulation implements Resolution No. 19-13, which was adopted by the Board of Education of Montgomery County on January 8, 2013. Resolution No. 19-13 delegates to the Interagency Coordinating Board for the Community Use of Public Facilities (CUPF) the authority to select and schedule the before and after school childcare programs in Montgomery County Public School facilities.
2. **An estimate of changes in County revenues and expenditures regardless of whether the revenues or expenditures are assumed in the recommended or approved budget. Includes source of information, assumptions, and methodologies used.**
This regulation has no impact on revenues or expenditures.
3. **Revenue and expenditure estimates covering at least the next 6 fiscal years.**
There is no change in revenue.
4. **An actuarial analysis through the entire amortization period for each regulation that would affect retiree pension or group insurance costs.**
Not applicable.
5. **Later actions that may affect future revenue and expenditures if the regulation authorizes future spending.**
The regulation does not authorize future spending.
6. **An estimate of the staff time needed to implement the regulation.**
Support from existing/additional staff (including the Program Manager noted in response #2), primarily the MCPS Childcare Coordinator, with support from the CUPF Director and/or MIII to resolve more complex issues.
7. **An explanation of how the addition of new staff responsibilities would affect other duties.**
NA
8. **An estimate of costs when an additional appropriation is needed.**
NA
9. **A description of any variable that could affect revenue and cost estimates.**
None anticipated.
10. **Ranges of revenue or expenditures that are uncertain or difficult to project.**
None

11. If a regulation is likely to have no fiscal impact, why that is the case.

NA

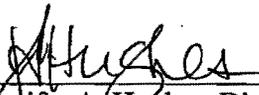
12. Other fiscal impacts or comments.

None

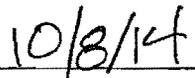
13. The following contributed to and concurred with this analysis

Elizabeth Habermann, Community Use of Public Facilities

Jane Mukira, Office of Management and Budget



Jennifer A. Hughes, Director
Office of Management and Budget



Date



**Guide for the Management of the Before and After School Childcare Program
Selection Process in Public Schools**

PURPOSE

- 1.0 To establish internal guidelines for the before and after school childcare selection and scheduling processes delegated by the Montgomery County Board of Education to the Interagency Coordinating Board for Community Use of Public Facilities.

DEFINITIONS

- 2.1 Childcare Service Provider – an entity licensed by the Maryland State Department of Education (MSDE) under Title 13A, *State Board of Education*, Code of Maryland Regulations (COMAR), and selected to provide custodial before and after school childcare services in a MCPS facility.
- 2.2 Community Use of Public Facilities (CUPF) – the office responsible for implementing Interagency Coordinating Board and County policies under Chapter 44 of the Montgomery County Code.
- 2.3 Facility Use License Agreement (FULA) – the CUPF licensing agreement signed by a community group or individual that states the terms and conditions governing the use of public space.
- 2.4 Interagency Coordination Board (ICB) – the Board established under Section 44-3 of the County Code.
- 2.5 Maryland EXCELS (Maryland EXcellence Counts in Early Learning and School-Age Care) The State of Maryland Department of Education program which awards ratings to child care programs based on established performance standards.
- 2.6 Maryland State Department of Education (MSDE) Childcare Licensed Space - the rooms licensed by MSDE as either primary or alternate space meeting COMAR.
- 2.7 Montgomery County Public Schools (MCPS) – the Board of Education (BOE) for Montgomery County, Maryland.
- 2.8 Permit - the document provided to a community group or an individual stating the fees assessed, dates, times and locations reserved for an organization or individual whose building use application has been processed and approved. Renewals are not automatic and are based on a building use application form.
- 2.9 Selected Childcare Service Provider – the provider selected by the school committee to provide custodial before and after school childcare services in a

MCPS facility in designated spaces and afforded special placement considerations.

POLICY

- 3.0 This procedure is the guideline for implementing Executive Regulation 15-14 that established authority for the County to implement BOE Resolution No. 19-13, which was adopted by the Montgomery County Board of Education on January 8, 2013. The BOE delegated its authority to the Interagency Coordinating Board for the Community Use of Public Facilities the authority to administer the re-bid selection process for before and after school childcare programs in Montgomery County Public School facilities.

MCPS SPACES AVAILABLE FOR CHILDCARE

- 4.0 Childcare service providers may operate in various types of spaces within, attached, or on school property managed by different governmental agencies. There are three entities involved in the placement of childcare programs in public space. This procedure is limited to the primary childcare provider selected as the before and after school childcare provider given a permit for shared space by CUPF.

A. Montgomery County Department of Health and Human Services (DHHS)

Integrated space may be one or more rooms within or attached to the school, or modulars co-located at an operating school. Montgomery County Department of Health and Human Services, Early Childhood Division facilitates selection of a childcare service provider. The Childcare service provider signs a two-year lease with the County for exclusive use of the space with possible renewals. Enrollment in the all day/year-round program operating in this space is open to the public and primarily provides services to infants through age five.

B. Montgomery County Public Schools (MCPS)

Joint Occupancy or exclusive space is generally classrooms or other designated areas within an open or closed school building that is not needed for academic purposes or MCPS operations. MCPS Department of Facilities Management facilitates selection of a provider who signs an annual lease for exclusive use of the space, with possible renewal provided the space is not needed for academic purposes. Enrollment in the all day/year-round program operating in this space is open to the public and primarily provides services to infants through age five.

C. Montgomery County Community Use of Public Facilities (CUPF)

Shared spaces are areas of a school, including athletic fields used by the schools during the day for K-12 academic and administrative purposes, which then becomes available for public use after hours and on weekends and holidays. CUPF issues permits for use of shared areas during designated times. These spaces are used for a variety of activities such as before and after school childcare, weekend cultural schools, youth enrichment programs, sports, religious services, and PTA/school programs. All groups using shared space sign a Facility Use License Agreement (FULA). Enrollment in before and after school childcare programs in shared space is available to the students attending that school location on weekdays during the school year only.

GENERAL

5.0 Selected before and after school childcare programs scheduled by CUPF will be placed in areas selected by the principal that can be licensed by MSDE and gives the selected Childcare service provider priority placement. This space may not be shared simultaneously with other groups, including the school or PTA.

5.1 Space Reservation for Before and After School Childcare Services

A When a before and after school childcare service provider has been selected, the school will designate a room(s) for operation of the before and after school childcare program that satisfies the requirements of the Maryland State Board of Education, Child Care Licensing Division. CUPF will issue a permit to the selected childcare service provider for the duration of the school year outlining the dates and times reserved for this purpose. A facility use request is required before the start of each school year.

- 1) Childcare service providers must sign a Facility Use License Agreement, maintain required insurance, maintain a current MSDE License, and adhere to all applicable CUPF and MCPS policies, guidelines and procedures. A CUPF permit may be terminated early when the childcare service provider's license has been revoked by MSDE, or substantive violations of the FULA
- 2) CUPF will address concerns and issues related to use of shared space covered by the permit (i.e. room assignment, furniture arrangements, and school support staff services).
- 3) The selected childcare service provider must abide by MCPS closure procedures and CUPF guidelines during inclement weather days. The selected childcare service provider may also operate during MCPS professional staff days, winter and spring school breaks, administrative holidays, and student half-days.

- 4) Enrollment in the before and after school childcare program is ~~only~~ open for students of the school. Enrollment for students from another school requires approval from the principal.

5.2 Problem Resolution Between Provider and Parents/Guardians Using Service

- A. The service agreement for delivery of before and after school childcare services exists between the childcare service provider and the parent or guardian. Neither the Montgomery County Board of Education nor ICB is responsible for the childcare service provider's compliance with MSDE regulations or service delivery.
- B. Conflicts between parents and the childcare service provider should be resolved in accordance with the childcare service provider's policies and procedures and service contract.
- C. Conflicts or issues regarding the terms of the shared space permit will be mediated by CUPF. Spaces which are licensed by MSDE are to be maintained at an acceptable level as required by the State. The school principal will designate and ensure that the space is adequately maintained at an acceptable level for MSDE requirements. The principal or designee must provide adequate notification of not less than 10 business days to move childcare service providers from the primary space to the alternate space(s) licensed by MSDE, except during emergency situations.
- D. Conflicts or issues regarding the quality or overall satisfaction with the program offered by a significant number of parents will be referred to the school's principal. A parent satisfaction survey administered by the provider may be requested by the principal. The provider must conduct the survey and share the results within 30 days of the request. The principal may request a re-bid of the school for the next school year after review of the issues in the event that repeated conflict mediation efforts have not resolved the problem(s) and a majority of parents using the service indicate a high level of dissatisfaction.

5.3 Other requests for advertisements. In addition to schools subject to the annual re-bid schedule, additional schools may be advertised concurrently at the request of a school to provide services where:

- 1) no before and after school childcare service provider is in place
- 2) childcare service provider is no longer able to provide the service in a manner acceptable to the school community despite ongoing attempts to resolve serious problems
- 3) childcare service provider is not able to meet its financial obligations to the County or fails to comply with the provisions of the FULA
- 4) childcare service provider is no longer licensable by MSDE
- 5) childcare service provider plans to discontinue providing services

RESPONSIBILITIES

- 6.0 Board of Education - The Board of Education has delegated authority to the ICB/CUPF to administer the before and after school childcare rebid selection process.
- 6.1 Montgomery County Public Schools - The principal of the each school requesting a new provider or scheduled to be rebid is responsible for:
- A. Notifying staff, parents and school community, in a timely manner.
 - B. Providing an opportunity for the parents of the school to provide feedback to the principal regarding satisfaction with current childcare service provider, program features or services they would like to see available or similar information they would like to be considered for inclusion in the evaluation criteria addressing the providers ability to address site needs.
 - C. Communicating any program features to be included in the request for applications to CUPF. Program features should address: Room dimension and characteristics (floor type, stage, proximity to storage), any known plans for closing the school for renovations
 - D. Forming a selection committee to evaluate the applications, conduct interviews, and select the next Childcare service provider for the facility.
 - E. Providing periodic updates to the school community on the progress of the committee
 - F. Supporting a transition plan if a different childcare service provider is selected. This may include:
 - a. Meeting with a new childcare service provider
 - b. Allowing advertisement (back-pack mail, table at kindergarten orientation, new student orientation, back to school night, etc.)
 - G. Provide on-going support to the success of the selected provider (i.e not advertise and encourage services of outside provider, inviting the selected provider to participate in school fairs, etc.)
- 6.1.1 School principals at schools without a current childcare service provider may request advertisement of their location concurrently with a rebid cycle. The same notification, application and evaluation procedures will apply.
- 6.1.2 Major safety or security issues, or possible violations of the MSDE license or other applicable laws, must be reported to the appropriate authorities (i.e. police, protective services, MSDE).
- 6.2 The childcare selection committee will evaluate the applications, conduct interviews, and select the next Childcare service provider for the facility.

The objective of the committee is to fully evaluate each proposal received in accordance with the advertised evaluation criteria provided to each committee. The committee should select programs that best meet the needs of the community. The committee has a responsibility for timely evaluations to minimize delays and make their decision based on the evaluation of material and other information presented to the entire committee.

- 6.3 Interagency Coordinating Board is responsible for:
- A. Monitoring the performance of the Community Use of Public Facilities in implementation of this process and provide feedback for enhanced operation
 - B. Forming a sub-committee that will review written concerns about before and after school childcare. Concerns that cannot be addressed by the ICB or CUPF will be forwarded to the appropriate organization or agency.
 - C. Delivering the final decision on appeals related to protests concerning the procedures followed.
- 6.4 Community Use of Public Facilities is responsible for:
- 1) Establishing a re-bid schedule and advertising Request for Applications
 - 2) Receiving applications at the specified date and time
 - 3) Providing administrative support to the school selection committee
 - 4) Retaining documents related to bid or rebid
 - 5) Issuing facility use permits to the selected childcare service providers
 - 6) Mediating space issues
 - 7) Notifying the Maryland State Department of Education, Childcare Division of any concerns related to use of unlicensed space.
- 6.5 Incumbent childcare service providers are responsible for notifying their staff and parents or guardians of children using their services that the competitive selection process to select a childcare service provider at that facility has been scheduled. The incumbent should also keep the principal abreast of significant issues and share the results of any parent surveys or other assessments on an annual basis, at the minimum, or upon request.
- 6.6 Beginning June 29, 2015 Maryland State Department of Education will post on a public website the names and rating level of licensed providers participating in Maryland EXCELS. Participation is mandatory for programs receiving State Child Care Subsidy reimbursements. Acceptance of State Child Care Subsidy reimbursements is a mandatory requirement for any before and after school childcare provider selected by this process.

PROCEDURES

- | | | |
|-----|--|--|
| 7.0 | Selecting School Facilities for Periodic Competitive Reconsideration | CUPF will establish a schedule as to when Childcare service provider locations will be subject to a competitive selection process. The schedule should require that each designated facility be subject to the selection process at least once every seven (7) years. The schedule must be updated annually. |
| 7.1 | Communication and Notification | A. CUPF will notify each school principal and current Childcare service provider that the school's childcare program will be subject to the competitive selection process a minimum of 30 days prior to the posting of the advertisement requesting applications. |

B. The principal will notify the school community by any reasonable means and provide an opportunity for input as to satisfaction with current provider, interest in serving on the selection committee and site specific service delivery needs. The principal must communicate any specific requirements to be included in the bid.

C. The childcare service provider should notify parents by any reasonable means that the before and after school childcare service will be subject to a competitive process.

7.2 Notification of Account status

At the time of notification of intent to advertise a bid, CUPF will send a current account status report to all childcare service providers operating before and after school sites for the prior month.

7.3 Advertisement of Request for Applications

A. CUPF will notify the public that it seeks applications for qualified, licensed entities to provide before and after school childcare in the identified school facilities. The advertisement will include at least one newspaper of general circulation in the County. CUPF will also post the notice on its webpage.

B. The notification period requesting applications from interested Before and After School Childcare service providers will be a minimum of 30 days, but not more than 45 days.

C. The advertisement will include

1. Date, time and method(s) of submission
2. Basis for the evaluation of applications
3. Mandatory and optional submission items
3. Minimal Insurance requirements
4. Condition of selection and requirements to
 - a) Accept State of Maryland and local subsidies or child care assistance vouchers
 - b) Enroll in the Maryland EXCELS Program
 - d) Allow selection committee members to make site visits
 - c) Participate in a transition plan if applicable
 - d) Acknowledge that attempts to inappropriately influence the outcome of a school committee decision will disqualify a childcare provider from further consideration as determined by the principal.
5. Opportunity to identify propriety information in their application.

7.4 Selection Committee

A. The childcare selection committee formed by the principal should be a minimum of five (5) members who

Composition

agree to participate in both the application review and interview rating steps. The maximum committee size should be nine (9) members. The committee must be chaired by the Principal or designee, such as the Vice Principal or other MCPS administrative official, and include:

- 1) PTA member or designee to represent parent interests
- 2) School staff member (such as Building Services Manager, teacher, instructional specialist or comparable staff position)
- 3) Two or more other members selected by the principal.

B. Prior to reviewing any applications, each committee member must affirm in writing that he or she will exercise fair and impartial judgment in evaluating each applicant seeking to become a childcare service provider, disclose any vested interest and relationships they may have with any of the providers. A disclosed relationship does not disqualify a rater. The Principal will have the discretion to determine if the rater should be dismissed from the committee based on a disclosure. Failure to disclose a conflict of interest will result in dismissal from the committee.

C. The same committee members that rated the applications will participate on the interview panel. If for any reason a member of the selection committee can not participate in the interview, the remaining committee members will proceed with the interview process. The scores of the departing rater will not be included.

D. The committee members must meet together (in person, via videoconference or telephone) to discuss their individual scores. Meetings during which proposals are evaluated are closed. Until a selection decision is posted, all responses are confidential information and must not be disclosed.

7.5 Application

A. The structured application will be used for all sites selected for a rebid. The application will include, but not be limited to, questions addressing:

- 1) Applicant information: legal name, contact information of the authorized representative
- 2) Tax Status: Non-Profit vs. For Profit and where applicable if female, minority or disabled-owned
- 3) Description of organizational experience and

- capability to deliver services
- 4) Description of program and services
- 5) Budget, Fee policy and schedule
- 6) Financial Responsibility (ownership, plan for financing program, etc)
- 7) Opportunities for parent involvement and approach to conflict mediation
- 8) Staffing Plan
- 9) Maryland Excels status
- 10) Contact information for a minimum of three current references

B. Other components of the application will include

- 1) A statement that the representative submitting the application has the authority to make obligations on behalf of the organization and that the information included is true and correct.
- 2) Statements demonstrating agreement to:
 - a. Accommodate unannounced site visits by selection committees
 - b. Acknowledge disqualification from further consideration if the selection committee reports inappropriate efforts to influence the outcome of the Committee's decision.
 - c. Accept State and local childcare subsidy vouchers
 - d. Enroll in Maryland Excels
 - e. Participate in transition plan, if required
 - f. Identify which answers contain proprietary information and not public information
 - g. Maintain insurance and MSDE compliance if selected.
- C. At the discretion of the childcare service provider at the time of submission the applicant may include for distribution to the committee the following
 - a. Reference letters
 - b. Parent handbook
 - c. Link to website

7.6 Transmittal of Applications

After the application acceptance period has closed:

- A. CUPF will provide secure access of the applications to the principal and selection committee members. An application will not be forwarded if it is received after the closing of the submission deadline or if applicant has an overdue CUPF account balance of \$500 or more for more than 60 days at the time of the submission closing date.
- B. CUPF will provide information about the process, rating forms and other instructional information to committee

members.

