

HHS/ED COMMITTEE #1
December 4, 2015
Worksession

MEMORANDUM

December 3, 2015

TO: Health and Human Services Committee
Education Committee

FROM: Vivian Yao, Legislative Analyst *VY*

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

On December 1, 2015, the Executive transmitted amended Executive Regulation 15-14 AMIV, 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 transmittal memo is on ©1-3, and the proposed regulation is on ©4-18. The amendment being proposed by the Executive removes the one-year sunset date requested by the Council as part of its approval of the regulation.

Proposed Regulation

The Council approved Executive Regulation 15-14 AMIII on December 2, 2014¹, and the Board of Education approved the regulation on December 4, 2014. The regulation is scheduled to sunset on January 3, 2016. The Executive is requesting the removal of the sunset provision in the regulation, which would allow the regulation to remain in place for an indefinite period of time. If the Council is not inclined to allow the amended regulation to stand indefinitely, the Executive has requested that the sunset date be extended for an additional period of no less than two years. Executive staff explains that a two-year period would allow the rebid process authorized by the regulations to complete two full rebid cycles. The time period would allow the County Executive and Council to fully evaluate and assess the process operating under the regulation.

¹ In addition to adding a sunset provision, the Council requested a number of changes to the regulation prior to its approval. The Council requested provisions that required coordination with the Department of Health and Human Services (DHHS) and Montgomery County Public Schools (MCPS), the opportunity for parental feedback, inclusion of parental participation, if possible, giving selection committee members an orientation, conflict of interest and appeal policies, and scoring tied to objective criteria of quality child care.

Rebid Processes

Following the approval of the regulation, the Office of Community Use of Public Facilities (CUPF) implemented an abbreviated rebid process between February and May for nine schools: three schools that did not have child care services available and six schools with providers in place for 14 years or more. Additional information about the abbreviated process is provided at ©34-42. The first full rebid process began in September 2015 and will conclude in July 2016. Information on the current process is attached at ©43-44.

The following describes elements of the 2015 (abbreviated) and 2016 (full) Child Care Selection processes:

- In advance of the abbreviated rebid, DHHS evaluated and refined information on quality child care to be included in the orientation of Principals and Selection Committee members.
- A total of 82 applications were received from 16 different providers for the nine schools in the abbreviated rebid.
- All committees formed by the Principal included one or more parents who would likely use childcare services at the location under consideration.
- Six providers who were not selected requested a review of their rating forms, and one provider filed a formal appeal, which was ultimately reviewed by the Before and After School Childcare Appeal Subcommittee of the Interagency Coordinating Board for Community Use of Public Facilities.
- The Montgomery County Office of Internal Audit is in the process of conducting a program assessment of CUPF programs, including a review of CUPF compliance with Executive Regulation 15-14 AMIII. The program assessment of the abbreviated process is expected to be completed by March 2016.
- Requests for proposals for the 2016 process were advertised on November 18 for the 22 schools listed on ©43. Providers will have until December 18th at noon to apply. Other key dates for the process are listed at ©44. A list of enhancements made to the process are listed at ©37.
- DHHS and CUPF continue to coordinate efforts, refine the ongoing bid-process, and improve orientation materials. See also ©2-3.

The Executive and Council have received several sets of comments on the proposed amended regulation, which comments are summarized in the following table.

Commenter	Summary of Comments	©
Melissa Brunson, Elementary School Principals Action Team	<ul style="list-style-type: none"> • Support for eliminating the sunset provision and extending Regulation 15-14 AMIII. Consensus is that principals are satisfied with process. 	19
Shaun Rose	<ul style="list-style-type: none"> • Allow regulation to expire until the development of a better system. Process lacks transparency, is not coordinated with other governmental agencies who administer child care in public space, and omits child care expertise from the decision-making process. 	20-22
Ed Krauze, Acting Chair,	<ul style="list-style-type: none"> • Reject the proposed regulation. Concerned about the 	23-24

Commission on Child Care	lack of outreach to providers and other stakeholders to assess process and transparency. Place a hold on the rebid process until the audit of the process is complete.	
Child Care Providers in Public Space ²	<ul style="list-style-type: none"> • Reject the proposed regulation. One agency should manage child care in public space.³ Process is inconsistent and lacks transparency. Parents with children need more voice in the process. Decisions made by individuals who do not have child care expertise. 	25-27
Henry Lee, Chair, ICB	<ul style="list-style-type: none"> • Approve the amended regulation. In the alternative, approve the regulation with a sunset of a minimum of two years. Correct inaccurate assertions made in other comments. 	28-33

The Executive notes that while the “submission does not address the comments and complaints raised in those documents point for point it is important to note that the complaints do not report a complete or accurate picture of the abbreviated rebid process, the appeal process conducted or the actions of CUPF, DHHS or MCPS in administering and operating under the regulations and guidelines.” Council staff notes that for the most part, the positions expressed in public comments are not substantially different than those raised prior to the implementation of the regulation.