- C. A CUPF representative may be present during any of the committee meetings to provide administrative support to the committee at the request of the principal, but he or she must not participate in the rating or interviewing of any applicant.

7.7 Review of Applications

- A. Each member of the selection committee must:
 - 1) Read and rate each application using the rating forms and instructional materials provided
 - 2) Make a responsible judgment on the merits of each application
 - 3) Participate in meetings of the committee and make a good faith effort to select a provider that will benefit all children at the school
 - 4) Return all rating materials at the conclusion of the process
- B. The principal must distribute any feedback obtained from the school community that may have been received within six months prior to the bid announcement for consideration by the committee.
- C. If only one Childcare service provider applies, the application must be reviewed by the childcare selection committee to determine if all of the requirements and qualifications are met. If so, the selection committee may select that Childcare service provider.

7.8 Rating Criteria

- A. Each application will be scored on a maximum scale of 75 points for each application reviewed. Ratings must be awarded in whole numbers.

The Selection Committee must use the following criteria:

- 1) Description of organizational experience and capability to deliver services
- 2) Description of program and services
- 3) Budget, fee policy and schedule
- 4) Financial responsibility (ownership, plan for financing program, proposed budget and current Financial Statement)
- 5) Opportunities for parent involvement and approach to conflict mediation
- 6) Staffing plan
- 7) Maryland Excels status
- 8) Tax Status* (non-profit vs. for-profit)
- 9) Any other criteria advertised

*All non-profit organizations will be awarded 5% as a

bonus. This is in compliance with Section 7-109 (a) of the Maryland Education Code.

B. Optional Criteria. Members of the committee may visit sites operated by the applicant providers. If the committee elects to make site visits, visits must be made to a site operated by all the applicants during the application evaluation step or to a site operated by the providers selected to proceed to the interview step. As a courtesy, the principal(s) at the selected site(s) should be notified of the visit in advance.

C. The combined total scores of all the raters will be used.

7.9 Applicant Interviews

A. A minimum of the top three (s) highest rated applicants based on the aggregated scores on the application step will be selected for an interview. In the event of a tie among the third highest score, both applicants should be interviewed.

B. The childcare selection committee must schedule each applicant interview and give the applicant a minimum of seven business days' notice of the interview date, time and location.

C. The selection committee must ask each applicant the same questions, in the same order and give each applicant the same opportunity to answer.

D. Each committee member will individually rate the interview. The maximum number of points to be awarded per applicant interviewed will be 75 points.

7.10 Final Scoring

A. Individual ratings will be anonymous and scores will only be reported in the aggregate.

B. Scores from each of the raters on both the application review and interview steps will be added. The provider with the highest aggregate score will be selected.

1) In the event of a scoring tie, between a for-profit and non-profit childcare service provider, the non-profit must be selected.

2) In the event of a tie between two childcare service providers with the same tax status, a consensus decision, facilitated by the principal is required. A stalemate may be resolved by majority vote.

7.11 Selection

The principal must notify CUPF of the name of the

Childcare service provider chosen by the selection committee, and forward to CUPF all documents used by the childcare selection committee. CUPF must post the name of the Childcare service provider selected on CUPF's web page. The posting should remain on CUPF's web page for a minimum of 30 days.

7.12 Post Selection Feedback

A. At the conclusion of the rating process, a summary of the scores will be prepared. The summary form will list for each applicant the combined scores of the raters on each application and interview (as applies), and scoring range and any additional comments recorded by the selection committee. Where a range of scores significantly deviates more than 25 points above or below the average, a notation should be made on the form by the principal indicating that these deviations were discussed by the group and supported by the rater. Raters cannot be forced to change their scores.

Applicants may review the summary sheet at the conclusion of the process.

7.13 Protests

The decision of the childcare selection committee is final. Appeals related to the process may be submitted to the ICB for its review and decision.

7.14 Transition Plan

A. As noted in the Request for Applications, CUPF will ask the current childcare service provider to notify the impacted parents and staff immediately upon being notified of the selection committee's decision if not selected.

B. The principal will be asked by CUPF to notify the school community via a notification in a visible site and other available resource such as a school newsletter that a new provider has been selected. This notice should include:

- Name and contact information of the selected childcare service provider
- Date as to when the change becomes effective

The principal should also:

- Allow MSDE access to the school for inspection and licensing of the space for the new childcare service provider
- Allow new provider to advertise their program

7.15 Record Retention
and Review

A. Paper and electronic copies of all applications and supplemental information will be kept by CUPF for three (3) years, provided this information is transmitted to CUPF by the school selection committee. CUPF is not responsible for materials not returned.

B. CUPF will respond to written requests to review the summary rating form received within ten (10) days of the selection posted by CUPF.

1

**Testimony of Shaun M. Rose, Representing the Montgomery County Commission on Child Care
10/23/2014 Montgomery County Council Public Hearing**

Thank you for the opportunity to speak this evening. My name is Shaun Rose and I was appointed as a Commissioner on the County's Commission on Child Care in 2010. In that role, I volunteer to use my background and expertise, along with my fellow Commissioners, to advise you and the Executive on child care issues. I am a lawyer and former elementary school teacher. I have two children in school age child care. I am also the President of Rock Spring Children's Center, a nonprofit child care and preschool for over 150 infants thru pre-k. This past year, I served as Chair of the Commission. Because Rock Spring has no direct interest public space, I have been the Commission's point person on the Child Care in Public Space issue.

As you know from our numerous communications, which I attached to my testimony, **the Commission does not support the proposed regulations as they simply codify the status quo.** Child Care in Public Space is administered by several different county entities, each with different missions, timelines, procedures and policies. There are difficult public policy issues that administrators of public space have to deal with such as what to do when non licensed child care is masquerading as "clubs" to skirt child care safety and licensing rules. The ramifications on children, families and the child care system are tough to figure out even for those with experience and education in the child care and early childhood fields. However, **the majority of space is being administered by real estate professionals.** Their decisions have a big impact on who the after care providers are in our public schools and parents who need aftercare have no choice but to use whoever is selected.

The Commission attempted for many years to tackle some of these issues but was bounced around from one part of County Government to the next as no one seems to be **ACCOUNTABLE.** To this day, I still don't know who to go to if there are problems with the actions of CUPF and the ICB. It is easy to see why **providers and parents have felt frustrated and excluded from the process** and it was not surprising that lawsuits were brought against the County. Providers who have raised concerns have been ignored and some feel they have been penalized for speaking up. Others are afraid to speak up out of fear of losing their programs. **There is a lack of trust in our current system.** The Commission has proposed several solutions, even drafting legislation to put child care professionals in charge of setting the rules and procedures for the county to follow when administering child care in public space and to give providers and parents one specific place to go when there are problems.

A County Work Group was formed but from the outset, it ignored the central issues of consistency and accountability and did not even consider a comprehensive solution. Additionally, while the group purported to include child care representatives, it seemed more of window dressing as the vast majority of the work was done by an "internal work group" and, after being allowed to be at some initial meetings, the County's own Child Care Commission, which is supposed to be advising the County on such issues, was excluded. Parents were not represented at all despite our requests.

The final proposed regulations were released to the Commission just last week. The Administrative Procedures that we received just two days ago have now been changed to be "management guidelines" to make the process even more wishy washy. This is going to lead to more complaints from providers and parents and possibly more lawsuits. We are going to be here again in a couple of years talking about these same issues just as my predecessors on the Commission have done.

We need to be doing so much more to be supporting quality care for the children and families of our County. **We spend over 50% of our annual County budget on k-12 education but less than 1% supporting infants, preschoolers and child care after school.** In this case, we have a great resource of public space available but we are not making quality child care the priority and creating a transparent, consistent, and accountable system for parents and children. Please reject these regulations and create a new work group that will be guided by child care professionals and address these substantive issues in a more comprehensive way. Thank you.

Index of Attachments to Testimony of Shaun M. Rose

<i>Page Number</i>	<i>Documents</i>
	<u>Commission Annual Report Recommendations</u>
1	2012-2013 Annual Report Excerpt
2-4	2013-2014 Annual Report Excerpt
5-7	Proposed Legislation Making HHS the Rule Setting and Enforcement Agency for CCIPS
	<u>News Articles</u>
8	http://www.bethesdanow.com/2014/09/04/county-proposes-new-regulations-for-school-child-care-providers/
9-11	http://www.bethesdanow.com/2014/01/07/child-care-providers-say-county-bidding-process-has-many-flaws/
	<u>Correspondence (reverse chronological order)</u>
12-13	Sept 2014 Letter from the Commission on CCIPS
14	June 2014 Response from County Council
15-16	May 2014 Budget letter to Council, Exec and HHS
17-19	Nov 2013 Letter from Councilmember Riemer
20-30	Oct 2013 Email to Councilmember Leventhal with CCIPS Provider Stories
31-32	Oct 2013 Letter from HHS
33	Sept 2013 Letter from County Exec
34-35	Aug 2013 Commission Letter to Council and Executive
36-37	Jan 2013 Response from the Council
38-40	Dec 2012 Commission Letter to the Council
41-44	2012 Coalition Letter to CUPF and CUPF Response

*Electronic versions of these documents may be found at www.CCIPS.RockSpringChildrensCenter.com

Recommendation #2

Prioritize child care in public space and consolidate it into an organized program overseen and coordinated by the Department of Health and Human

For several years, the Commission on Child Care has been receiving complaints from child care providers and parents in the community about the County's lack of uniform processes and procedures for bidding and rebidding child care opportunities in public space. Currently, child care providers bid for public space in facilities controlled by the Department of Health and Human Services (HHS), Montgomery County Public Schools (MCPS), and the Community Use of Public Facilities (CUPF). As a result, child care programs seeking to acquire and/or maintain public space face a frustrating web of inconsistent procedures that makes it difficult to impossible to build and continue sustainable, reliable, quality child care programs.

Despite efforts by the Commission to seek improvements, the situation has grown worse, as exemplified by the filing of lawsuits against the County by several school age child care providers. The Commission heard from providers and parents as well as representatives from the various entities involved in handling child care in public space during multiple meetings this past year. It determined that the core mission of HHS was most aligned with ensuring that the space would be used in a way that resulted in consistent quality child care. The Commission then made a formal recommendation to the County Executive and County Council that the County pass a regulation to consolidate the use of public space for child care into an organized program overseen by HHS.

We understand that the County decided to maintain the current system where space is managed by multiple agencies, but is working to coordinate aspects of the administrative procedures to govern how all child care in public space is administered

A County work group has been formed and has drafted a new regulation authorizing CUPF to manage the before and after school care selection processes in Montgomery County Public Schools and to develop administrative procedures for the program. The Commission hoped that the work group would seize this opportunity to address the lack of uniform processes and procedures for bidding and rebidding child care opportunities in public space. Unfortunately, the draft reviewed by the Commission is a codification of the status quo, merely authorizing CUPF to administer before and after school care in MCPS.

Broader organizational changes must be made to make child care in public space a well thought out County priority that supports quality care options for families. A host of critical issues must be addressed including how often public space should be rebid, how to grant priority to non-profit providers as required by State law, who should serve on bid selection panels, as well as identifying standards to evaluate the quality of provider care. The Commission concludes that the best way to promote consistent, reliable and quality child care options for families is to consolidate all child care in public space into an organized program overseen and coordinated by HHS.

Recommendation #2

Align the standards and processes that govern child care and school-age care in public space to ensure that families receive quality and reliable care.

For several years, the Commission on Child Care has been receiving complaints from child care providers and parents in the community about the County's lack of uniform processes and procedures for bidding and rebidding child care opportunities in public space. Despite efforts by the Commission to seek improvements, the situation has grown worse, even prompting some child care providers to file lawsuits against the County in 2012. Throughout the year the Commission heard from providers and parents as well as met with representatives from the entities involved in leasing County space. We believe that the County needs to create and implement policies and procedures to resolve these issues.

Currently, the County has no consolidated management or guidelines for child care in public space. Child care providers bid for public space in facilities controlled by and/or located in Montgomery County Public Schools (MCPS), Health and Human Services (HHS), and the Office of Community Use of Public Facilities (CUPF). These three entities each have different core missions.

- **MCPS:** Every student will have the academic, creative problem solving, and social emotional skills to be successful in college and career.
- **HHS:** Promote and ensure the health and safety of the residents of Montgomery County and to build individual and family strength and self-sufficiency.
- **CUPF:** Help make public facilities accessible and affordable year round for community activities.

In addition to having different core missions, each of the entities has developed different and often inconsistent processes, procedures, and standards for leasing, bidding, and rebidding child care in public space. As a result, child care programs seeking to acquire and/or maintain public space face a frustrating web of inconsistent procedures that make it extremely challenging to build sustainable, reliable, quality child care programs.

The absence of uniform standards and processes to manage the use of public space for child care impacts child care providers, parents, and children. Shared concerns include the lack of transparency with respect to some of the bid processes as well as the factors that are being used to make decisions. Providers express concern that some of the bid processes lack clear guidelines to ensure that members of the selection panels are qualified and impartial. Parents are concerned that some of the processes fail to assess and ensure providers will be able to offer consistent, quality care. Providers, parents, and school administrators struggle with the absence of a unified, clear communication plan. For example, it is unclear which entity is responsible for conveying information to parents on the outcome of the public space bid process, including the fact that their chosen child care provider may be replaced by another provider.

Recommendation #2 cont...

Align the standards and processes that govern child care and school-age care in public space to ensure that families receive quality and reliable care.

There are a host of critical issues that must be addressed including how often public space should be rebid, whether to grant priority to non-profit providers, who should serve on bid selection panels, as well as identifying standards to evaluate the quality of provider care. The overall sentiment of the child care community is that the processes for managing the use of public space for child care are neither transparent, well-funded, nor well-managed. This impacts our most vulnerable population, our County's children, by potentially reducing the quality and reliability of their care.

This past year, the County formed a workgroup to create a formal regulation and set of administrative procedures to govern before and after school child care programs in public schools. These regulations and administrative procedures will be coming before the Council for approval. However, they will not resolve all of the concerns that have been raised by the Commission, as they will only provide governance to one of the three entities in the child care in public space process and may do little to change the status quo.

The Commission therefore recommends that the County develop a set of policies and procedures for MCPS, HHS, and CUPF that:

1. Recognizes and affirms the County's commitment to use public space to promote affordable, accessible, and quality child care.
2. Appoints a member of the County Executive's Office to serve as an independent liaison to offer oversight and ensure alignment among MCPS, HHS and CUPF.
3. Requires HHS, MCPS, and CUPF to align their timelines as much as possible for their bidding and rebidding of public space dedicated to child care usage.
4. Ensures potential conflicts of interest by the selection committee are addressed by an independent review and appeal process.
5. Requires HHS, MCPS, CUPF, school principals, and child care providers to communicate any changes relevant to the usage of affected public space directly with the parents utilizing that space, as well as the families in the community that may use the space in the future.
6. Requires HHS, MCPS, and CUPF to prioritize non-profit child care providers in accordance with State law.
7. Requires HHS, MPCS, and CUPF to develop other uniform policies and procedures for funding and managing the use of public space for child care in the County as appropriate.

Recommendation #2 cont...

Align the standards and processes that govern child care and school-age care in public space to ensure that families receive quality and reliable care.

The Montgomery County Commission on Child Care includes child care providers, parent representatives, and members of the public and local business community. The Commission would welcome the opportunity to partner with HHS, MCPS, and CUPF in the development of a uniform set of policies and procedures to better manage the use of public space for child care. However, the Commission believes that at this point, the Montgomery County Executive and County Council need to take the lead in developing and supervising the implementation of the policies and procedures for HHS, MCPS, and CUPF to follow. This is the only way to ensure that the process for managing use of public space for child care is managed in a consistent and fair way to foster affordable, quality child care for the County.



An Act to:

1. Recognize the County's commitment to use public space in MCPS and County controlled facilities to support affordable, accessible, quality child care for infants to school age children;
2. Prioritize child care over other uses of public facilities that CUPF manages;
3. Designate the Department of Health and Human Services as the lead agency with primary policy setting and oversight responsibilities for all child care in public space to promote uniform procedures for bid processes; and
4. Allocate resources from the rent collected from tenants providing child care to HHS to support its administration of child care in public space.

By Amending:

Montgomery County Code
Chapter 10
Chapter 44

Sec. 10C. Child Care in Public Space

(a) The Director of the Department of Health and Human Services must establish and administer policies and procedures for all child care for infants to school age children in MCPS and County controlled facilities.