Council staff recommendation:

Council staff recommends extending a sunset of the regulation so that the Council will have access to better information with which to assess the implementation of the regulation before it decides whether changes are needed. Factors that should be considered in setting the sunset date including the amount of time needed to fully implement the process, to comprehensively evaluate the process, and to avoid disruptions to existing processes. Consequently, **Council staff recommends a sunset date of July 31, 2017.**

Council staff advises the Committees to seek a comprehensive assessment of the first full-year cycle. While a program assessment of the first, abbreviated rebid process should yield important information that should inform potential improvements to the process, Council staff believes conclusions about the merit of the regulation would be premature, given the complexity of the regulation and the number of changes incorporated into the rebid process from the original

² Council staff understands that the comments were transmitted to the Executive by Joanne Hurt, Executive Director, Wonders Child Care. It is not clear which child care providers in public space are being represented. There has not been a uniform position on the regulation held by all child care providers in the County.

³ Child care providers operate in different types of public space managed by different governmental agencies. Montgomery County Department of Health and Human Services (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 MCPS operations for all-day programs generally targeted at pre-school age children. 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.

CUPF process. Extending the sunset through July of 2017 would allow the Executive to comprehensively assess the first full-year cycle; a shorter period of time could limit the availability of information needed to make a sound decision on the future of the regulation, similar to the situation that the Council is facing now. Moreover, a July sunset would allow Council review of the rebid process in between rebid cycles. Any changes to the regulation at that point would be less disruptive to any rebid already in process.



OFFICES OF THE COUNTY EXECUTIVE

Isiah Leggett
County Executive

Timothy L. Firestine
Chief Administrative Officer

MEMORANDUM

December 1, 2015

TO: Craig Rice, Chair
Education Committee

George Leventhal, Chair
Health and Human Services Committee

FROM: Ramona Bell-Pearson 
Assistant Chief Administrative Officer

SUBJECT: Amended Executive Regulation 15-14 AM~~III~~^{IV}

This memorandum is submitted in support of the amended Executive Regulation 15-14AM~~III~~^{IV} which has been advertised in the County Register from November 1, 2015 through November 30, 2015. See attachment A.

Background

The County Council voted in December 2014 to adopt Executive Regulations 15-14 AM~~III~~^{IV} and imposed a one year sunset date that expires on January 2016. The Community Use of Public Facilities (CUPF) began immediately to conduct an abbreviated re-bid process for three MCPS schools that did not have child services available but had a stated need for those services. The re-bid also included six other MCPS elementary schools that had Child Care Provider services in place whom had been in place for approximately 15 years. The length of service provided in the regulations for Provider service is seven years and all six Providers had been in place twice as long as is permitted under the regulations. The abbreviated re-bid was conducted between February 2015 and May 2015. There was an appeal filed by one of the competing Providers and the Interagency Coordinating Board (ICB) sub-committee, established under the regulations, reviewed the appeal and made recommendations to the ICB which became the findings of the ICB.

This regulation is being amended by the County Executive for the sole purpose to exclude the sunset date of January 2, 2016. If this amendment is accepted it would establish no sunset date and would allow the regulation to remain in place for an indefinite period of time. If the Committees are not inclined to let the regulations stand

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indefinitely, then in the alternative it is requested that the sunset date be extended for a period of no less than two years. Two years would allow the re-bid process authorized by the regulations to complete two full re-bid cycles which in turn provides the County Executive and the County Council the opportunity to fully evaluate and assess the process operating under the regulations.

As part of the public notice period for the amended regulations Executive Staff received written comments from the Elementary School Principals Action Team (attachment B), Shaun Rose (attachment C), the Commission on Child Care (attachment D), and Joanne Hurt representing Child Care Providers in Public Space (attachment E). While this submission does not address the comments and complaints raised in those documents point for point it is important to note that the complaints do not report a complete or accurate picture of the abbreviated re-bid process, the appeal process conducted or the actions of CUPF, DHHS or MCPS in administering and operating under the regulations and guidelines. The 2015 Child Care Selection Process Summary (attachment F) should be reviewed to understand how the re-bid was conducted during the recent selection process.

CUPF MCPS and DHHS Selection Process Administration

The abbreviated re-bid selection process conducted between February 2015 and May 2015, involved CUPF, Department of Health and Human Services (DHHS) and Montgomery County Public Schools (MCPS) and their coordinated efforts to administer the selection process that is authorized under these regulations. DHHS and CUPF met in advance of the re-bid and exchanged information which DHHS evaluated and determined how to enhance and compliment the orientation materials to include quality child care training information for both the Principals and Selection Committee members. As a result of lessons learned from the abbreviated process DHHS and CUPF have continued their coordinated efforts and are working together to further refine the ongoing re-bid process and improve the orientation materials. See attachment F.

The Principals are also working with DHHS and CUPF as part of the re-bid selection process to refine the specific selection committee structure to be responsive to the Community being served and better meet the child care needs of the population their schools serve. MCPS has demonstrated support through the attached letter from MCPS Principals and by participating in the selection process as Chair of the selection committee. MCPS Principals conduct surveys and research to determine the needs of their school Community related to before and after school child care.

CUPF, MCPS and DHHS have worked together to implement the orientation of selection committee members that includes educational components of quality child care in the following ways:

- DHHS provided training slides and made additions to the power point presentation prepared for orientation of the Principals as Chair of the

Committee and for Selection Committee members use in reviewing and evaluating Provider application materials.

- DHHS has also worked to implement the Child Care Officer position that will be under the Office of the DHHS Director with two administrative support Staff that will support the Child Care Officer who will perform policy review and analysis of operations that are administered by for DHHS, MCPS and CUPF related to the provision of child care services.
- DHHS and CUPF are in the process of coordinating the re-bid processes for the nine facilities where there are both DHHS and CUPF administered child care programs located.
- Moving forward DHHS will provide the services of its Child Care Officer to develop coordinated policies, procedures, and quality control additions to the administrative operations of child care services.
- Finally, CUPF and HHS are in the process of coordinating their selection schedules and where possible selection processes to streamline and make them more accessible to Providers. The subject regulations already have established a coordinated seven year length of service between Providers licensed through DHHS programs and Providers licensed through CUPF programs.

Time Frames

The abbreviated re-bid was conducted from February 2015 through May 2015. The first full re-bid process to be conducted under these regulations began in September 2015 and will conclude in July 2016 when CUPF facility permits are issued to selected Providers.

The Montgomery County Office of Internal Audit is in the process of conducting a program assessment of CUPF programs which includes a review of CUPF compliance with Executive Regulation 15-14 AMIII. This assessment will evaluate the recently completed abbreviated re-bid process employed during the execution of the re-bid. The program assessment is anticipated to conclude by March 2016. Executive Staff needs approximately four months to complete the program assessment being conducted by Internal Audit, which will then be followed by several months of application of the recommendations to the Program. If afforded the opportunity of a two year extension of the regulations, then the program assessment recommendations can be applied to a full re-bid process that would be conducted between September 2016 and July 2017.



MONTGOMERY COUNTY EXECUTIVE REGULATION

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Subject: Before and After School Childcare Programs in Public Schools

Number
15-14 AMIV

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. 15-14AMIV
COMCOR No. 44.04.01

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

Supersedes: Executive Regulation: 15-14AMIII

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

Register Vol. 32 No. 11

Effective Date: _____

Sunset Date: None

Comment Deadline: November 30, 2015

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



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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 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.

When enacted by the County Council on January 3, 2015 a sunset date of one year from the effective date was passed and this regulation will sunset on January 3, 2016. This amendment will allow the regulation to stand as otherwise previously approved.

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 ICB 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.



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- (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 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 will be subject to a competitive selection process under this Regulation. The schedule will 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 will coordinate with DHHS and MCPS to administer the selection process. 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



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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 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.

1) The Principal, Vice Principal or other MCPS Administrative Official 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.

2) The Principal, Vice Principal or other MCPS Administrative Official must distribute any feedback obtained from the school community within six months prior to the bid announcement for consideration by the selection committee.

(d) The Principal, Vice Principal or other MCPS Administrative Official 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 must include a parent whose child(ren) use child care services, if possible, but the Principal holds the discretion to determine the number of parents to be included and the cross section of parents who use or do not use the incumbent services to be included. 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



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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 conflict of 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. CUPF will determine how a disclosed conflict of interest will be handled before the selection committee begins its work.

- (e) The selection committee members will be required to participate in an orientation about the selection process after being selected to participate as a member of the selection committee. CUPF will assist the Principal in conducting the orientation that will include information about the selection process, timeline for the selection, responsibility of committee members, conflicts of interest and elements related to quality child care.
- (f) CUPF will be involved in all selection committee meetings. CUPF will provide administrative support to the selection committee for the Principal and MCPS Staff. CUPF will assist the Principal in determining whether conflicts of interest disclosed by selection committee members require disqualification. CUPF will develop a conflict of interest policy that will be applied consistently across all MCPS schools during the child care selection process.
- (g) The Principal, or designee, of each facility subject to the competitive childcare selection process shall 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 consider 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;



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- (7) References from parents of children who use the services of the Childcare Service Provider;
 - (8) Any feedback obtained from the school community within the six month period prior to the bid announcement for consideration by the selection committee; and
 - (9) Any other criteria, relevant to that school facility, which has been approved by the Superintendent or designee.
- (h) 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.
- (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.
- (i) 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



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- 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

(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 following

- 1) Reference letters
- 2) Parent handbook
- 3) Link to website

(i) 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.



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- (k) The childcare selection committee must meet to evaluate the childcare applications based on criteria published in the solicitation.
- (l) 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% (five percent) bonus in awarding of 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.
- (m) 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.
- (n) 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.
 - 1) Each application will be scored based on the advertised scale 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) Tax Status (non-profit vs. for-profit)



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- h) Objective criteria representing evidence of the provision of quality child-care
 - (i) Maryland Excels status;
 - (ii) State Accreditation for Before and After Childcare
- i) Any other criteria advertised

2) Optional - 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.

(o) Interview selection process shall consist of:

- 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.
- 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.
- 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.



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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.

- (p) 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.
- (q) A CUPF representative will 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.
- (r) The decision of the childcare selection committee is final.
- (s) 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.
- (t) 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.
 - 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.
- (u) 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



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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

(v) 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 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.