(b) The policies and procedures must be:

(1) consistent whether the public space is primarily overseen by HHS, CUPF or MCPS, except in instances where the quality or nature of the space requires variances to the general policies and procedures;

(2) compliant with existing State and local laws and policies such as State Education Code 7-108, Use of school property, 7-109, giving priority to child care, and 7-110, charges, as well as COMAR regulations 13A. 16.01, defining licensed child care;

(3) fair and transparent with a clear set of criteria for how bid are awarded, what circumstances trigger rebids once a space has been awarded, as well as a process for appealing decisions; and

(4) designed to promote affordable, accessible, quality child care.

(c) The Director shall have oversight authority over CUPF in the administration of these policies and procedures.

Sec 44-1. Purpose

(a) Without interference with child care programs, educational programs and activities or unless precluded by lease conditions between the board of education and private tenants under joint occupancy or similar arrangements, maximum utilization of gyms, playing fields, classrooms and other facilities of the Montgomery County public schools by public and nonpublic agencies, community groups and citizens generally throughout the county, toward the end that these public facilities serve the public on a year-round basis;

Sec 44-2. Definitions

Child Care Programs. Child care programs in public facilities for infants through pre-kindergarten children as well as before and after school programs for school aged children.

Sec. 44-4. Director of Community Use of Public Facilities.

The Director must:

* * *

(g) Serve as executive secretary to the board; and

(h) Administer child care in public space in compliance with the Department of Health and Human Services policies and procedures; and

~~(h)~~ (i) Perform such other related duties as may be required. (1979 L.M.C., ch. 19, § 2; 1986 L.M.C., ch. 37, § 3; 1998 L.M.C., ch. 29, § 1.)

Sec. 44-5A. Enterprise fund established; accounts.

* * *

(b) The Director of Finance must pay from the enterprise fund amounts necessary to:

(1) reimburse the Montgomery County public schools for costs incurred or services rendered in making school facilities available for community or other non-school use;

(2) reimburse a government agency for costs incurred or services rendered in making other public facilities available for community use;

(3) reimburse the Department of Health and Human Services for costs and salaries of personnel necessary to administer the policy setting and oversight responsibilities of the child care in public space process;

~~(3)~~ (4) pay the expenses of meetings and other activities of the Board; salaries and other expenses for the Director, coordinators, and other personnel necessary to implement this Chapter; and

(4) (5) pay any other expenses necessary to carry out the activities authorized or required by this Chapter.

County Proposes New Regulations For School Child Care Providers

 bethesdanow.com/2014/09/04/county-proposes-new-regulations-for-school-child-care-providers/

After two lawsuits and many complaints, Montgomery County has proposed a new set of regulations for selecting which child care providers get to operate in MCPS buildings.

Many Child Care Service providers have complained about conflicts of interest, unfair standards and principals with too much sway in a recent rebidding process that saw some longtime providers ousted from the schools they operated in with no apparent issues.

The Wonders Child Care Center was rebidding for its longtime space in North Chevy Chase Elementary School in May 2012 when it says a former parent who had had a legal dispute with the provider was included on the school's selection committee. The scores from six members of the committee, on a 100-point scale, were 100, 100, 88, 85, 81 and 50, according to a complaint submitted in a memo by County Councilmember Hans Riemer.

One provider said it was told "that parents don't care about quality and that 'old, white women,' should not represent your center, should not be part of the process."

A provider alleged it lost space in a school and was told afterward by the school's principal that "he hated the process and felt the whole thing was scripted to get a certain result." A provider told Riemer it was told "to put more minorities on our interview committee, to have a sales-type person be present at your interview, change your name, that tuition was too expensive" and "to be perkier," among other things.

Ginny Gong, executive director of the CUPF, said the department decided to create a new bidding process in 2007 to give other providers an opportunity. Earlier this year, she labeled some of the accusations in the Riemer memo as misinformation.

The result of one lawsuit over the selection process was a Montgomery County Circuit Court decision that found the new bidding system was not the legal way to conduct the process and that state law assigned the responsibility to each local Board of Education. In January 2013, the Montgomery County Board of Education passed a resolution to give the responsibility back to the governing board that runs CUPF.

Out of that, a work group including Gong, leaders of child care providers and other stakeholders was created with the goal of ironing out draft regulations to improve the process.

The proposed regulations require each member of a school's child care selection committee — made up of staff, parents, administrators or "other responsible individuals" — to disclose any vested interests or prior relationships with any of the applicants.

The regulations also dictate that nonprofit child care providers be given first preference and that the terms for each provider's stay at each school would be lengthened to seven years, instead of five.

CUPF is taking public comments on the new regulations until Sept. 30. Written comments must be submitted by September 30, 2014, to Elizabeth Habermann, Community Use of Public Facilities, (CUPF), 255 Rockville Pike, Rockville, Maryland, 20850; 240-777-2713; Email: elizabeth@habermann@montgomerycountymd.gov.

Child Care Providers Say County Bidding Process Has Many Flaws

[Bethesdanow.com/2014/01/07/child-care-providers-say-county-bidding-process-has-many-flaws/](http://bethesdanow.com/2014/01/07/child-care-providers-say-county-bidding-process-has-many-flaws/)

The Wonders Child Care Center was rebidding for its longtime space in North Chevy Chase Elementary School in May 2012 when things went awry.

A school staff member of the committee that judged if Wonders would retain the space happened to be a former parent who had had a legal dispute with the Chevy Chase-based nonprofit. The scores from six members of the committee, on a 100-point scale, were 100, 100, 88, 85, 81 and 50, according to a complaint submitted in a memo by County Councilmember Hans Riemer.

Wonders lost the rebid by a reported four points, according to Executive Director Joanne Hurt, and was given the following feedback: "We should have worn matching shirts because people like to know who the providers are," Hurt told BethesdaNow.com.

Some who provide before and after school child care for kids in Montgomery County school buildings, including the owner of the group that won the North Chevy Chase bid, say the county's process for selecting which operators get school space is unfair and riddled with inconsistencies.

More pressing, they say, is that the flawed process is leading to lower quality child care.

Ginny Gong, head of the county department that administers the selection process, adamantly defended it — as Riemer and providers like Hurt push for new regulations.

New Bidding Process Brings Controversy

The Community Use of Public Facilities (CUPF), with oversight from its governing board (known as the Interagency Coordinating Board, or ICB) has assisted county elementary and middle schools with the selection of before and after care childcare providers since the mid-1980s, according to finance team program manager Liz Habermann.

Gong, executive director of the CUPF, said the department decided to create a new process in 2007 to give other providers an opportunity.

The CUPF and ICB, which act essentially as a leasing agent for county school facilities, renting out child care space as well as gyms and playing fields, oversaw a process in which committees from each school interviewed the incumbent provider and those wishing to take over at the school.

Those committees were generally made up of the school's principal or an assistant administrator, a parent of a child under the incumbent provider's care, a building services manager and perhaps other parents and school staff.

"We oversaw it. We made sure it followed best procurement practices. The mechanisms were in place working closely with the principals to help them create their own committees," Gong said. "Some providers were at schools for more than 25 years. The [ICB] felt we needed a procurement process that would open up opportunities to others and if the provider was doing a great job, they'll be reselected. It's as simple as that."

On May 18, 2012, eight days after its failed interview, Wonders Child Care announced it was appealing the decision to Gong because of the committee member's "bias" that "was apparent during the committee's work." Hurt also claimed the committee member never disclosed her previous legal issue with Wonders and that the North Chevy Chase principal, Renee Stevens, helped circulate "an anonymous letter to the community disparaging Wonders."

Wonders sued. Hurt said the nonprofit dropped the suit to allow Bar-T, a bigger for-profit provider that had lost school sites, to continue with its suit.

The result was a Montgomery County Circuit Court decision that found the new ICB bidding system was not the legal way to conduct the process and that state law assigned the responsibility to each local Board of Education. In January 2013, the Montgomery County Board of Education punted the responsibility back to ICB, passing a resolution to delegate authority to the department.

Out of that, a work group including Gong, Hurt and other stakeholders was created that is still ironing out draft regulations to be debated and finalized by the County Council.

A Long List Of Complaints

Bob Sickels, owner of Wheaton-based Kids After Hours, is one of the child care providers who benefited the most from the new rebidding process. Sickels said he has expanded from before and after school programs in 12 schools to 19 schools, including at North Chevy Chase, where Kids After Hours beat out Wonders in 2012.

"I do think a rebidding process is good for competition. I think it does make us strive to be better," Sickels said. "I'm coming from a point-of-view where the process has helped my organization grow. But my problem is some of the changes the county made in the selection process sacrificed quality in an effort to open it up to just anybody. We don't have faith that ICB's going to handle it, to tell you the truth."

Sickels estimated that out of his 19 programs in county schools, 16 have gone up for bid. He claimed one provider has programs in 17 schools and never had to face a rebid process.

"It does make you scratch your head when almost every single provider goes up for rebid and there's one that doesn't," Sickels said. "That seems like utter mismanagement, bordering on incompetence. It does make me question some of the other judgement calls that ICB's been making."

Gong said allegations of an uneven and mismanaged rebid process are completely false.

"We took every school and we had the providers themselves tell us when they started in that school. Then we arranged it by date and took the ones that had been providing the service the longest," Gong said. "We took about 20 to 23 each year. If you had been in that school longer, than yours was up for bid. It wasn't based on the provider. It was based on the date and then we went up that list. All these dates were verified by the providers."

Sickels said out of the roughly 120 county schools with child care programs, ICB rebid only 10 the first year and about 17 the next year, creating extra time for some providers in what was supposed to be a new process of five-year contracts.

He also said the county needs to regulate the make-up of the school committees and other parts of the presentation process.

"It could be a principal and a teacher, a bunch of parents. I've been to one where there were no parents who used before and after care. I don't understand that," Sickels said. "Originally, the proposal we provided was scored as part of the selection process. The last couple years, that proposal was not allowed. It was only the scores from the interview. So the meat and potatoes — policies, rates, how helpful we were to parents — none of that was really considered."

The Riemer memo, sent to Gong on Nov. 8, 2013, highlights a number of other anonymously presented complaints from child care providers unhappy about the process.

There's one about a principal who allegedly told an incumbent child care provider up for rebid that the provider could buy her a commercial popcorn machine for school events.

One provider said he or she was told "that parents don't care about quality and that 'old, white women,' should not represent your center, should not be part of the process."

A provider alleged it lost space in a school and was told afterward by the school's principal that "he hated the process and felt the whole thing was scripted to get a certain result." A provider told Riemer it was told by ICB "to put more minorities on our interview committee, to have a sales-type person be present at your interview, change your name, that tuition was too expensive" and "to be perkier," among other things.

Gong labeled the allegations from providers as misinformation.

"We built in confidentiality. People have to disclose, all of these aspects of a good process have been built into it," Gong said. "The question is, if you're performing a great service, why should you not continue? Why would you not be picked? Our assumption and the assumption of my board, the ICB, is you would be picked again. There shouldn't be an issue."

What Next?

Some in the child care field said the controversy stems from ICB's ultimate priority as a leasing agent for school facilities — not as a careful selector of quality child care programs.

In its 2012-2013 Annual Report, the Montgomery County Commission on Child Care recommended moving the selection process under the purview of the county's Department of Health and Human Services:

Broader organizational changes must be made to make child care in public space a well thought out County priority that supports quality care options for families. A host of critical issues must be addressed including how often public space should be rebid, how to grant priority to non-profit providers as required by State law, who should serve on bid selection panels, as well as identifying standards to evaluate the quality of provider care. The Commission concludes that the best way to promote consistent, reliable and quality child care options for families is to consolidate all child care in public space into an organized program overseen and coordinated by HHS.

"I think it's preferable," Riemer said when asked about that suggestion. "The problem that we have today is that the process isn't well defined. It isn't clear and participants feel as though it produces arbitrary outcomes. That's just something that we need to fix. We want parents to feel that the county government has a way to get the best providers in and when they're in there, we can keep them in there as long as they continue to succeed."

Gong argued her office's experience and expertise working with MCPS in facilitating the use of its space is vital.

"This is really more a facilitation of space and a trust issue. The school system has asked us to administer it. We've been administering it since the 1980s," Gong said. "There's no reason that should change. For it now to change to HHS, who really does not work closely with the schools like we do on a day-to-day basis, just doesn't make sense."

Gong said the work group is refining the regulations and she hopes to resume implementing the rebid process, perhaps for seven-year terms instead of the original five. Her office must rewrite the administrative procedures before the rules can hit the County Council.

Gong said she hoped to have that done in time for rebidding this year, but she's now not sure that will happen.

"The short answer is it's not moving very fast and that's kind of the problem," Riemer said. "It just illustrates how slow it's moving. If they don't get it done soon, then we'll do it."

Hurt hired a lobbyist to help make the case for Wonders at the County Council. She has periodically asked parents to call and write councilmembers in support of increased regulations and moving the selection program to HHS.

"ICB will say, 'Parents are clamoring for after school programs,'" Hurt said. "We're saying, 'Well, parents are wanting to have a say in the process and they're wanting to ensure that you're placing top-quality programs in their schools.'"

"The rebid process is not doing that."

Joe '2 cents' Hawkins • 9 months ago

I meant to comment on this piece. I was served on the Commission for Child Care for 5 years. That goes way back in time.

It took us (the Commission) 5 years to get MCPS—at that time they ruled on leases—to rewrite policy so that provider leases could not be terminated within 30 days. Back in the late 80's, early 90's—MCPS would kick providers out on very short notice. Obviously, those actions jammed up parents who then had to find alternative child care arrangements.

It also took 5 years to get MCPS to put in place a policy that said when building a new school—if child care demand was established/documented—MCPS would build dedicated child care space in the new building. They fought this policy. For example, they refused to have the policy apply to renovated school buildings. MCPS's behavior always seemed odd and strange because they were creating problems for families that they claimed to serve (and love).

And so 2 decades later, it sounds like there are still serious issues when it comes to supporting families and their child care needs.

September 19, 2014

The Honorable Isiah Leggett
Montgomery County Executive
101 Monroe Street, 2nd Floor
Rockville, MD 20850

The Honorable Craig Rice
President, Montgomery County Council
100 Maryland Avenue, 6th Floor
Rockville, MD 20850

Dear County Executive Leggett and President Rice,

The Commission on Child Care (Commission) is writing in response to the draft Montgomery County Executive Regulation for Before and After School Childcare Programs in Public Schools and the associated draft Administrative Procedures. We value the thoughtful consideration of issues by the County Council (Council) and we appreciate the opportunity to share our thoughts and concerns related to ensuring that quality child care is available for all Montgomery County children and families.

In the Commission's view, these two documents represent a codification of the status quo and do not serve to address the concerns raised by child care providers and parents related to the selection of well-qualified providers and the implementation of consistent, quality child care in elementary before and after school programs. The Regulation and Administrative Procedures apply only to Child Care in Public Space (CCIPS) administered by the Community Use of Public Facilities (CUPF), afford CUPF much discretion in the process, and do not make it clear which section of government is responsible when parents or providers have an issue with CUPF's actions. **Of particular concern is that the draft Administrative Procedures neglect to require that the selection committee include a member with child care expertise.** Based on testimony and feedback from parents and providers throughout the years, the Commission has consistently urged that expertise in early education and child development be at the center of any County supported child care initiative. Despite the location or type of real estate the core value should be the delivery of quality child care. The Regulation and Administrative Procedures, as currently written, ignore this core value.

As you know from our previous correspondence, the Commission has been receiving complaints from providers and parents regarding the administration of CCIPS for many years. The complaints include a lack of transparency, consistency and accountability that create a lack of stability and reliability in the child care delivery system, which are two qualities that are critical to quality programs. The Commission, individual providers and parents have made many attempts to address these issues with no success.

In 2012, child care providers brought a lawsuit against the County, in which the Montgomery County Circuit Court decided that the bidding process was not legal, as State law assigns the responsibility to each local Board of Education. As a result, the Montgomery County Board of Education passed a resolution to give the responsibility back to the governing board that runs CUPF. In addition, Montgomery County was directed to adopt the above mentioned Executive Regulation governing the administration of before and after school child care within Montgomery County Public Schools (MCPS)

The Commission provided input to the Council that the proposed regulation failed to create much needed transparency, consistency and accountability. You may recall that the Councilmembers reviewed the proposed regulation and requested the completion of the accompanying Administrative Procedures before Council action would be taken.

Following the Councilmembers' request, a CCIPS Work Group was formed that included four representatives from MCPS, one from the County Executive's Office, one from Council staff, one from the Montgomery County Department of Health and Human Services (HHS), and two from CUPF, three provider representatives (two for-profit and one non-profit) and a representative from our organization, the Commission on Child Care. The group did not include any representation by parents who have previously raised public space concerns. The Work Group held three meetings with the Commission and provider representatives. The rest of the Work Group met and communicated independently as an internal County group to produce the current draft Regulation and Administrative Procedures.