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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. Review of CUPF Process and Remedies

- (a) An applicant may seek review of CUPF's compliance with its responsibilities under this Regulation by:

1) Submitting a written request for review within five (5) days after a selection decision is posted by CUPF.

2) The written request for review must include:

i) An identification of the solicitation, including the location of the school where the applicant sought to perform childcare services;

ii) The applicant's name, address, telephone number, and electronic mail address;

iii) A statement supporting the applicant's complaint that CUPF did not comply with this Regulation;

iv) Description of all grounds for the request for review, including:

(1) A submission of detailed facts and all relevant documents;

(2) A citation to relevant language in the solicitation, regulations, or law relied upon; and

(3) All other matters that the applicant contends supports the request for review.

v) Factual allegations regarding information not appearing on the face of the solicitation or application must be supported by an affidavit based on personal knowledge.

- (b) Upon receipt of a request for review, CUPF must notify MCPS and other known applicants who may be affected by the review. This may occur by posting the notice on the website where the notice of selection was posted. Other affected applicants may submit written comments or documents regarding the request for review within five (5) days after the notice is issued by CUPF.



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(c) Review and hearing:

- 1) After the applicant files a request for review, CUPF may submit to the ICB, or the designated Hearing Officer, a response to the request. The response must include all documents in support of it.
- 2) The ICB may consider the request as the entire Board or may designate a subgroup of the ICB to review the matter.
- 3) The ICB (or a subcommittee of the ICB) may hold a conference with all interested parties if the ICB believes a conference would contribute to a resolution of the matter.
- 4) The burden of production of all relevant evidence, data and documents and the burden of persuasion to support the complaint remains with the applicant who files the request for review.
- 5) The ICB may refer the matter to a hearing officer to accept evidence and testimony and make a recommendation to the ICB. If a hearing officer is designated by the ICB, the hearing officer must conduct the hearing and make proposed findings and a recommendation to the ICB.
- 6) After the hearing (if any) and based on the record, the ICB may accept, reject, or modify the hearing officer's proposed findings of fact and recommendation.
- 7) After considering the request for review based on the record received, or after a hearing, the ICB must make a determination and finding regarding the request for review.
- 8) The decision of the ICB is final and no further right to administrative appeal is available.
- 9) The final decision of the ICB must be mailed to the applicant seeking review and any other applicants who have participated in the review and hearing and posted on the website where the notice of selection was posted.

(d) Remedies

- 1) If CUPF has not awarded a license to an applicant under the solicitation, the ICB may:
 - i) Require CUPF and MCPS to cancel the solicitation; or
 - ii) Require CUPF and MPCPS to issue a new solicitation that follows the process in this Regulation.



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- 2) If CUPF has awarded a license to an applicant under the solicitation by the time of the decision of the ICB, the ICB may award the protesting applicant the actual cost of preparing its application. The protesting applicant is not entitled to any other damages.

Section 8. 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.

(a) 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.

(b) 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.

(c) 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 must share the results with the Principal 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 of enrolled children 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.



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Effective Date

[Section 9. Sunset Date.

This Regulation will sunset one year after the effective date that follows 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:

Mara Hansen 10/23/15
Office of the County Attorney/Date

November 12, 2015

The Honorable George Leventhal, President
and Members of the Health and Human Services Committee
Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850

The Honorable Craig Rice, Councilmember
and Members of the Montgomery County Council Education Committee
Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850

Dear Mr. Leventhal and Mr. Rice:

This letter is to express the Elementary School Principals Action Team's (EPAT) support for eliminating the sunset provision and extending Regulation 15-14 AMIII, Before and After School Childcare Programs in Public Schools. EPAT is the elementary school chapter of the Montgomery County Association of Administrators and Principals, which works to support the professional growth needs and perspectives of elementary school principals and administrators. Since the adoption of the regulation on January 3, 2015, a consensus of elementary school principals, who have previously participated in and who are currently participating in the provider selection process, are satisfied with the regulation and administrative procedures. Staff at the Community Use of Public Facilities (CUPF) are knowledgeable and have been extremely supportive explaining the process to Montgomery County Public Schools (MCPS) principals and guiding them through the administrative procedures.

It is extremely important to our school communities that principals remain involved in the provider selection process. It also is important that the application submission schedule continue to move forward for school year 2016-2017 as some MCPS schools have been waiting many years for before and after school child-care programs in their schools.

Your consideration of our position is greatly appreciated. We look forward to continuing to work with the CUPF staff and the provider community to ensure that high quality before and after school child-care programs continue to support our parents and students.

Sincerely,



Melissa A. Brunson, Principal
Cloverly Elementary School
Elementary School Principals Action Team

MB:sro

Copy to: Members of the Board of Education
Mr. Bowers
Dr. Zuckerman

Mr. Song
Ms. Bell-Pearson
Ms. Gong

Mr. Ikheloa
Mr. Koutsos

Attachment B

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November 18, 2015

Dear County Council President Leventhal,

As you know, as a provider who does not use public space, I have been serving as the point person on the Montgomery County Commission on Child Care (the Commission) for the child care in public space issue (CCIPS). I am writing to you in my personal capacity to ensure my observations and opinions are included in the record when the Council next discusses the CCIPS issue.