For this latest draft of the Regulation and Administrative Procedures, the Work Group opted to reduce the public comment period from 30 to 15 days. This change was not shared with the Commission or provider representatives. Fortunately, a Commission representative learned of the reduced public comment period and was able to work to have it restored to the full 30 days (the printed notice in the register still reflects the 15 day period). The Commission is concerned that this process reflects a lack of appreciation for input by stakeholders in CCIPS. Effective government requires listening to the experience and views of all stakeholders and developing a thoughtful, balanced solution.

In order to effectively repair the problems with CCIPS, there needs to be a structural change with how it is managed. Trust will not be restored to the process if we continue to do things the same way as they have been done in the past. We therefore recommend that the Council rejects the Executive Regulation and Administrative Procedures package as currently submitted and require the creation of a more comprehensive process and framework for quality child care selection that will more effectively embrace consistency, transparency and accountability.

We thank you for your consideration of this important issue.

Sincerely,



Shaun Rose
Child Care in Public Space Representative
for the Commission on Child Care

cc: The Honorable Philip Kauffman, President, Montgomery County Board of Education
Uma Ahluwalia, Director, Montgomery County Department of Health and Human Services



MONTGOMERY COUNTY COUNCIL
ROCKVILLE, MARYLAND

OFFICE OF THE COUNCIL PRESIDENT

June 13, 2014

Mr. Shaun Rose
Chair
Commission on Child Care
7300 Calhoun Place, Suite 700
Rockville, MD 20855

Dear Mr. Rose,

Thank you for your correspondence expressing your views that County policymakers should prioritize the availability of accessible, quality child care and early childhood education. I apologize for the delay in responding to your correspondence. I shared it with my Council colleagues, and I am pleased to respond on their behalf.

The Council is very concerned about the availability of accessible, quality child care. Increasing access and supporting a system that meets the needs of children, families and providers is challenging and complex, and I welcome the chance to discuss these issues with you.

Because the Council is waiting for the regulations and administrative procedures related to the selection of providers of before and after school child care in schools to be finalized and transmitted to the Council as well as an analysis of recent WPA Work Group recommendations, it may make sense to discuss these specific issues after the Council receives the anticipated documents.

I appreciate you taking the time to share your concerns with me. Your views are important and will help me in my deliberations on matters that affect residents of Montgomery County.

Sincerely,

Craig Rice
Council President

5006585

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COMMISSION ON CHILD CARE

May 2, 2014

The Honorable Isiah Leggett
Montgomery County Executive

Uma Ahluwalia
Director, Montgomery County Department of
Health and Human Services

The Honorable Craig Rice
President, Montgomery County Council

Dear Mr. Leggett, Mr. Rice and Ms. Ahluwalia,

County leaders know that child care and early childhood education (ECE) needs to be a priority. County leaders know that many County families cannot afford the cost of quality care and that many County children end up in substandard, unlicensed care that does not foster their development, that does not help prepare them for academic success, and that can be unsafe. County leaders know that the status quo contributes to increases in the educational "achievement gap" and hinders the economic growth of the County.

Although our County leaders know this, the County is doing little to address it. The Commission made a bold recommendation last month for the FY15 budget. We recommended that MCPS's incremental funding request be reduced and a small portion, \$6 million, be put towards increasing child care subsidies. This funding shift could result in a tremendous impact on the development and academic success for our youngest and poorest children, plus it would be a big boost toward helping the County's working poor.

The Commission was grateful to see Councilmember Navarro raise the issue of providing \$3 million to support the Working Parents Assistance Program (WPA) at the April 23, 2014 County Council Health and Human Services/Education Committee Meeting. In response, we were amazed to hear Department of Health and Human Services (HHS) leadership state that they would not know what to do with additional funding and were not asking for it. It was even more disheartening to hear HHS testify that it was not even able to use the small amount of increased funding that the County provided to it last year for WPA due to personnel and/or management issues. For over 10 years, the Commission has been advising the County to increase the subsidy amount to a meaningful level and to increase the qualification levels so that more of the County's working poor could qualify. It is past time to take meaningful action.

Child care and ECE need to be elevated to become a much higher priority in our County. We cannot keep allowing our youngest children to fall through the cracks. Our County has long been falling behind in its support of child care and ECE. Costs continue to increase and the State's underfunded mandates, like Maryland EXCELS, are exacerbating this problem. Many do not understand that child care providers are struggling and need County support in order to meet the



Department of Health and Human Services

7300 Calhoun Place, Suite 700 • Rockville, Maryland 20855 • 240-777-4659, TTY 240-777-1009, FAX 240-777-1342

needs of our families and children. Public space child care facilities are poorly maintained and key County positions required for program administration have been under resourced for years. The disjointed efforts our County has made to support child care and promote quality and affordability are often ineffective, counterproductive, and do not address a consistent set of policy goals. Some current child care initiatives are run by County people without child care and early childhood expertise and by entities for which quality and affordable child care is not a significant priority. We know this. Now it is time for us to act in a meaningful way to change it.

If you are willing, we would like to set meetings with you or your appropriate staff to discuss the recommendations the Commission has made with regards to making support of child care and ECF a larger County priority. Thank you for taking the time to consider this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'SAR', written in a cursive style.

Shaun Rose
Chair

cc: JoAnn Barnes, Acting Chief, Children, Youth and Family Services, Montgomery County
Department of Health and Human Services



MONTGOMERY COUNTY COUNCIL
ROCKVILLE, MARYLAND

HANS RIEMER
COUNCILMEMBER AT-LARGE

November 8, 2013

Memorandum

To: Interagency Coordinating Board (ICB)
Ginny Gong, Executive Director, Community Use of Public Facilities (CUPF)

From: Hans Riemer, Council Member

Re: Child care provider selection process

Date: November 6, 2013

I am writing to express my concern over the childcare provider selection process used by ICB and CUPF since 2007. I understand and support the process's goal of opening up county space to competition among childcare providers. However, I have doubts as to whether this process embraces the standards of fairness, transparency, consistency and accountability that characterize so many activities of the Montgomery County Government. Those doubts rest in part on the fact that the selection process has prompted two lawsuits against the county as well as numerous complaints by providers. Among their comments to Council Members are the following.

- A new principal called in the (incumbent program) staff to discuss the program at the beginning of the school year. She asked how long we would be at the school. Our administrator was surprised that principals did not know the bid process. She told the principal that we had been selected for re-bid and when the next bid could take place. The principal said that she wanted us to be able to stay there but here was what we could do for her - buy a commercial popcorn machine for their school events.
- The ICB process is tainted and there needs to be some strong guidelines on how the process is administered. Being told that parents don't care about quality and that "old, white women" should not represent your center should not be part of the process. I would like my comments to be anonymous because I am fearful of retribution.
- In December of 2011, we submitted a proposal to continue as the child care provider at xxx Elementary. At the May 10, 2012, interview, we learned for the first time of the composition of the selection committee. The committee was composed of the Principal, two administrative school employees, two teachers, one parent with a child currently in the incumbent program and a former incumbent program parent, who is also a school staff member. The former parent/school staff member is someone with whom we had had a legal dispute. Discussions with ICB staff confirmed that this committee member participated fully in the selection process and that she did not qualify or limit her participation based on her conflict. Nor did she fully disclose that she had a prior legal dispute with the incumbent provider that may have colored her objectivity. In fact, one of our presenters, unaware of the past conflict, noted the animosity of this parent towards our program. This committee member's rating sheet (50) shows a score far below any of the other raters (100, 100, 88, 85, and 81).

- During the rebid process - competitors are marketing their programs and the current provider is not permitted to discuss the process with the principals.
- There is unfair competition for Child Care programs who are required to go through the bid process (and required to have a license) but unlicensed programs who offer the same hours, days, holidays, early release schedules, etc. are allowed to operate in the same schools. According to the MSDE Office of Child Care, ICB/CUPF has been asked not to lease space to programs who are operating more than 2 days per week and more than 20 hours per month as they meet the definition of child care. ICB has seemingly refused to abide by this.
- We lost space in a school where we had a strong connection with the school, parents and families as we had been the provider there for many years. We were told after the interview, by the Principal, that he hated the process and felt the whole thing was scripted to get a certain result. Former parents have told us that if they voice concerns to their new provider about anything that happens at the center from ways their children are disciplined to payment questions, they are terminated with no notice and no options.
- We were told by ICB after the interview to put more minorities on our interview committee, to have a sales-type person be present at your interview, change your name, that tuition was too expensive for parents - (tuition is less than the county average), that parents don't care about quality, to wear matching t-shirts with the company name on them and to be perkier.

While the above are allegations at this point, they are cause for concern.

The above record suggests that the county's child care selection process has some deficiencies that need to be remedied. I understand that the Executive Branch is in the process of developing new regulations to implement the process. I am in possession of the draft recently provided to the Board of Education. I ask that you consider the following improvements.

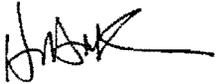
- Examine the feasibility of consolidating both pre-K and school age childcare selection into one process overseen by one agency (such as an Office of Childcare in the Department of Health and Human Services). Multiple agencies with multiple processes may lead to confusion and duplicative bureaucracy.
- Uniform criteria for picking selection committee members should be established in the regulations. The administration's draft regulations state the following: "The childcare selection committee may be comprised of any combination of staff, parents or other responsible individuals which will be determined by the school principal." The above essentially amounts to no criteria for picking committee members at all. The regulations should be much more specific. Perhaps representatives from the Commission on Childcare and the Department of Health and Human Services should be included.
- Prospective selection committee members with conflicts of interest must be screened out.
- Uniform selection criteria for providers should be established in the regulations. The administration's draft regulations state the following on selection criteria: "The childcare

selection committee established by the school must evaluate the childcare applicants based on the multiple criteria such as: advertised, individual interviews, community feedback, and any other relevant information." This is insufficient to provide any uniform guidelines in selection decisions. The regulations should be considerably more specific.

- Childcare quality and affordability should be included in the selection criteria.
- The selection criteria should be distributed to childcare providers before they submit applications.
- Non-profit providers should be given priority in accordance with state law (Md. Education Code Ann. § 7-109).
- Once the selection committee chooses a provider, it should issue a written decision based on the county's selection criteria to all applicants.
- Appeals from selection decisions cannot be heard by the same body, or a body closely affiliated, to the committee that made the initial selection.

I look forward to continuing this conversation with you in the near future.

Sincerely,



Hans Riemer
Councilmember, At-Large
Montgomery County Council

cc: County Executive
County Council
Ramona Bell-Pearson, ACAO
Uma Ahluwalia, Director, HHS
Shaun Rose, Chair, Commission on Child Care

Shaun M. Rose

From: Shaun Rose <shaunmrose@comcast.net>
Sent: Thursday, October 31, 2013 5:05 PM
To: 'Councilmember.Leventhal@montgomerycountymd.gov'
Subject: CCIPS Stories
Attachments: CCIPS Stories.docx; 10-15-13CCIPS Response from HHS.PDF

Councilmember Leventhal,

Attached is a collection of stories that providers sent to me regarding child care in public space. They are organized around some general topics, but otherwise, I just cut and pasted what was sent. A few providers (mostly ones involved in the lawsuits) sent many stories with a lot of detail that identified them. Most providers, however, were resistant to sharing their stories even anonymously as they fear being identified and having it negatively affect their programs. I convinced some of them to at least give me general summaries of the issues they have been facing. While I don't think this gives you all the details you were looking for, it gives a little bit of flavor of some of the issues. When you and I talked, I knew that providers may be reluctant to share stories, but I was surprised at just how reluctant they actually were.

In addition to the provider stories, I have also heard from several parents about their negative experiences with CCIPS. One parent was at a school where the long time provider lost their rebid and a new provider came in. This parent and a few others were kicked out of the program when they complained about problems with the new provider. Two other parents told us that they lost the long term provider and new nothing about it and weren't even aware it was being rebid. I had two other parents who happen to work in County Government tell me they had problems with the providers in their schools, but even with their knowledge of County government, they were not able to get their issues resolved.

One of the Commission's main concerns with the County's current approach to child care in public space is that it is not consolidated which results in inconsistent policies and procedures. It also results in a lot of finger pointing when it comes to trying to address problems or improve the system. HHS points to CUPF or MCPS. CUPF points to the ICB or MCPS. MCPS point to the Council or the Exec. For instance, when we first wrote to the Council about the problem, we were told the Council could not do anything as it was the Board of Ed. The Board of Ed met earlier this month to review the proposed regs and said that they felt it was up to the Council. The Commission met with two BOE members two weeks ago and they reiterated that it is up to the County, not them, to decide how to administer CCIPS. Last week, I received a letter from HHS saying that it is not the County, but the BOE who needs to make the CCIPS decisions (attached). If this is what the County's own Commission on Child Care faces in addressing this issue, what hope do individual providers or parents in the County have in addressing concerns?

This is why the Commission has been pushing to restructure the system so that HHS is the accountable agency and sets the CCIPS policies and procedures and has oversight for problems. It puts the decision making in the agency to which it is most suited. It makes it clear who is accountable. And it makes things more clear and accessible for the parents and providers of the County.

Thank you for taking a look at this issue. Let me know if there is any further information you need.

Shaun Rose
Chair, Montgomery County Commission on Child Care

Montgomery County Child Care in Public Space Provider Stories

Compiled by the Commission on Child Care for Councilmember Leventhal

October 2013

General Concerns about the current state of child care in public space

- At a meeting of 12 center directors, the directors were asked if they would share their stories. Even when they were assured the stories would be kept confidential, many said they feared even revealing the slightest detail that could identify them as they felt it could jeopardize their current programs.
- We had a meeting of about 25 directors who use public space. Unanimously, all shared stories of the lack of services being provided by the County. Some expressed a feeling of abandonment by the County. All are supplementing what is stated in our leases as the responsibility of the County: grounds maintenance, trash removal, maintenance (major and minor, janitorial services). There is concern on the parts of many, if not all, of the directors who were at the coffee about (1) whether or not they will lose their leases and (2) what the process will look like and if there is room for input. The following issues were brought up repeatedly:
 - a. The rebid/review process must be transparent and consistently applied;
 - b. There must be a means to measure and ensure high quality early childhood care and education programs;
 - c. The process should include parental input in a meaningful way;
 - d. The participants on the decision-making committee need to have an understanding of the challenges and economics of the child care industry; and
 - e. There must be a method to obtain feedback as well as appeal a decision.

Impact of ICB process – timeline and background

On **June 13, 2007**, the ICB adopted ICB Resolution No. 07-001 asserting to establish the Process, with a stated purpose of replacing long term providers with “small and newly established child care providers.”

The ICB addressed this resolution in its “Annual Report Fiscal Year 2008.” In the Report’s “Director Message,” authored by Ginny Gong, it states that: The ICB approved and began implementing the Resolution on Affirmation of Equal and Fair Child Care Provider Selection Process, supporting the practice of re-solicitation as an effective measure to ensure quality, to maintain competitive pricing, and to facilitate a higher level of responsiveness to schools and parents. The report also makes two other references to this

action. Under its "Board Actions During FY 2008" section, the Report states that CUPF "[a]dopted a resolution to require before- and after-school child care sites to rebid every five years in order to foster equal and fair access to shared space in schools and ensure consistency with procurement best practices." One of the "Long-Term Goals" is to:

Implement a child care selection review process to promote equal opportunity for all child care providers to operate before- and after-school programs in shared school space. Beginning FY09, CUPF will solicit proposals for 20 percent of all existing child care programs, with each program being re-bid every five years. This process will not only facilitate fair access to school facilities, but will also ensure maintenance of quality child care programming.

However, in ICB Resolution 07-001, the abovementioned statements are contradicted by ICB's assertion that it "is not responsible for the quality of child care programs," but rather is focused on ensuring that providers have the opportunity to compete for and use County public spaces.

No County law or adopted or approved regulation authorizes CUPF or the ICB to unilaterally implement policies, procedures, standards or criteria for the removal or replacement of current before and after school child care service providers occupying public school facilities or for the revocation of the contract pursuant to which such service providers occupy public school facilities.

No County law or adopted or approved regulation authorizes CUPF or the ICB to unilaterally implement policies, procedures, standards or criteria for the evaluation of before and after child care programs evaluation and no County law or adopted or approved regulation authorizes CUPF or ICB to unilaterally require that school principals adhere to such non regulatory policies, procedures, standards or criteria to evaluate programs provided by current Service Providers.

Maryland public policy favors use of public school facilities by nonprofit daycare providers over for-profit entities. This policy is expressed in Md. Code Ann., Educ. § 7-109(a)(1) (2008 Repl. Vol.), which provides that "[i]f the program and public school facility comply with the rules and regulations of the Department of Human Resources that govern group day care centers, each county board [of education] [s]hall give priority to nonprofit day care programs for use of public school facilities before and after school hours."

The Process did not reflect the legislative mandate to give preference to nonprofit providers. To the contrary, ICB, in a "Frequently Asked Questions—Before and After School Child Care—Community Use of Public Facilities" section on its website, asserts that the preference for nonprofit providers "was administratively extended to for-profit providers" by the ICB as well.

Even if the County had followed its own administrative procedures for adopting regulations, ICB has no authority to modify State law by “administrative extension.”

On **September 5, 2012**, Resolution 13-001, Repeal of Resolutions Relating to the Child Care Selection Process was announced, halting the ICB process.

On **January 8, 2013**, Dr. Starr, Superintendent of the Montgomery County Schools sent a memo to the Montgomery County School Board stating:

“The Montgomery County Attorney Marc Hansen has informed the Montgomery County Executive Isiah Leggett that in order for ICB to administer before- and after-school child-care programs in MCPS schools, the Board of Education must delegate this authority to ICB and CUPF. On December 11, 2012, Mr. Leggett made a request in a letter to me that the Board of Education adopts a resolution delegating this authority to ICB and CUPF. If the Board approves this resolution, the County will draft regulations that will establish a selection process for before and after-school child-care service providers and an implementation plan that will be used by ICB and CUPF to administer the before- and after-school child-care programs in MCPS schools. These draft regulations will need to be approved first by the Board of Education and then by the County Council.”

A work group was formed by Community Use of Public Schools and developed a draft Executive Regulation governing Before and After School Childcare Programs in Public Schools. The June 20, 2013, draft regulation was shared with providers who rent public school space through CUPF, and the providers were asked to provide feedback.

The providers group provided feedback that stressed the view that the draft regulation is a codification of the previous ICB process.

Experiences with the previous process, which was inconsistently applied and not transparent, appear not to have been addressed in the draft regulation. The following stories from before and after school providers illustrate the significant flaws in the previous process.

RFP and interview process

- We were notified that we were to have our first interview on March 26, 2010. Approximately 3 hours prior to the interview, I was called and asked to provide a financial solvency statement (and to make it available upon entering the interview). Prior to this interview and after this interview, we have never been called to submit documentation hours before an interview. In the case of our interview at another elementary school, additional information was asked for by the committee, and all providers that submitted proposals were given the opportunity to respond with a deadline to do so. We were asked 5 questions and there were 4-5 members on the interviewing committee. 2 parents were (incumbent program) parents for certain,

one was a drop in parent and there was one teacher on the committee. There may have been another parent, I can't remember. We were not given a point scale for the interview. We were notified the next day by phone that we had retained the program (March 30th)

- Interview lasted 30 minutes and the questions asked demonstrate that the proposals were not thoroughly read.
- There is unfair competition for Child Care programs who are required to go through the bid process (and required to have a license) but unlicensed programs who offer the same hours, days, holidays, early release schedules, etc. are allowed to operate in the same schools- According to the MSDE Office of Child Care, ICB/CUPF has been asked not to lease space to programs who are operating more than 2 days per week and more than 20 hours per month as they meet the definition of child care. ICB has seemingly refused to abide by this.
- During the rebid process- competitors are marketing their programs and the current provider is not permitted to discuss the process with the principals.
- The re-bids are not done with any kind of consistency. We are often told at the last minute about interviews. When our key person had a death in the family we were not able to reschedule the interview and we lost the space. We have (had) 3 ICB spaces, 2 of those spaces came up for re-bid in the first 5 year cycle. Another organization with 17 centers in ICB/CUPF space has had no re-bids during this same time frame.
- Our experience with the ICB/CUPF bid process and subsequent award and feedback process has confirmed our feeling that it is not a transparent process. We believe this is a serious situation which warrants the County Council's thoughtful engagement. We are reluctant to share specific examples because of fear of retaliation from ICB if we are identified.
- Our center has operated in both ICB and DHSS space since 1991. We have always adhered to our lease and licensing. We have achieved accreditation in our centers. Recently, through the ICB rebid we lost two of our spaces. The ICB rebid is based on the premise that centers that have longevity need to be removed to make way for new start - up businesses. What good does it do to give a business a chance, set standards for them and then take it away to give someone else a chance??
- The ICB process is tainted and there needs to be some strong guidelines on how the process is administered. Being told that parents don't care about quality and that "old, white women" should not represent your center should not be part of the process.

I would like my comments to be anonymous because I am fearful of retribution.

Scoring and decision making

- A new principal called in the (incumbent program) staff to discuss the program at the beginning of the school year. She asked how long we would be at the school. Our administrator was surprised that principals did not know the bid process. She told

the principal that we had been selected or re-bid and when the next bid could take place. The principal said that she wanted us to be able to stay there but here was what we could do for her- buy a commercial popcorn machine for their school events.

- We were notified via email that our rebid interview was to take place at xxx Elementary on May 6th at 9:30 am. There was no mention of time allotted for the interview. There were 5 questions asked in the interview and no points were discussed per question. There was no school representation on this committee; there were 4 parents on the committee. We were informed via phone call the same day as the interview, that we were no longer the provider at xxx Elementary. We started to inform families that evening of us not being chosen the provider for the upcoming school year. Parents were very upset, and started to write letters and emails to the Principal and Ginny Gong at ICB. ICB referred them back to the principal, and the principal referred them to ICB. The prices for awardee were higher than that of the incumbent, as was the case with another school, where the awardee's prices were lowered to reflect our rates. Upon talking with the families, our onsite Director learned that there was to be one additional (incumbent program) parent on the committee (three of the awardee's parents were on the selection committee), but when she arrived to the school for the interviews, she was turned away. On May 24th, we put a letter to the school participant families informing them that we would be able to offer care by bussing to a nearby Kids Club. We were informed by ICB that we could not offer this service due to us being an onsite provider with space leased through ICB.
- There is no review process in the bid process. Programs have received State and National Accreditation, staff have high credentials, annual confidential parent surveys are 95%+ positive, etc. but the selection committee only looks at tuition for their community. We were told this by a parent on a selection committee after an interview- I really wanted your high quality program at our school but the reality is that the parents cannot afford the county average.
- In March of 2010 we were notified by phone and email that our interview for xxx Elementary would be on April 13th at 5:45 PM. We were told that we would have 30 minutes for the interview. On the interviewing committee there were 5 people on the committee, one incumbent program parent, one community person, the principal, the school counselor and PTA President. We were asked 7 questions, and we were informed of the rating for each question. We were called on April 14th to be informed we had retained the program, with some stipulations. According to ICB, the principal had some concerns regarding our program. Specifically with noise level in the hallways, hand held devices being allowed into the program, and staff being disrespectful to the staff. I was instructed to meet with the principal, come up with an improvement plan, have it signed by the principal, etc. and provide ICB a copy with this documentation. Failure to do so, would result in immediate rebid of the program, and if the principal felt that there was not improvement during the upcoming school year, the program would also go up for automatic rebid. I called the school to set up a meeting, then emailed ICB to get clarification on what to do. Upon meeting with the principal, it seems he had absolutely no concerns with us.

He was extremely happy with our program (as reflected in surveys he had completed, letters of recommendation he has provided us, and my interactions with him when visiting the school). I informed him that we still had to go through the process, or we would be rebid out. We did what was asked and filed a copy of our "improvement plan" to ICB. It was never mentioned again.

- In April, 2010 we were notified via email that we were to be interviewed for the xxx school on May 4th at 6:45 pm. There was no mention of time allotted for the interview in the email. We arrived to the center about 30 minutes early. We waited by the office for our time and were told they were running a little late. Another competing provider was apparently running late and they held up the interview for him. He was interviewed and then we were asked to come back. We finally sat down for the interview and were told that we had 1 minute to answer each question. This process went so fast, we had no time to write down the questions. We were the last group to be interviewed. Apparently after we were done interviewing, there was a 10 minute discussion and it was decided that one of the other providers would be the new provider. On May 5th, we were notified of the decision. We started to inform parents of us not being the provider for the upcoming year on May 6th. On May 10th, a letter was sent home from the Principal announcing the new provider. We were asked by many parents if there would be an option to have kids bussed over to our nearby location at to our Kids Club. The prices of the new provider were higher than the prices of the incumbent. We contacted the principal at the school that has the Kids Club, and he gave us permission to have children bussed in to our program there (this was done verbally by our onsite Director, Jessica Colross). We put a letter out to the families of on May 25th announcing that we would be able to continue to provide care to them at our Kids Club site. We were then informed by ICB that we could not bus children to this location. Children from schools that had an onsite provider, could not be bused to another onsite providers school. I argued that La Petite, Kinder Care, and others all transport children to locations and that the awardee had been busing children from two of our current sites. ICB told me they would look into that. We never heard back.
- In March, 2012 we were notified that we were rebidding for the program at xxx Elementary:

There were 6 questions for the interview. There were 5 people on the committee- the principal, his assistant, and 3 parents. I was called the next day to be informed that we had lost the program. She informed me that we lost the program by ".02 points". Eleanor said that "she and the principal's assistant "re-tallied the scores 8 times to make sure they had added numbers correctly". I asked her how we were to appeal the decision. We were told me to "send a letter to Ginny and address what we were appealing." We were also informed that we could come and see the score sheets.

We went to ICB that afternoon and reviewed all of (incumbent program's) score sheets. We recorded information from them, and noticed that on one selection

committee member's score sheet, she had original points awarded to a question, and then crossed them out and wrote new points. No words were changed though, only points. The answers to her questions, were in line with what other committee members wrote. We were informed that "all the parents were (incumbent program) parents," something we later found to be untrue. We also saw the master score sheet that had the recorded total score from each committee member; the other program's score and our score. They were recorded as such:

Other	Incumbent
93	99
85	89
86	94
94	100
99	74

One member had a score of 82, but changed score, the new total was 74

This person scored the questions accordingly:

1- 15, changed to 10

2- 15 out of 20

#3- 8 out of 15

#4- 16 out of 20

#5- 10 out of 15- changed answer- was originally 12

#6- 15 out of 15

The total score was 91.4 for Other and 91.2 for Incumbent.

After reviewing the documents with ICB, we asked how the scoring system works. It is never clear, and the number of questions change from interview to interview. We got no clear answer on this. We also asked how history could make an impact (which is something we'd heard), and ICB said there was a lot of discussion regarding the past, and it did make an impact. We asked to have that clarified, but she could not. I told her that there would probably be a lot of phone calls, she said they could come to her. We sent an appeal letter to Ginny Gong, appealing the

decision and the points that we felt were not correct. Ginny replied with remarks to each area we felt were not right, and said that the decision stands.

- We lost space in a school where we had a strong connection with the school, parents and families as we had been the provider there for many years. We were told after the interview, by the Principal, that he hated the process and felt the whole thing was scripted to get a certain result. Former parents have told us that if they voice concerns to their new provider about anything that happens at the center from ways their children are disciplined to payment questions, they are terminated with no notice and no options.
- Results not shared after a selection committee. ICB staffer calls with the choice but is brief as to the decision reasons- comments have been short and unprofessional at times.

Selection committee

- In December of 2011, we submitted a proposal to continue as the child care provider at xxx Elementary. At the May 10, 2012, interview, we learned for the first time of the composition of the selection committee. The committee was composed of the Principal, two administrative school employees, two teachers, one parent with a child currently in the incumbent program and a former incumbent program parent, who is also a school staff member. The former parent/school staff member is someone with whom we had had a legal dispute. Discussions with ICB staff confirmed that this committee member participated fully in the selection process and that she did not qualify or limit her participation based on her conflict. Nor did she fully disclose that she had a prior legal dispute with the incumbent provider that may have colored her objectivity. In fact, one of our presenters, unaware of the past conflict, noted the animosity of this parent towards our program. This committee member's rating sheet (50) shows a score far below any of the other raters (100, 100, 88, 85, and 81).
- In April, 2011, we were notified by email about our rebid interview time. We had a former employee that is the Building Service Manager at this program. She informed our Director that the principal was going to rebid the program out to another provider". We were called after our interview and informed that we did not retain the program. We sent a letter out to our parents alerting them to us not continuing the next school year. Upon learning that we lost the program, we reached out to the new provider to make sure that they knew that we bused children in from two nearby elementary schools, and that over ½ of the enrollment came from those 2 schools. I then got a phone call from ICB wanting to know "what [we were] up to" calling the awardee. We were told we were not very professional in calling them.
- If building service staff are asked to be on the selection committee our staff have been pressured not to complain about lack of cleanliness, etc. of school facilities.
- The selection committees are so random. At one interview the Building Service Manager was a member. There was no one on the panel who had any knowledge of

Early Childhood Education. Panels range from 2 people to 7 people. They may or may not include parents who are using the program.

Communication with ICB

- May 2009- Based on the information that we provided to ICB, I asked staff if we could send a letter out to the families and principals of the centers that were going up for rebid. We were told it would be okay. Once we got the official list of schools that were going up for rebid, we sent out a letter to those families and principals regarding the process. In the letter to the families we informed them to contact their principal if they wished to be on the committee (which is what ICB instructed us to do since the principals make up the committees) On January, 2010, ICB called me to discuss some concerns they were getting from Principals regarding the letters we put out to the families informing them of the rebid and alerting them to the process and what to do. She told me that several principals were "upset". According to ICB, we "were going about this the wrong way". We were told that by doing this, we had a "loss of professionalism". I reminded them that we had asked permission to alert our families, and as a parent of a child who's school was going through the process, parents have a right to know about the process and should be informed. I was then asked about my involvement in the process at my child's school and that I needed to stay out of the process. As the person for our program that submits the proposals and interviews, I had a conflict of interest and should not be involved in the rebid at my child's school. ICB recommended that when our Directors were approached by parents regarding the rebid process, "we be a little less aggressive". I asked her how many parents were going to be allowed on the committee from the incumbent provider and was told "1 parent".
- June, 2009- We submitted a proposal and were never notified that we were not being interviewed.
- May, 2010- I had a conference call with ICB staff regarding our rebid season. I had concerns on why we were not awarded the program at xxx Elementary School. According to ICB, the committee felt that we were too "business like" and the awardee was more "personable". We were told we needed to "rethink our interview plan". I asked about another elementary school. While ICB had been very clear with me on how I could not be involved in the rebid at the school my child attends, there was a teacher on the committee at that school that worked for MCPS and another provider. There seems to be no consistency to the rebid committees. At two of our schools, parents were getting no clear answers. The principal at one school responded to a parent, "I owe no explanation" and the principal from another kept referring parents to ICB. ICB responded to all- "the decision is done". I was then told "we need to be professional". I mentioned that the parents had no say, why not survey them before the rebid to see if it is necessary. Their feelings should be taken into consideration. I was then told "If we get down in the mud and not be professional, we will lose more programs".

- We were told by ICB after the interview to put more minorities on our interview committee, to have a sales-type person be present at your interview, change your name, that tuition was too expensive for parents- (tuition is less than the county average), that parents don't care about quality, to wear matching t-shirts with the company name on them and to be perkier.

Appeal process

- Spring 2009- Interviewed for xxx Elementary- this was a rebid. A staff member was called and was informed that we had won the program. Then she was called back, and told that the current provider "appealed" the decision and was given the program back. We were informed that she had one year to make improvements and "implement the programming and schedule" that we had offered in our bid. Prior to this incident, there was no written policy on the appeals process.
- After we learned that it had lost the program at xxx Elementary, parents in the community expressed their concern to the school principal. We then initiated an appeal process to ICB. Appealing to the entity which administers the process was a concern. Further, the public comments made by the principal impaired the appeal process. There had been considerable discussion among the school community about the selection process, and understandably, the school principal wished to set out certain facts about the process to allay concerns of her parent community. However, her email to the community went beyond providing that information and attempted to justify the committee's decision by including information not part of the committee's record. In particular, she includes a letter addressed to a principal at another school complimenting one vendor over another's. This "anonymous" letter was disseminated without any opportunity for us to learn of its origin or the potential bias of the writer. We were not granted an appeal.



DEPARTMENT OF HEALTH AND HUMAN SERVICES

Isiah Leggett
County Executive

Uma S. Ahluwalia
Director

October 15, 2013

Mr. Shaun Rose, Chair
Commission on Child Care
7300 Calhoun Place, Suite 700
Rockville, Maryland 20855

Dear Mr. Rose:

Thank you for your recent letter to the County Executive and County Council regarding Child Care in Public Space. I have been asked to respond on their behalf to your comments and recommendations. The perspectives of groups like yours are very important in assisting the county government as it makes decisions and explores options.

As a representative of the Department of Health and Human Services (HHS), I must tell you that we appreciate the confidence that the Commission has in HHS related to its provision of child care services. I must also make you aware, however, of the realities of our budget and the limitations of our personnel complement that prevent us from being able to take on the responsibility for management of all the child care services including those located in shared Montgomery County Public School (MCPS) space operated as before and after school child care.

In addition, the county structure does not allow for the consolidation that you recommend, due to the fact that much of the child care that is provided in this County is located in Montgomery County Public Schools (MCPS) and is managed by MCPS. Under statutory regulation the Board of Education (BOE) has the responsibility for administering before and after childcare in public school spaces.

While the BOE has designated the Interagency Coordinating Board with the child care selection and scheduling processes, the primary authority for before and after child care services lies with the BOE.

We understand that you feel your earlier attempts to recommend solutions to the issue you raised have not been addressed. It is our hope that the recently developed joint Work Group that includes HHS, MCPS, Community Use of Public Facilities, Executive Staff, Profit and non-Profit Providers and Parents will be able to develop administrative procedures that will more fully address the concerns you have raised.