Last year, the Council approved Executive Regulation 15-14AM regarding the administration of child care in public space (CCIPS) by Community Use of Public Facilities (CUPF). The Commission on Child Care (the Commission), comprised of child care providers, parents, and members of the business community appointed by the Executive and confirmed by the Council, urged the Council to reject this regulation. The Commission's opinion was informed by a decade's worth of complaints and concerns raised by parents and providers which eventually resulted in lawsuits against the County by providers and a court order that the process could not continue without a regulation governing its administration.

The Commission participated in the development of the regulation but believed that the final product the Executive put forward ended up being merely a codification of the status quo. The Commission argued that the regulation did little to overhaul a system that lacked transparency and consistency and that it still was not being administered by those with child care experience or any set of unified policy goals intended to promote consistent, quality child care for children and families. The public testimony on the regulation was unanimously against it as providers and parents raised similar concerns.

Although the Council passed the regulation, it took note of these issues and required a one year sunset provision which expires at the end of this year. The Council will have to decide whether to make the regulation permanent, request that the Executive make changes to the regulation, or simply do nothing and **allow the regulation expire until a better system can be developed.**

This past year, the Commission has continued to monitor the County's administration of child care in public space and CUPF's implementation of this regulation. As we feared, not much has changed. The CUPF process continues to lack transparency, is different from and not coordinated with the other various governmental agencies who also administer CCIPS processes, and continues to omit child care expertise from the decision making process. Even when it is under the scrutiny that the sunset provision provided to this process, CUPF continues to act in an arbitrary and capricious manner with little transparency.

For example, despite assurances CUPF and the Executive branch made to the Commission representative during the development of the regulation, **CUPF did not create and make public a comprehensive list of schools where it administers programs and a schedule of when each school would be coming up for rebid.** Instead, it remains a mystery each year

and providers and parents are left to guess whether this will be the year their program will be selected. This allows CUPF to pick whomever they want and resulted in one provider having to go through six different rebid processes for space they currently occupy this year while some providers with more sites and/or sites which had not been rebid for much longer periods, had zero sites go up for rebid.

Another example was the administrative procedures which were supposed to include much more detail than the Regulations about the administration of the process. During the work group sessions the Commission representative was repeatedly told that concerns that the Commission and other providers had raised would be addressed in the administrative procedures. Yet, the administrative procedures were not produced until just before the Council vote and many of the issues raised were not addressed. After the regulation was passed, these procedures disappeared and CUPF began the rebid process stating that they were not required to have administrative procedures at all. After concerns were raised by providers and Commission members, a different, a watered down version of the administrative procedures was publicized.

Another example occurred during rebid process. The regulation set out a process for appeals. There are time limits for when an appeal can occur. However, providers were not given the final scores and at least one provider who asked to see them was told by CUPF personnel that they did not have time to provide them. In another instance, a provider appealed an irregularity in the interview process and CUPF determined that another round of interviews was required. However, for some reason, an additional provider was allowed to interview during the second round and the providers who participated in the original interview were not informed of this addition or of the reasons why. One provider pressed the issue and was told that CUPF found an error in the scoring of the initial application.

Another example occurred this past Spring when the Council was considering one of the child care bills to consolidate all of child care in public space into one entity. The day after the public hearing, several of the providers who testified in favor of moving the child care selection process out of CUPF received notices from CUPF that their summer rent was being doubled. CUPF justified this by arguing that these programs were really camps and not child care and therefore would need to pay the much higher rent that is charged to camps. These programs are defined and regulated as child care programs by the State of Maryland, but CUPF came up with its own definition, and despite CUPF running at quite a large surplus, decided that now they need to increase rent on these child care providers.

These examples of lack of transparency and of arbitrary decisions by CUPF are wholly consistent with the complaints of providers and parents the Commission has been receiving and trying to address for many years. Providers continue to have financial issues with CUPF in terms of the administration of billing as well as issues with the administration of their facilities and safety of their children and staff. There is a perception by providers that if they complain about anything, there will retribution.

All of this led the Commission to the conclusion that we stated in this year's Annual Report that the regulation the Council approved last year has not improved the situation and

ought to be allowed to sunset. The sunset provision that put CUPF under the microscope this year did little to change things. Amending the regulation and having another sunset period would not be likely to change things either. Both the Commission and the Council have proposed solutions to the Executive branch that have been resisted. The Council passed legislation that the Executive actually vetoed and then responded with absolutely no changes to address the Council's concerns.

Therefore, the only recourse would seem to be for the Council to simply let the regulation expire. This would put the rebid process on hold as it was before the regulation was passed. It would then require the Executive branch to come up with a better solution and address these issues in a more comprehensive way.

Sincerely,

Shaun M. Rose



COMMISSION ON CHILD CARE

November 24, 2015

Dear Honorable Councilmembers:

We are writing to make you aware of two recent developments by the Community Use of Public Facilities (CUPF) office which are extremely troubling to the Commission on the Child Care and the broader child care community we represent.