Office of the Director

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www.montgomerycountymd.gov/hhs



Mr. Shaun Rose
October 15, 2013
Page 2

The group would like to invite you, in your capacity as Chair of the Commission on Child Care, to serve on the Work Group. If you are amenable to serving on the group, we will follow up with additional information soon.

We hope that many of the issues that have been raised by the Commission will be dealt with as we work together in this collective body. I thank you for the continued commitment of the members of the Commission to focus on the child care issues of our community.

Sincerely,



Uma S. Ahluwalia
Director

USA:kdm

c: Isiah Leggett, County Executive
Nancy Navarro, County Council President



OFFICES OF THE COUNTY EXECUTIVE

Isiah Leggett
County Executive

September 4, 2013

Timothy L. Firestine
Chief Administrative Officer

Dear Provider Stakeholders:

Thank You for your comments and suggestions related to the draft Executive Regulations that the ICB authorized the joint Work Group to release for your review. This correspondence is being sent to all Groups that participated in the review and comment process for the draft Before and After Child care Regulations for Public Schools.

While there were many detailed and insightful comments and suggestions made, we were not able to include many of them into this regulation because we felt they were more appropriate for the Administrative Procedures that will be developed to administer the regulations. It is our intent to create a regulation that provides the authority for the Board of Education to designate the Community Use of Public Facilities to handle the administrative management of the before and after day care process in public schools.

In light of the fact that we received so many detailed comments and suggestions we determined that it would be most helpful to have representatives from the Provider Community work with us as representatives of the Provider Stakeholder Group to contribute suggestions and give input as we develop the administrative procedures. Toward that end, we have obtained the authorization of the Interagency Coordinating Board to establish an Administrative Procedures Work Group to consist of (2) Representatives from the for profit Child care Provider Group and (1) Representative from the not-for profit Child care Provider Group. The full Administrative Procedures Work Group will consist of Representatives from the five Stakeholder Groups: Montgomery County Public Schools; Interagency Coordinating Board; Health and Human Services; Non-Profit Provider Group and For Profit Provider Group.

In order to establish our Work Group so that it can start working on the Administrative Procedures by the early October 2013 we are asking you to decide who your three representatives will be from the for profit and non-profit Providers. We will accept whomever you designate; but we ask that in making your selection you are clear that your designees will represent the position of your Group and will be accountable to the Stakeholder Group that designates them to be the representative. In other words, for profit designees are accountable to and speak for the For Profit Stakeholders and the non-profit designee is accountable to and speaks for the Non-Profit Stakeholders.

We have a large amount of work to do and a short period of time in which to accomplish the task at hand. I look forward to hearing from your Organizations by September 23, 2013 with the name and contact information for your designee(s).

Sincerely,

Ramona Bell-Pearson
Assistant Chief Administrative Officer

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COMMISSION ON CHILD CARE

August 28, 2013

The Honorable Isiah Leggett
Montgomery County Executive
101 Monroe Street, 2nd Floor
Rockville, MD 20850

The Honorable Nancy Navarro
President, Montgomery County Council
100 Maryland Avenue, 6th Floor
Rockville, MD 20850

Dear County Executive Leggett and Council President Navarro,

The Commission on Child Care is writing as a follow up to its letter of December 3, 2012 and the January 14, 2013 response it received from Council President Navarro regarding child care in public space.

For the past several years, the Commission has received complaints from child care providers and families about the lack of uniform processes and procedures for bidding and rebidding child care opportunities in public space, which are administered through the Community Use of Public Facilities (CUPF), Montgomery County Public Schools (MCPS), and the Department of Health and Human Services (HHS). As a result, the Commission researched the various processes and identified problems that significantly hinder the development and long-term sustainability of quality child care in public space.

The Commission has made multiple efforts to encourage Montgomery County public officials to develop solutions to these problems. However, no significant changes have been made and the situation has grown worse, as exemplified by the filing of lawsuits against the County this past year by several school age child care providers. The Montgomery County Circuit Court ordered remediation and the Commission was hopeful that the County would seize this opportunity to prioritize child care in public space and address a host of critical issues including how often public space should be rebid, how to grant priority to non-profit providers as required by State law, who should serve on bid selection panels, as well as identifying standards to evaluate the quality of provider care.

As indicated in the January 14, 2013 response letter, a County work group has been formed and has drafted a new regulation authorizing CUPF to manage the before and after school care selection processes in MCPS and to develop administrative procedures for the program. This seems to be a codification of the status quo instead of a broader organizational change that makes child care in public space a well thought out County priority that supports quality care options for families.



Department of Health and Human Services

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As a result, we are asking you to reconsider the Commission's recommendation to consolidate all child care in public space, which includes child care for infants through Pre-K as well as before and after school care, into an organized program overseen and coordinated by HHS. As we advised in our December 3, 2012 letter, the current set of processes does not serve the families and children of the County very well. Instead of an ad hoc, piecemeal system, the County needs to recognize the growing importance and necessity of quality child care and early childhood education and make it a well thought out, organized priority.

We understand the jurisdictional issue raised in the January 14, 2013 letter. This is indicative of why the solution to this issue has been so elusive. There are multiple County entities involved, each overseeing some portion of child care in public space, each with varying priorities and missions, each with varying degrees of independence. However, the proposed Montgomery County Executive Regulation on Before and After School Childcare Programs in Public Schools will need to be approved by the County Council. Additionally, the Board of Education does not have the authority to create a program within HHS, to provide it funding and staff, and to direct how HHS and CUPF work with each other. This would require the support of the County Executive and County Council.

We thank you for considering our request and look forward to discussing it with you further.

Sincerely,



Shaun Rose
Chair

cc: Montgomery County Councilmembers
Uma Ahluwalia, Director, Montgomery County Department of Health and Human Services
Kate Garvey, Chief, Children, Youth and Family Services, Montgomery County Department of Health and Human Services



MONTGOMERY COUNTY COUNCIL
ROCKVILLE, MARYLAND

OFFICE OF THE COUNCIL PRESIDENT

January 14, 2013

Mindy Thiel, Chair
Commission on Child Care
Department of Health and Human Services
7300 Calhoun Place, Suite 700
Rockville, Maryland 20855

Dear Ms. Thiel,

As the newly elected Council President, I want to thank you for your correspondence expressing concerns about management of child care in public space. Your correspondence was distributed to Councilmembers when it was received.

The Council has long recognized the need for affordable, accessible, quality child care in Montgomery County and supports processes that place such child care in public space. As you may know, the Circuit Court for Montgomery County has ruled on a claim recently brought by a child care provider that the 2007 Interagency Coordinating Board (ICB) resolution was not a proper legal instrument for managing the child care process. The County Attorney has determined that before the Council can approve a regulation establishing a selection process for before and after school child care providers in MCPS, the Board of Education must delegate its authority over this process.

On January 8, 2012, the Board of Education delegated authority to the ICB and CUPF to administer the before- and after-school child care program in MCPS, including the selection and scheduling processes. Consequently, it is not within the jurisdiction of the Council to place the Department of Health and Human Services in charge of the program.

Nevertheless, we support any efforts to ensure that processes for selecting providers of child care in public space are transparent, well-managed, and coordinated. To this end, we have forwarded your correspondence to County Executive staff for consideration as it develops implementing regulations for the before- and after-school child care program. I understand that the Executive is bringing representatives from DHHS, CUPF, and MCPS together to explore opportunities to improve the continuity and consistency of the child care selection processes to the extent possible.

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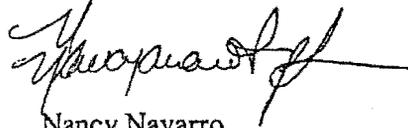
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Letter to Mindy Thiel
January 14, 2013
Page 2

I appreciate the Commission taking the time to provide its thoughts about the provision of child care in public space and all that you are doing to ensure the well-being of Montgomery County's children, youth, and families.

Sincerely,



Nancy Navarro
Council President

C: Ramona Bell-Pearson, Assistant Chief Administrative Officer
Uma Ahluwalia, Director, Department of Health and Human Services
Ginny Gong, Director, Office of Community Use of Public Facilities



COMMISSION ON CHILD CARE

December 3, 2012

Mr. Isiah Leggett
County Executive
Executive Office Building
101 Monroe Street, 2nd Floor
Rockville, Maryland 20850

Dear Mr. Leggett:

For several years, the Commission on Child Care (the Commission) has been receiving complaints from child care providers and parents in the community about the County's lack of uniform processes and procedures for bidding and rebidding child care opportunities in public space. Despite efforts by the Commission to seek improvements, the situation has grown worse, and earlier this year some child care providers filed several lawsuits against the County. The Commission heard from providers and parents as well as representatives from the entities involved in leasing County space during multiple meetings this year. We believe that the County needs to pass a regulation to resolve these issues by consolidating the County's use of public space for child care into an organized program managed by Department of Health and Human Services (HHS).

Currently, the County has no consolidated management or guidelines for child care in public space. Child care providers bid for public space in facilities controlled by and/or located in Montgomery County Public Schools (MCPS), HHS buildings, and other County facilities controlled by the Office of Community Use of Public Facilities (CUPF). These three entities each have different core missions. MCPS must have the education of its students as its primary goal. CUPF must maximize the income generated from the use of public space while serving a broad range of community and public interests. HHS must provide services that strengthen families. Due to the different core missions, each of the entities have developed different and often inconsistent processes, procedures and standards for leasing, bidding and rebidding child care in public space. As a result, child care programs seeking to acquire and/or maintain public space face a frustrating web of inconsistent procedures which makes it difficult to impossible to build sustainable, reliable, quality child care programs.

The absence of uniform standards and processes to manage use of public space for child care impacts child care providers, parents and children. Shared concerns include the lack of transparency with respect to some of the bid processes as well as the factors that are being used to make decisions. Providers express concern that some of the bid processes lack clear



Department of Health and Human Services

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guidelines to ensure that members of the selection panels are qualified and impartial. Parents are concerned that some of the processes fail to assess and ensure providers will offer consistent, quality care. Providers, parents and school administrators struggle with the absence of a unified, clear communication plan, i.e., which entity is responsible for conveying information to parents about the fact that their chosen child care provider may be replaced by another provider based on the outcome of the public space bid process.

There are a host of critical issues that must be addressed including how often public space should be rebid, whether to grant priority to non-profit providers, who should serve on bid selection panels, as well as identifying standards to evaluate the quality of provider care. The overall sentiment of the child care community is that the processes for managing the use of public space for child care are neither transparent nor well-managed. This impacts our most vulnerable population, our County's children, by potentially reducing the quality and reliability of their care.

In the past, although they had no authority over the other entities, HHS maintained a program manager who took on the responsibility for guiding child care providers through the various bid processes with all three County entities and who attempted to resolve some of the issues that often arose. This history, combined with the fact that the core mission of HHS is most closely aligned with ensuring that public space is used in a way that results in quality and affordable child care for the families of our County, makes HHS the best entity to take charge of this issue.

The Commission therefore recommends that the County develop and pass a set of regulations that:

- 1) Recognizes and affirms the County's commitment to use public space to promote affordable, accessible, quality child care.
- 2) Requires HHS to develop a uniform set of standards and procedures for managing the use of public space for child care in the County with possible exceptions when the characteristics of the particular public space require it.
- 3) Ensures that HHS assigns personnel
 - a) to oversee that bids administered by HHS, CUPF, and/or MCPS follow the same standards and procedures to the extent possible; and
 - b) to serve as a point of contact for providers, parents, and representatives from CUPF and MCPS for questions and concerns regarding child care in County space.
- 4) Requires that in all instances in which public space is used for child care, CUPF and MCPS must follow the standards and procedures developed by HHS and must administer their bid processes in a manner that is approved by HHS.

Mr. Isiah Leggett
December 3, 2012
Page 3

Passage of such a set of regulations will also require a reallocation of resources so that HHS can properly administer the additional responsibilities.

The Montgomery County Commission on Child Care includes child care providers, parent representatives, and members of the public and local business community. The Commission would welcome the opportunity to partner with HHS, CUPF and MCPS in the development of a uniform set of standards and procedures to manage the use of public space for child care. However, the Commission believes that at this point, we first need a directive from the County that puts HHS in charge of the process and requires other entities involved to cooperate. This is the only way to ensure that the process for managing use of public space for child care is managed in a consistent and fair way to foster affordable, quality child care for the County.

We would be happy to send representatives from the Commission to discuss these issues and our proposal in further detail. We look forward to hearing from you.

Sincerely,

Mindy Thiel, PhD, LCSW-C

Mindy Thiel, PhD, LCSW-C
Chair, Commission on Child Care

cc: Uma Ahluwalia, Director, Montgomery County Department of Health and Human Services
Kate Garvey, Chief, Children, Youth and Family Services, Montgomery County Department of Health and Human Services

Dear Chairperson Thiel,

Please help us prevent a decline in the quality of child care in Montgomery County. As representatives of well-established and highly regarded child care organizations including both profit and non-profit businesses, we are requesting a meeting with you to discuss alternatives to the current application and rebid procurement process of community use of Public Facilities (CUPF). We have experienced that the required process is unfair and inefficient. Our organizations have a combined total of over 175 years of experience and collectively pay hundreds of thousands of dollars annually to Montgomery County/CUPF to rent space within Montgomery County Public Schools facilities. It is imperative that Montgomery County Government leaders meet with us to discuss our professional recommendations.

We want to continue to provide a valuable service to our communities and want children to have a safe and nurturing place to go while not in school. Working parents need that peace of mind. Over the last few years CUPF/ICB has demonstrated that the selection process for child care in public facilities is real estate driven and child care industry recognized high quality standards has not been a requirement.

In 2008 a coalition of child care providers met with members of the county council regarding questions and concerns with the forthcoming rebid system. We have continued to express our frustrations and the inconsistencies with the system to the Interagency Coordinating Board. We have cooperated with the process, but at this point the system is broken and it has destroyed the following:

1. Continuity which builds community.

Families and school principals who are pleased with their current child care provider are still required to go through the rebidding process, and families can have a new child care provider chosen for them without being given the chance to provide their input.

2. Stability in service delivery.

A five year rebidding process prevents long-term planning and the ability to provide service in a cost effective manner. Cost of care to the family is weighted heavily on the application/rebid which has kick-started a "race to the bottom" where providers must sacrifice quality and offer programs with the lowest cost.

3. Quality of Care.

The composition of the selection committee is too often comprised of persons who do not possess expertise in critiquing "quality child care standards and criteria" with a process which results in favor of lowest price and not based on historical performance and objective standards.

The written mission of MCPS when it comes to child care is to partner with "high quality" child care providers, but the rebid process through ICB/CUPF undermines quality care by providing only a 5-year window for a child care provider to operate in a school.

The written statement of CUPF is to provide fair and equal access to new groups and minority groups, yet this mission has grown into the belief within CUPF that programs that are "new" are inherently better than those with longevity. Consistency, reliability, and longevity are characteristics of quality child care programs.

We acknowledge that there must be a review process in place to ensure that quality child care is being provided to the communities in Montgomery County. We have suggestions based on our concerns and experiences regarding the current process, and we look forward to discussing these with you in person within the next 30 days.

Sincerely,

Eleanor Northway, Coalition Contact Person

301-762-7420

X

Coalition for Quality Child Care of Montgomery County

Academy Child Care

Star-T Kids Club

Right Eyes Child Care

Rockville Day Care Association, Inc.

Representing a coalition serving over 5,383 children and 836 employees

Dear Eleanor,

Thank you for taking the time to write to the County Executive. Mr. Leggett has asked me to respond to your concerns. On behalf of the Interagency Coordinating Board (ICB), I would like to begin by thanking you for your concern and advocacy for children. You, as are others in your Coalition, are a pioneer in this field and have helped set a standard of service that enhances Montgomery County as an outstanding place to live, work and raise children. For that, we owe you gratitude and recognition. I also appreciate your many years of participation as a member of the ICB's Childcare Advisory Committee.

The ICB shares the same goal of facilitating the availability of safe, quality and accessible childcare and have dedicated significant resources toward this end. As you may know, the ICB/CUPF facilitated priority placement for childcare programs as early as 1979 and was active in funding latch-key programs and after-school programs in the 1980s during a time when after-school programming was very limited. In addition, from 1998–2004, the board fully funded the middle schools' After-School Coordinators program.

Although the ICB is not responsible for the quality of before- and after-school childcare programs in schools, it has an obligation to ensure equal and fair access to compete for and use public space. In 2007, the ICB took up this issue because of complaints about:

- Limited choices for families
- Lack of access by new, small and minority/female/disabled owned businesses
- Disparate number of sites occupied by several providers
- Inconsistency with standard procurement practices

A core principal of any procurement process is that competitive selection serves as an effective measure to ensure quality and competitive pricing. In addition, it helps facilitate a high-level of responsiveness to schools and parents. Another hallmark in procurement best practices is establishing procedures to facilitate uniformity and fairness. Allowing schools to delay or opt-out of a bid carries the potential for differential treatment.

It should be noted that the normal maximum duration of professional service contracts is 3 to 4 years. The majority of principals responding to a survey we conducted in 2007 indicated a strong preference for competitive reconsideration every 3 years, followed by a preference for rebid every 2 years. However, the ICB selected a 5-year rotation as a compromise between the 8-year maximum established by HHS for their selection process and what was suggested by principals and other procurement practices. The selection process and criteria used by the school committees closely mirrors those in place by HHS and MCPS, both of whom have endorsed our approach. In surrounding jurisdictions, opportunities to provide after-school childcare are more restricted given that government staff or a single vendor is selected county-wide to provide after care.

It is regrettable that the Coalition has the perception that the ICB is only concerned with "real estate." We receive no monies to support the rebid effort and the fees applied are the same regardless of whether or not the same or a new provider is selected. Beyond facilitating availability of space, CUPF ensures that all vendors have current licenses and insurance, provides mediation and problem solving, works with schools and PTAs to make sure that after-school childcare programs are not asked to move into unlicensed space. CUPF works closely with HHS, DGS, MCPS and Maryland State Department of Education Division of Childcare Services to address concerns such as arranging meetings between the providers, Permitting Services and the Fire Marshal regarding occupancy permits. In addition, the quarterly ICB Childcare Committee meetings provide a forum for networking, information sharing and mutual problem solving.

The perception that cost is the most significant factor for the selection committees is not valid. Only 6 out of 80 technical review points are related to fees. In awarding these few points, raters are asked to consider the comprehensiveness of information provided, affordability, payment plan options, and assistance programs. We are not aware of any

instance where a decision was based largely on cost. In fact, in one instance, the group selected a more expensive, comprehensive program because they felt the program was worth it. The remaining 74 out of 80 points awarded address experience, capability, program quality, opportunities for parent involvement, and staffing.

CUPF staff works with principals in advance of the selection process to facilitate notification to the PTA and formulation of the committee. Committees are typically comprised of a school administrator (principal or assistant principal), teacher, building services manager, and parents representing the incumbent (not to exceed 25% of membership) or potential customers. So long as the current incumbent submits an application, they are guaranteed an interview and consideration. By design, the incumbent is provided with an advantage in the process. It has been our experience that the selection committees are dedicated, take their task seriously, and act professionally. We monitor the process and observe all interviews to ensure consistency and professionalism.

While early childhood accreditation (focused on infant care and early childhood education) is critical for providers selected by HHS, it is not mandatory for school-age programs which have substantially different criteria, (predominantly focused on recreational settings for older children). In fact, when we compare what is requested via our selection process and those standards published by the National After School Association, we find a high degree of overlap.

Thank you again for sharing your concerns. I encourage you to communicate any specific suggestions you may have to continually improve the process.

Sincerely

Ginny Gong, Director

CUPF

ginny.gong@montgomerycountymd.gov

-----Original Message-----

From: rockvilledaycare@verizon.net [mailto:rockvilledaycare@verizon.net]

Sent: Tuesday, January 10, 2012 4:42 PM

To: Ike Leggett

Subject: quality child care concerns

Please prevent a decline in quality child care in Montgomery County.

The attachment will provide you with the serious concerns of a Coalition of child care providers.

The Coalition



**Montgomery
CHILD CARE
ASSOCIATION**

Providing high quality care and play-based education since 1968

Thank you for the opportunity to share comments this evening with respect to Executive Regulation 15-14- Childcare Regulations for Before and After School Childcare Programs in Public Schools.

Montgomery Child Care Association, Inc. (MCCA) is Montgomery County's oldest and largest non-profit child care provider. We provide care for over 1,000 children each day, from infants to school aged children in 15 locations throughout the County and employ over 200 child care professionals.

MCCA supports the concept and practice of periodic, competitive bidding for the operating rights to provide childcare services in public schools. The seven year timeframe proposed in the Executive Regulation represents a reasonable minimum term and we agree that School Principals and parents are important stakeholders in the process to give voice to specific community needs and desires related to childcare services.

MCCA is concerned, however, that the decentralized nature of the proposed process and the lack of specific childcare expertise on each selection committee may continue to result in unintended outcomes related to transparency and consistency similar to those experienced under the prior guidelines.

MCCA conducts an annual parent satisfaction survey where we ask our families to share with us their priorities related to quality childcare. In 2013, we took a deeper dive into the issue of quality and conducted focus groups with our parents to learn about the things that they value the most and have the biggest impact on their perception of quality programming. The results from this survey clearly identified that parents of school aged children have different priorities for childcare than parents of preschool children. Parents told us that they were not looking to our staff to provide assessments of their child's developmental progress – they expect that from their child's MCPS teacher. What we heard loud and clear from school aged parents that they want their child to be safe, have outdoor play time, eat a nutritious snack, have some fun and get a start on their homework. What parents also told us is that the cost of care is a huge influencer in their decisions related to childcare as the cost of care for some families now equals or exceeds what they are paying for housing on a monthly basis and childcare is becoming increasingly out of their reach. So, for some families, quality means whatever is the cheapest.

Standards abound at the federal, state and local level related to how to define and measure quality in childcare programming. In the proposed Executive Regulation 15-14, each community will have the opportunity through its selection process to define for itself what quality looks like for their children. MCCA's concern is that without a specific framework to assess the attributes of quality child care and no requirement for each selection committee to have a member that has an understanding of and expertise in child care regulations, the child care economic model and child care quality indicators; price could outweigh all other considerations and win the day.

As we previously suggested, we recommend that a CUPF representative who has expertise in childcare be required to provide support to each committee that is convened to conduct the child care in public space bidding and selection process. While we are mindful of the investment in resources that this will



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Providing high quality care and play-based education since 1968

require, we believe that this expertise is essential to ensure that provider selections result in quality childcare programs that are consistent and equitable across all communities in Montgomery County.

Finally, we are concerned that the feedback loop at the conclusion of the process for providers who are not selected is inadequate. If childcare service providers are to continuously improve and innovate, they need to have specific, substantive feedback related to the criteria that a school principal and families considered most important in their final selection decision. MCCA's direct experience with the prior existing selection process has been that feedback upon award has been of limited value or not provided when requested. As drafted, the regulations allow applicants to review a summary sheet with scores. We have trouble understanding how a rank ordered set of scores will do anything to help providers understand what value drivers of programmatic quality were important to the school community. We believe that a substantive debrief with feedback to all participants at the conclusion of each process would go a long way toward helping all applicants feel that they participated in an open, fair and transparent process.

We understand the reality that no process can be designed that will meet all the needs of such a diverse group of participants. However, we believe that these proposed changes would enhance Executive Regulation 15-14 and its successful implementation.

Thank you.

Michelle Martineau Green
Executive Director

County Council Public Hearing on Executive Regulations regarding Before and After School Child care Programs in Public Schools

Joanne Hurt Testimony October 23, 2014

Good evening, I'm Joanne Hurt, Executive Director of Wonders Child Care. Wonders has been delivering quality before and after school and early childhood programs in Montgomery County since 1976.

As a non profit, Wonders is committed to providing educational services for the public good. Before and after school programs are safe and educational learning environments that enable parents work. Parents view the before and after school program in their schools as a partnership; one that ensures a continuity of care and learning throughout the day.

The regulation before you was drafted by the ICB workgroup, which consisted of an internal group made up of representatives from CUPF, MCPS, HHS and County administration. There was a second tier of the work group, comprised of three provider representatives, of whom I was one, and a representative from the Commission on Child Care. The provider representatives were invited to three meetings and were asked to compile feedback from the larger provider community. I prefer to believe that we were asked to participate because of our expertise in successfully meeting the needs of working parents in our community, but despite our participation and feedback, it seems as if the workgroup was already firm in its commitment to put forth regulations that are very similar to ones initially drafted more than two years ago.

The passing consideration to our feedback can be seen in the summary of comments presented to you with this regulation. Several of the provider comments have been addressed by the work group with "no changes recommended". The work group's analysis of our comments regarding the regulation's lack of a proper appeals process maintains the status quo. Our feedback that more of the implementation guidelines must be incorporated in the regulation so as to require Council approval prior to any changes is designated as pending, stating it is under consideration by the County Attorney.

This regulation and implementation guideline is not ready for approval. There must be meaningful alignment with Maryland law, such as the priority for non profits in the use of public space. State-wide initiatives must also be appropriately incorporated.

For instance, only enrollment in Maryland's EXCELS is identified as a requirement for submitting a proposal. EXCELS is designed to identify quality in programs and to inform parents of their choices. It rates programs on a scale from 1 to 5. EXCELS recognizes that quality is not automatic in a child care program and that there are significant and important indicators that can measure quality. The State's recognition that there are varying degrees of quality should, at the very least, be incorporated into the regulation in a concrete way.

This regulation lacks specifics that would ensure quality, consistency and transparency in the rebid process. I understand there is a desire to move forward and to approve this regulation, it is my firm belief that it is better to take the time to make it right than to approve something that is perpetuating a flawed system.

Marci Rose Levine
7515 Cayuga Avenue
Bethesda, MD 20817

TESTIMONY
In Opposition of
Proposed Regulation on Use of Public School Space
For Before and After School Programs

October 23, 2014

Good evening. My name is Marci Rose Levine, and I am the parent of three children who attend Montgomery County Public Schools -- two in kindergarten and one in middle school. I am also the product of an MCPS education myself. One of the most important reasons that I choose to live here and raise my children here is the high quality education that I know they are receiving.

As a single, working parent, the core school day is only part of the equation for me. Having high quality before and after school program options is critical to my ability to balance my work with raising my family. My middle schooler participated in a before and after school program throughout her years at Bethesda Elementary.

As a parent, I expect that these programs operating in our public schools have the "good housekeeping seal of approval." In other words, I expect that they have been fully vetted for quality by people who understand child development, and who understand how these programs can integrate with and enhance the core school day curriculum. These programs can pick up where the core curriculum leaves off in such areas as language and literacy, social studies, and mathematical and scientific thinking, and they can place a greater emphasis on such things as social and emotional learning, physical development and the arts.

In addition, I expect that these programs will employ professional, accredited teachers, who can implement the program's curriculum with professionalism and creativity. I expect these programs to be licensed by the appropriate state licensing body. And I expect these programs to be financially viable, with the ability to sustain their operations without

forsaking their high quality standards.

I think if you ask most parents, they assume that any of the programs located in a public school building in the County have been screened for these types of quality standards.

It is my hope that you, as Councilmembers, will ensure that the selection process for these programs is comprehensive and well-thought out.

As Montgomery County residents, we demand quality in the classroom. Learning takes place throughout the day—from the very moment our children walk into the school building to the time they leave. Any before and after school program located in our public school buildings, caring for our children, is part of this learning community, that is created not just during “traditional school day hours” but before and after school, as well.

As drafted, the regulations are lacking some important details. I hope you reconsider them as they are currently drafted, taking time to better ensure that they guide a process that is fair for every provider and leads to the selection of the highest quality programs to serve this County's children and their families. Thank you.



Good Evening County Council Members,

My name is Debbie Diederichsen and I am here tonight speaking on behalf of Bar-T School Year Programs. Bar-T has been a leading provider of quality childcare in Montgomery County Public Schools since 1988. We currently operate in 30 schools and welcome roughly 2200 children through our doors each day.

The proposed regulations before you do not address the key concern we have had since the rebid procedures were enacted in 2007, mainly that the parents and families most affected do not have a voice in the process. In the regulations before you, School Principals are charged with choosing the individuals on the selection committees without any regulation or criteria regarding families currently using the service.

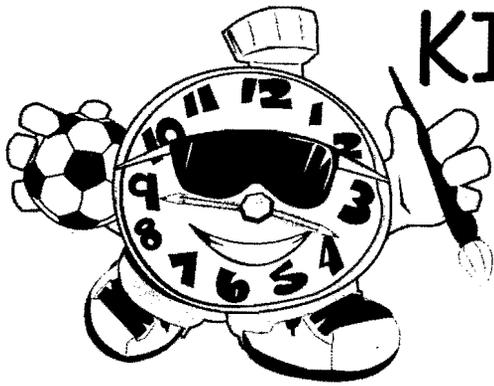
In past rebids, selection committees have been composed entirely of parents and teachers without any vested interest in the outcome. Frequently families who have children who actively use the program are not given an outlet to have their opinion heard on such an important matter. Imagine the frustration a parent must feel at having their childcare provider changed without ever having their opinion taken into consideration. It's an injustice that should not be allowed in Montgomery County, and the way these regulations have been written give no protection to the families that actually use the service.

We feel that it should be a requirement that selection committees have at least one member on them who is currently enrolled in the incumbent's program. If the reason this rebid exists is to ensure quality care is being given to children in Montgomery County Schools, who would know more about that quality than someone who uses the program.

We understand that it would be completely unwieldy to have every parent with an opinion on a selection committee, but these families should have an outlet for their voice on the matter. This could be as simple as a requirement that any letters written to the principal on the matter of a childcare rebid in their school be distributed to all other committee members. These simple steps would ensure that the families most affected by any change would have their voice and opinion heard in such an important matter.

I want to be clear that Bar-T is in favor of rebids overall and we have gained more programs through this process than we've lost. We feel that transparent competition and quality assurance is of great benefit to everyone involved. We simply feel that the proposal before you gives no protections to the people who actually use the service. Don't ignore the families that use and need this care every day. Thank you for your time and consideration.

Debbie Diederichsen
Director of Growth and Development
Bar-T Holding, Inc.
18753 North Frederick Ave
Suite 203
Gaithersburg, MD 20879



KIDS AFTER HOURS ⁶

Always Time for Fun!

October 23, 2014

Hello, my name is Bob Sickels and I represent Kids After Hours. We provide before & after care in 19 MCPS buildings and have been having fun doing this for the last 25 years. Through this whole re-bid process KAH hasn't lost any programs and has added 7 schools to the KAH family. So I am not here because of sour grapes. I am here to try to insure that quality is the driving force behind the idea of rebidding the child care space in schools.

When the rebidding process was changed in 2007 by CUPF, the criteria to judge quality changed. It was set aside to help the "little guy", the small provider with one or no centers. Although everyone roots for the little guy or underdog this shouldn't be done at the expense of quality. Some examples of these policy changes are: not allowing pictures in our proposals because some of the smaller providers might not have a way to print pictures. Or not allowing site visits because some providers might not have a site to visit. I'm glad to see that site visits are at least an option in these current regulations. I know getting selection committee members to visit multiple locations might be difficult. How about requiring all the providers to make a 1 minute video? Everyone has a phone, Youtube is free. We should give committee members more information, not less. Shouldn't the overall goal of these regulations be the quality of care that we offer to the real little guys, the children attending before and after care programs in the Montgomery County Public Schools?

One of the new proposed changes is an automatic 5 point award for Non-profit organizations. I'm not sure why or how an organization's tax filing status has anything to do with quality or deserves a 5 point bonus. The 5 point bonus could and eventually will affect the process in a negative way. Here's a very likely scenario that could happen during every schools childcare rebid process. The school selection committee narrows it down to four high quality providers. For example: Bar-T, Kidsco, Wonders, & Kids After hours, all high quality well respected organizations. It is not unreasonable to expect all of these providers to score above a 95% through this process and if that happens then the school actually doesn't get to make a choice. Three of those providers are for profit and one is a non-profit. Under the proposed rules the school MUST choose the non-profit provider because of the 5 point bonus given to non profits. Even if one provider has a perfect score, is a perfect fit for the school and has been at that location for 20 years. The result of this process takes the choice out of the hands of the parents and selection committee. This should never be allowed to happen. By my math there are 123 MCPS elementary schools with childcare providers. 82 of them or about 2/3 are run by "For-Profit" providers. Why do we care about an organization's tax filing status? I believe that the reduced rent addresses the 1967 law concerning Non-Profit" providers.

As a member of the work group that worked on these regulations, I can tell you that I believe we are moving in the right direction. However, we haven't moved enough to help CUPF insure the quality of care for the kids in MCPS.

Thank you for your consideration,

BOB SICKELS
"THERE'S ALWAYS TIME FOR FUN!!!"
WWW.KIDSAFTERHOURS.COM
cell 240-687-6201

Comments on the draft Community Use of Public Facilities Draft Regulation and Administrative Procedure

John Finisdore
5418 Harwood Road
Bethesda, MD 20814

October 23, 2014

Council President, Council Members and guests thank you for providing me and others the opportunity to comment on the proposed regulations and procedures.

Before my wife--now a U.S. citizen--and I moved from Melbourne, Australia to the D.C. area seven years ago we talked at great length about the lifestyle we wanted and the options we have. After two years renting in Virginia, we bought a house in Montgomery County for a number of reasons. Chief among them were the quality of governance and educational opportunities for children.

Since relocating to Montgomery County Sarah and I were surprised to learn of the Community Use of Public Facilities Draft Regulation and Administrative Procedure. They stand in sharp contrast to County's governance and educational standards. In particular they fall short in providing clarity and consistency on authority levels and some procedural issues. This governance issues can gradually erode confidence in Montgomery County's institutions.