Proposed Regulations

On November 1, the Office of the County Executive through the Montgomery County Register issued MCER NO.15-14AMV: PROPOSED COMMUNITY USE OF PUBLIC FACILITIES REGULATION, *Before and After School Childcare Programs in Public Schools*.

[http://www.montgomerycountymd.gov/exec/register/regs/2015/Nov 15ProposedRegs.html](http://www.montgomerycountymd.gov/exec/register/regs/2015/Nov%2015ProposedRegs.html)

The proposed regulation makes no changes whatsoever to the process, procedures, or regulations passed last year with a sunset date due to community concerns that these regulations would not adequately address concerns from the child care community. The only change is making the current regulations permanent.

We are very concerned about the lack of outreach to child care providers and other stakeholders to assess whether the new regulation provided a transparent and improved process for the community. In the year since these regulations were passed with the sunset provision there has been no outreach or dialogue with the Commission or other stakeholders in the child care community. Numerous questions and issues have been raised about implementation of the regulations by the Community Use of Public Facilities (CUPF) office, yet no engagement or outreach took place.

Request for Applications

The second issue we would like to bring to your attention is that on November 18, CUPF posted on its website a "NOTICE-REQUEST FOR APPLICATIONS – Before and After School" for twenty-two school facilities. Per the NOTICE, these applications are due by 12:00 noon on December 18 (less than a month from the time it was released-during the Thanksgiving/end of year holidays.)

This application takes time. It is not a simple process to apply for any one site, much less a provider who may be interested in applying to more than one site or multiple sites. In fact, in this list there are providers who will have to submit multiple proposals just to continue operating at the current locations where they are already providing care.

Not only, was there no outreach regarding the implementation of the current system to potentially improve the process, by putting a "NOTICE-REQUEST FOR APPLICATIONS" for 22 facilities at this time of year, without describing how or why these 22 facilities were chosen for rebid this year, CUPF is shutting out and disregarding the recommendations of the Commission on Child Care and the broader community.



Department of Health and Human Services

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

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Attachment D

Potential Solution

The Commission is aware of the fact the Community Use of Public Facilities is undergoing an audit at this time. Given the ongoing audit and the lack of outreach and input from stakeholders, the Commission respectfully asks you to:

Reject CUPF's Proposed Regulations and DO NOT make these regulations permanent.

Stop and place a HOLD on CUPF's November 18 REQUEST FOR APPLICATION and all future rebids until the audit of CUPF is complete, the Council has had time to review the audit of CUPF and more transparent and permanent regulation can be discussed and put in place by you and your Council colleagues.

The Commission would be happy to personally share our concerns in further detail with you at any time. For your convenience, we have included a link to our Annual Report where we continue to discuss this issue and propose some potential long-term solutions for this issue.

<http://www.montgomerycountymd.gov/HHS->

[Program/Resources/Files/CYF%20Docs/CCC/CCC%202014-2015%20Repmi%20Final\(1\).pdf](http://www.montgomerycountymd.gov/HHS-Program/Resources/Files/CYF%20Docs/CCC/CCC%202014-2015%20Repmi%20Final(1).pdf)

Thanks you for taking the time to consider this very important issue.

We look forward to hearing from you.

Sincerely,

Ed Krauze
Acting Chair (Vice-Chair) of the
Commission on Child Care

November 30, 2015

To: Councilmembers Berliner, Elrich, Floreen, Hucker, Katz, Leventhal, Navarro, Rice and Riemer

From: Child Care Providers in Public Space

Re: Feedback and Comments on the 2015 Proposed Executive action on Community Use of Public Facilities Regulation

The proposed Community Use of Public Facilities regulation for Before and After School Childcare Programs in Public Schools, published on November 1, 2015, is unfortunately the exact same problematic regulation that the Council conditionally approved last year. The impetus for last year's limited approval was the result of the Council carefully listening to the feedback from all stakeholders. As part of the approval, the Council requested that CUPF provide feedback on the administration and outcomes of the re-instated selection process. Among other things, CUPF agreed to survey the providers to share with the Council. To date, the providers have not been solicited for their feedback. Additionally, there doesn't appear to be a mechanism to gather feedback from parents who rely on quality before and after school programs being available in their schools. Since there has been no attempt to solicit feedback from the community, parents and providers, it seems the Council is being asked to make a decision on the Regulation without the benefit of robust data and feedback.

The providers continue to have three overarching concerns:

Authority over Child Care in Public Space

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.

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.

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Attachment E

Parent Involvement

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.

Parents assume that programs operating in public school buildings have been thoroughly vetted to ensure quality and safety for their children. The decisions being made about who is serving the children and families in MCPS buildings are being made by groups of individuals who do not have child care expertise. The Interagency Coordinating Board for Community Use of Public Facilities is charged with encouraging use of public facilities and for managing use of these spaces. The principals have themselves stated that they are experts in education, not in childcare. Further, 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 appropriately licensed and regulated.

Lack of Consistency and Transparency in the 2015 Spring Re-bid Cycle

The re-bid cycle that was administered by CUPF in the Spring of 2015 was inconsistent and lacked transparency.