These bureaucratic items aside, the proposed regulations and procedures do not call for the quality of care and education to be a part of the provider selection process. If the quality of care and education are not at least part of the process, my wife and I question the County's commitment to high quality education. At the very least, basic standards in curriculum, teacher accreditation and staff turnover rates should be considered. Turnover rates are of interest to my family as studies show that children grow emotionally and learn more when vested in a long-term relationship with their teachers.

Sarah and I also challenge the notion that as individual education consumers we can simply place our children in the facility of our liking. First, the quality of education is also dependent on the larger community and the interactions our children have with their peers. Second, the propose regulations and procedures point to a gradual reduction of educational standards throughout the County as economics becomes an ever larger part of provider choice.

I suspect that some 10-20% of my immediate neighbors have roots in other countries. They live here in part because of the County's high governance and educational standards. I urge the Council to reject the Community Use of Public Facilities Draft Regulation and Administrative Procedure so that critical improvements can be made.

Thank you for your consideration.

I want to share a story with you that took place in Poolesville in 2012. Bar-T ran a before and afterschool program for 18 years and were stalwarts in the community. The program was put up for rebid and even though the Principal of the school awarded us a 100%, and an incumbent parent who happened to be on the committee awarded us a 99%, another member of the committee, who never used Bar-T as their provider, gave Bar-T a 74%, which caused us to lose the program by 1/10th of a point.

Not satisfied that such an important decision could be made with such a narrow margin, we appealed the decision to the head of CUPF, Ginny Gong. Within one day, we were told that the committee's decision was final and that there would be no appeal. Bar-T had lost the program.

This was not the case when Wayside Elementary was up for rebid in 2009. Bar-T was not the incumbent provider, but placed a bid for the program and was awarded the program after the interview. Within 24 hours of being awarded the program, the incumbent provider issued an appeal and was given back the program. The inconsistency of Ms. Gong's decisions on appeals is troubling to me.

I want to tell you about Poolesville as it is now. Due to the lack of a consistent appeals process, we are now operating Bar-T's Before and after school program out of the Poolesville Baptist Church. Over seventy children are dropped off at Bar-T which is now located a mile down the road. Even though their provider lost the rebid in their school, they have stayed with the program and now have their children bussed to and from school by Bar-T. Our programming hasn't changed and enrollment continues to grow.

In the proposed regulations, Section 5, (p), the text reads, "The decision of the childcare committee on a childcare service provider is final." Given the ambiguity of the committee composition, and the potential lack of parent involvement in the committee, the fact that childcare providers have no opportunity to appeal decisions is troubling to me. Until the regulations include a comprehensive appeals process, I oppose the regulations.

Nancy Richardson
6530 Olney Laytonsville Rd
Gaithersburg, MD 20882
Nan042960@aol.com

Dear Councilmember Rice,

I am writing to ask that you and the Council not approve the draft regulation for before and after school child care programs in public schools. I have been a School Age Program Director for over twenty years. I know from my experiences that the learning that takes place in our programs extends the learning that happens throughout the school day.

The children who attend Wonders at Chevy Chase are taught by dedicated school age teachers who are skilled professionals who are invested in the children, family and community we serve. And because we work for a non-profit that invests in its programs and employees, the children benefit from a continuity in relationships with caring adults from year to year.

Wonders core School Age curriculum components include: friendship skills, health and wellness, building leadership skills, good sportsmanship and the importance of social justice and social learning. We use the before and afternoon time to teach children these extremely valuable life skills that position them to take advantage of the academic learning that takes place throughout the school day.

We are proud partners in educating the County's school age children and believe that we provide a valuable service that requires respect from County leaders. I encourage you to not approve the Regulation as it is currently drafted because important quality measures are missing from the process.

Thank you for taking the time to read this letter from someone who has measured his success by the program we provide to the families that we serve.

Respectfully,

Gerald Bolden

Program Director

Wonders at Chevy Chase Extended Day

Good Evening County Council Mernbers,

My name is Tim France and I am concerned with the childcare rebidding process that has been proposed.

I have worked in childcare for 15 years, both in Maryland and North Carolina. Currently I am a Director for Bar-T where roughly 70 children come to my center each day.

I know other people have spoken about the composition of the rebidding committees and making sure that parents have a say in who is chosen to care for their child. While I am certainly concerned about this and feel it should be changed, I would like to speak about another issue tonight.

The most important part of my job each day is making sure each child in my care is safe. I'm concerned that the proposed regulations leave a rather large loop-hole that non-licensed childcares can use to have access to the building unchecked

Currently, any group can rent space in school buildings to run afterschool clubs which parents may enroll their children in. Though most of these are simple mad science or sports clubs, other organizations are taking advantage of this situation to run unlicensed childcare out of school buildings. All it takes is saying you run a culture club and it can operate for 5 days a week providing care to anyone that signs up. It begs the question, why would anyone go through the trouble of becoming a licensed childcare provider when they can just run a club every day that does the same thing.

My concern isn't with children using outside clubs, but rather with making sure the adults working inside school buildings have had things like background and sexual offender checks. Currently the system does not require or even mention standards for other groups operating inside the same school buildings where I run a licensed and accredited childcare center.

I hope the council will see this as an opportunity to fix this problem and provide a much more secure place for these children to learn and play.

Thank you for your time.

John J. McMahon

Montgomery County Maryland Council

Re: Executive Regulation 15-14 – Childcare Regulations for Before and After School Childcare Programs in Public Schools

Dear Councilmembers,

Thank you for the opportunity to talk to speak.

My name is John McMahon and I am a long-term Montgomery County resident. I have had one or more children who have been enrolled in Montgomery County public schools continuously since 1991.

I am also a current board member of **Wonders Child Care**, a nonprofit, educational child care provider serving approximately 700 children in eight centers and a summer camp program, primarily in Montgomery County, including operating programs in Montgomery County public schools and other County facilities. Wonders has run programs in Montgomery County schools since the 1980s.

Wonders' mission is to create and advance high quality, diverse educational communities that teach children the foundations of life-long learning and social responsibility.

I am here to express concerns about the proposed regulations. As a parent who works outside the home I can tell you that the availability of quality, affordable child care for our children has always been one of our families' most important concerns, and I can assure you that this is a common concern for all parents in our community.

I urge you not to approve the proposed regulations for the following reasons:

- The regulations do not include detailed criteria which will ensure a fair and consistent selection process. I believe the selection committee should have a *majority* of its representatives be *parents who will actually use the services*. The County regulations

view this process primarily as a lease of space and a source of revenue, but that should not be the primary focus.

- The selection criteria should be uniform, with an overriding emphasis on ensuring that the quality of the care provided is a paramount component.
- The process must provide for an *independent* appeal review of committee decisions. This is an essential due process right lacking in the proposed regulations.
- Finally, please ensure that regulations abide by Maryland state law and specifically provide an appropriate *priority* to non-profit providers required by Maryland state law.
 - Please consider that non-profit providers are more likely to be mission driven, and provide much greater transparency since they are overseen by independent directors, typically undergo annual audits, and file Form 990 returns annually with the IRS which are publicly available.
 - Non-profit providers are motivated to provide training for employees, adequate wages and benefits, and limit employee turnover, but do not have profit-seeking owners.
 - For-profit providers, if they are not publicly owned, provide none of the transparency, and independent oversight required of non-profit providers.
 - For-profit providers also are motivated to contain employee pay and benefits, and maximize owner profits.

Please consider these concerns carefully and reject the proposed regulations.

The selection process must be fair, consistent and transparent. I am sure you expect no less for such an important activity being conducted within Montgomery County facilities. Essentially, these programs are an extension of the school day, and are a component of one of the county's

most important functions.

Quality affordable child care is one of the top concerns of all families with school age children with parents who work outside the home.

Please take this opportunity to establish an exemplary selection process.

Respectfully Yours,

John J. McMahon

Maisie Lynch
10/23/14
Olney, MD

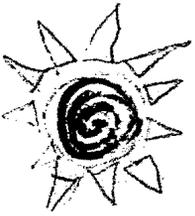
Hello, my name is Maisie Lynch and I am here to speak out **against** Executive Regulation 15-14 concerning before and after childcare programs in public schools. ~~This is my first time speaking in such a forum, so I apologize in advance if I break any protocol or etiquette.~~ *I am a parent of a Kindergarten and 3rd grader at Belmont Elem. + a product of MCPS*
As a high school teacher in MCPS, we spent the first week of school, before the kids came back, talking about the importance of building relationships with our students. The phrase "they have to know you care before they care what you know" would come up often. The issue at hand here is really about relationships, the relationships that our child care providers have with our children as well as the parents, staff and teachers in the community. It is also about the relationships our parents, myself included, have with the schools and the community. Our opinion, especially when it comes to issues that directly affect our children, is vital.

Our childcare provider at Belmont Elementary in Olney is Bar-t. They are just as much a part of the Belmont Elementary community as the staff, parents and students are. Not a single function goes by, including PTA meetings, where someone from Bar-T is not sitting right there with the members of our community. Last year, I secretly drove up to the parking lot to spy on my extraordinarily shy kindergarten daughter at soccer practice because the coach said she was not participating at all. It literally brought tears to my eyes to see Mrs. Valerio from Bar-t sitting right there next to her with her arm around her making her feel safe. A couple of weeks ago I got a phone call from Mr. Tim afterschool because my third grader had gone home on the bus and he was concerned she was supposed to come to Bar-t as she usually did on Thursdays. By the time I called him back, he was already driving to the bus stop to try to meet Evie to make sure an adult stayed with her until he got in touch with me. Although we didn't need their services that day, I was so impressed that Tim took the extra time to make sure my daughter was safe. The relationships don't stop at the school level either. Last year, there was a minor incident that I emailed the staff about and copied the owner, Nancy Richardson on. I was very touched that she took the time out of her busy schedule to attend a meeting I set up at the school the next day. At the end of the meeting, we all hugged each other. Bar-t and their excellent staff is the one thing that will hopefully remain consistent with my girls over their elementary years when their teachers, friends and grade level challenges change every year. These are the relationships that they will remember for the rest of their lives.

I say all this not to put Bar-t above any other companies, I'm sure there are many others just like them out there. But, I want to emphasize to you that before and after care is as much about building relationships in the community as it is "babysitting" or "daycare". For working parents, leaving our kids with someone else in the wee hours of the morning, or for a couple of extra hours into the evening is not easy. However, having Bar-t there and knowing that my kids are in great hands with people who love and care about them, makes it that much easier.

I urge you, on behalf of parents like me who want to be heard and who care about child care choices, to please vote against Executive Regulation 15-14 as it is currently written. The language in this regulation does not mandate that parents be on the child care selection committee at their local school. We are the largest stakeholders here, we pay for the care and most importantly, we are leaving our children in their hands. We deserve to have a voice.

Speech Leaves Bart!



Hello my name is Evie
 Lynch, I'm a 3rd grader
 at Belmont. I go to
 Bart with my friends
 & I love it. The staff
 is incredible. They interact
 with us all the time.
 I also think it's
 great because they
 teach us to be
 better people. I am
 so lucky to go there.
 I feel they are part of our
 community just like we.
 I came here one year
 ago and it has been
 wonderful the whole
 time. I love when
 their at every
 Olney or Belmont

event I'm at. They
 make it fun to
 be in school. I love
 Bart & I think
 mine & other parents
 should get a say in
 what after school
 serves us. Please
 vote against this
 rule & change it
 so that parents
 have to be included
 in the process.
 Thank you.

Yao, Vivian

From: Tammy Deuster Tamiz [tammytamiz@gmail.com]
Sent: Wednesday, October 22, 2014 7:44 PM
To: Rice's Office, Councilmember; Leventhal's Office, Councilmember; Navarro's Office, Councilmember; Riemer's Office, Councilmember; Andrews's Office, Councilmember; Berliner's Office, Councilmember; Elrich's Office, Councilmember; Floreen's Office, Councilmember; Branson's Office, Councilmember
Cc: Ike Leggett; Yao, Vivian; laura.bardini@rockvilledaycare.org; woodlincdc@verizon.net
Subject: Executive Regulations regarding Before and After School Childcare Programs in Public Schools

Dear Council Members,

I am writing to emphasize the importance of your discussion tomorrow about Childcare in Public Space -- the outcome will impact many (the majority?) of families in Montgomery County -- please consider the issues carefully. I regret that I can not attend the public hearing in person, but wanted you to know that the issue is of great importance to me as a parent.

I am a parent of a child at Woodlin Elementary School who is part of the aftercare program at Woodlin CDC run by Rockville Day Care Association. This coming summer and fall the RDCA will need to lease additional space (hopefully, the multi-purpose room at Woodlin) to host programs for the older kids who are currently being cared for in the classroom portables on school property (a whole other issue!). Apparently, the portables are no longer consider adequate space for a childcare program (which makes sense if there is an alternative). If the RDCA is unable to secure additional space, 50 children will be displaced from their aftercare program.

I believe that whatever process you define to manage the leases at schools should aim to deliver quality and reliable care for for the kids -- and also maintain consistency in the aftercare providers. I understand that there is sometimes a need to change childcare providers and I support a process that can do that when needed, but I also want to emphasize that not including mechanisms for supporting good programs is also detrimental (it's not progress if you are improving one school while hurting another!).

My child has developed great friendships with other students and teachers as part of her aftercare program and I see great benefit in being able to keep continuity of those relationships as much as possible. When we first enrolled, I was impressed by the return of Woodlin CDC 'alumni' to the aftercare center as parents and interns. Some of the staff have been there for a very long time. I considered this long-term enthusiasm for program a tremendous sign of the quality care that it provides. My own daughter is very happy to go to aftercare and often lingers when I pick her up. I am hoping we can continue to be part of Woodlin CDC for the duration of her elementary and her younger sister's elementary career too.

I care very deeply about the selection of the child care provider in my child's school. I urge you to address this selection process in a more comprehensive way to better consider incumbent providers, and ensure we have the best system possible so our children receive quality, reliable, and consistent child care in schools.

Sincerely,

Yao, Vivian

From: Patricia Rehfield [pattirehfield@gmail.com]
Sent: Thursday, October 23, 2014 10:52 AM
To: Rice's Office, Councilmember; Leventhal's Office, Councilmember; Navarro's Office, Councilmember; Riemer's Office, Councilmember; Andrews's Office, Councilmember; Berliner's Office, Councilmember; Elrich's Office, Councilmember; Floreen's Office, Councilmember; Branson's Office, Councilmember
Cc: Ike Leggett; Yao, Vivian; Shaun M. Rose
Subject: Child Care in Public Space

Dear Council Members,

I am writing to express my concerns about Child Care in Public Space.

I am a parent of two children at Kensington Parkwood Elementary School. In the past, my children have attended the Bar T before and after care program. The program is very valuable to the parents at Kensington Parkwood. It provides a safe environment for our children when our work schedules do not allow for us to walk our children to school or pick them up at the end of the day. **This piece of mind is not something to overlook or undervalue.**

The safety of my children is of the utmost importance to me. As such, the selection of the providers in our school is very important to me. Thus, I ask that you address the situation concerning Child Care in Public Space in a more comprehensive way. In other words, I request that you work harder to simplify the current process, for both providers and parents. By doing so, you would be working to ensure that we have the best system possible ***for our children to receive the quality and reliable child care in public space that they deserve.***

I thank you for your attention to this matter.

Best regards,

Patricia Rehfield

Yao, Vivian

From: Linda Owen [linda.owen@clarabartoncenter.org]
Sent: Wednesday, October 22, 2014 4:22 PM
To: Rice's Office, Councilmember
Cc: Ike Leggett; Yao, Vivian
Subject: Child Care in Public Space

Dear Council President Rice,

I am writing to express my concerns about Child Care in Public Space. I am a director of a local MSDE-accredited, Level 5 Maryland EXCELS child care center that serves over 80 children, ages two to five years, and their families. Our center does not offer before- and after-school care to school-aged children.

However, many parents in my program have their school-aged children enrolled in nearby before- and after-school care programs, and they come to me to express their worries and other concerns about the availability, reliability, and quality of the care their school-agers receive in those programs.

I care deeply about my families and what affects them. Hence, I care about the selection of the child care providers in their children's elementary schools and feel the need to speak out.

I urge you to address the situation of how and by what criteria child care providers are chosen so that we have the best comprehensive system possible to ensure that children receive reliable and high quality child care in public space.

I urge you to help me be able to assure my families that the child care in public space programs they will enroll their children in when they leave us will provide that high quality and reliable care.

And I urge you to help me be able to assure my families that the process of moving their school-aged children from a high-quality, nurturing, and developmentally-appropriate early child care and education program, such as ours, to a new school-aged child care program will be as seamless as possible because the providers in those programs have proven in the selection process that they provide high-quality care.

Thank you for your attention to this critical issue for families of young children.

Sincerely,

Linda Owen
8700 Bellwood Road, Bethesda, MD 20817

--
Linda M. Owen
Executive Director
Clara Barton Center for Children
7425 MacArthur Boulevard
Cabin John, MD 20818
301.320.4565
<http://www.clarabartoncenter.org>