The process as defined by the Regulation lacks clarity for implementation. The Spring re-bid process was conducted without published administrative guidelines or procedures. When one of the providers asked for the administrative guidelines, she was told that the guidelines were an internal document and were not for publication. This is the very concern that we raised in September 2014: *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.* CUPF's internal use of an administrative procedure further obstructs the essential tools to ensure a consistent and transparent process.

The selection process at one of the schools resulted in an appeal. Although an appeals process is outlined in the Regulation, the process was not followed by CUPF, resulting in a lack of communication with the providers who were impacted, an additional provider included in the second interview and a reconfiguration of the school's selection committee. There was very little clarity on how the appeal was structured and the timing was such that a selection committee would be hard pressed to overturn an earlier decision, as it would have been difficult for a new provider to begin and secure licensing with the Office of Child Care in time for the start of the school year.

There continue to be additional concerns. 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 have a clear

understanding as to 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, principal's input and Provider feedback.

Yao, Vivian

From: Henry Lee <henrylee2@mac.com>
Sent: Wednesday, December 02, 2015 2:20 PM
To: County Council
Cc: George Leventhal; Henry Lee; Gong, Ginny; Yao, Vivian; Floreen's Office, Councilmember
Subject: ICB Response to ER 14-15AMIII
Attachments: Shaun rose letter CUPF response.pdf; ATT00001.htm; Before and After School Childcare Programs in Public Schools.pdf; ATT00002.htm

Dear Councilmembers:

I'm writing on behalf of the Interagency Coordinating Board (ICB), which was designated by the Montgomery County Board of Education to oversee CUPF's administration of Executive Regulation 14-15AMIII, Before and After School Childcare in Public Schools. During our quarterly meeting this morning, the ICB discussed the Council's upcoming consideration of the County Executive's amended Regulation to remove the sunset date. The ICB strongly support this amended Regulation.

The ICB would like to take this opportunity to strongly reiterate our continued support for CUPF's administration of this process. We respect the fact that people of good will have different perspectives on this issue, but we consider it essential to focus on the facts, rather than inaccurate assertions, about CUPF's role in the process.

I am attaching CUPF's analysis and their response to a recent letter that contains inaccurate assertions. I am also attaching a letter of strong support from the Elementary School Principals Action Team.

If the Council's decision is to extend the sunset date rather than to remove it, we urge that the extension be for a minimum of two years. This would allow sufficient time to complete the current cycle, with follow up of another cycle that could contain any enhancements that result from the County Executive's internal audit and other feedback received.

We appreciate this opportunity to provide our views and to reconfirm our support for quality before and after school child care in Montgomery County.

Sincerely,

Henry Lee
Chair, Interagency Coordinating Board
henryleeddspa@comcast.net

CC: Vivian Yao
Ginny Gong

Henry Lee, DDS
17721 Georgia Avenue
Olney, MD 20832

Concerns raised by Sean Rose with CUPF Response:

The Commission urged the Council to not enact 14-15AMIII. The Commission's opinion was informed by a decade's worth of complaints and concerns raised by parents and providers which eventually resulted in lawsuits

Mr. Rose is correct in noting decades of complaints, but for different reasons.

- Prior to the decision by the ICB in 2007 to initiate a periodic evaluation of childcare placements in 2007, many groups complained about unfair access to provide services in schools because the current providers had been in place for upwards of 20 years. Principals and parents felt as though they had no say in who was providing services to their students/children.
- The rebid was initiated in 2009, discontinued for two years (2012-2015) and re-activated in 2015. The two law suits in 2009 were by two providers who were not re-selected by the school committees. The court did not overturn the decision of the school committee or find specific flaws, but did require that a formal process be developed.

The Commission participated in the development of the regulation but believed that the final product the Executive put forward ended up being merely a codification of the status quo

- All suggestions provided by these representatives were considered, and where practical or consistent with a standard procurement process, incorporated. What was effective about the original process was kept and what was not, was modified. Suggestions implemented included:
 - Longer duration between bid cycles
 - Formal appeal process with final decision by the ICB
 - At least one member of the school selection committee be placed whenever possible to represent parents
 - Standard committee size of 5 to 9 members
 - Standard timelines
 - Clarification of the principal's role to notify the school community and gather feedback
 - Enhanced process requiring member disclosure of relationships with providers under consideration or potential conflicts of interests
 - Priority for non-profit providers via additional rating points
 - Disqualification of providers not in good financial standing with CUPF
 - Participation in Maryland Excels (Maryland's before and after school accreditation program) considered in evaluation of application
 - Committee review and affirmation of individual scores that significantly differ from the average score
- **The Commission argued that the regulation did little to overhaul a system that lacked transparency and consistency and that it still was not being administered by those with child care experience**
- Mr. Rose was the Commission's representative on a multifaceted workgroup. Participation by the groups in development of an Executive Regulation is not typical – particularly as it applies to a procurement process. However, the inclusion of Mr. Rose and three other representatives of child care providers designated by all the providers using schools via CUPF issued permits demonstrate the high level of transparency in this process.

- The County government has no jurisdiction over school based childcare except where specifically delegated. Article 7 of the School Utilization Act delegate's responsibility for childcare programs in schools to local Boards of Education. Montgomery County is unique in that the Interagency Collaboration Board was created to oversee community use in schools. The Montgomery County Board of Education has determined that delegation of childcare placements is consistent with the intent of this law.
- Unfortunately, the Commission has indicated that administrators, teachers and parents are not qualified to make a fully informed and fair selection decisions as members of committees that typically include doctorate level educational professionals. It is also worth noting that CUPF staff, one of whom has a Master's in Public Health, are providing the administrative aspects of the rebid but do not have any input or role in making the selection decision. The decision is left entirely in the hands of potential customers and others in the school who will be working collaboratively with the provider for the next seven years in providing services to the same student population.

Process does not follow any set of unified policy goals intended to promote consistent, quality child care for children and families.

- A long standing goal of the Commission is to consolidate all childcare oversight under one entity, preferably the Department of Health and Human Services. The Commission envisions this entity to have oversight of not only programs currently placed by DHHS, but also those under the Board of Education, which covers both providers in surplus MCPS space as well as those providers of before and after school programs in shared space. It appears the Commission will never be satisfied until their goal is met.

The process administered by CUPF is different from and not coordinated with the other various governmental agencies who also administer CCIPS processes, and continues to omit child care expertise from the decision making process.

- The general approach in use was modeled after the DHHS process and also used by MCPS. Differences between the processes stem from:
 - DHHS programs are generally serving infants and toddlers, not school aged children
 - DHHS programs are serving the general public and not necessarily the students at the location
 - DHHS programs are required to meet standards for infants and toddlers, vs. older youth who have been in school all day and need a greater focus on recreational activities and are at different development stages.
 - Early childhood accreditation standards are not applicable to school aged children.
- DHHS was a member of the workgroup and contributed information that is now incorporated into the school selection committee member orientation.
- Many parents feel that they are more than capable of making decisions regarding the care of their children and obviously do so every day.
- MCPS, who is ultimately responsible for childcare programs in schools, is adamant that the consumers of the service have a voice in the selection process. Committees include teachers and others who work with the same student population who will rely on the outcome of their decision on a regular basis and want what is best for them.

CUPF continues to act in an arbitrary and capricious manner with little transparency

- Nothing was done in a capricious manner – the Regulation was followed to ensure adherence to deadlines, inclusion of required criteria, and mandated activities.
- Following the completion of the process, staff did an internal analysis of the first bid under the regulation and brought concerns to the attention to the ICB for evaluation.

CUPF did not create and make public a comprehensive list of schools where it administers programs and a schedule of when each school would be coming up for rebid, allows CUPF to pick whomever they want

- Section 5, item (a) of 15-14AMIII requires CUPF to establish a schedule that designates when each facility will be subject to a competitive process and be updated annually. The regulation does not require CUPF to publically post this list.
- In 2007 when the rebid was first developed, every before and after school provider receiving permits from CUPF was asked to certify when they began providing services in each location. CUPF continues to follow this date ranked list. The date rank is revised as vendors voluntarily give up a specific location or a change is made based on a new selection. CUPF continues to follow this date ranked list. There have been no deviations from this schedule.
- Since the number of school included in each rebid cycle may vary from year to year based on CUPF's available resources, it is not possible for us to establish a schedule years in advance.
- Posting of bids in advance is not consistent with standard procurement practices. In addition, it was the providers themselves who did not wish to have the specific schools identified for rebid too far in advance. Their concerns were focused on the competitive edge providers might have if they knew a specific school would be up for bid.
- The number of sites is not a consideration and no waivers to the rebid cycle have been made. CUPF simply goes down the list from longest tenure at a site and selects the number of schools for rebid each year. If a provider has a number of sites up for bid, that meant the provider was selected that year for a number of schools and all those schools are now up for bid.

Administrative procedures were not produced until just before the Council voted. ..a different, a watered down version of the administrative procedures was publicized.

- Mr. Rose was correct in stating that the workgroup was developing an Administrative Procedure. However, based on the advice of both the Council and County attorneys, implementation of an AP was inconsistent with County regulations. The revised guidelines included as much of the same content as was allowable.

The regulation set out a process for appeals. There are time limits for when an appeal can occur. However, providers were not given the final scores and at least one provider who asked to see them was told by CUPF personnel that they did not have time to provide them. .. In another instance, a provider appealed an irregularity in the interview process and CUPF determined that another round of interviews was required.

- Staff met with everyone who requested a meeting. Joanne Hurt requested a meeting but when Blaise responded to her, she never followed up. (We have the email communications)
- A part of the post bid evaluation, CUPF determined that a deviation in the process warranted referral to the ICB Appeal Committee. They recommended that the interview step be repeated due to the non application of extra points for one of the groups as non-profit. Nothing in the Regulations indicated providers needed to be informed.

The day after the public hearing, several of the providers who testified in favor of moving the child care selection process out of CUPF received notices from CUPF that their summer rent was being doubled. CUPF came up with its own definition of summer camp, and despite CUPF running at quite a large surplus, decided that now they need to increase rent on these child care providers.

- The value of the CUPF enterprise fund had no bearing on the ICB decision in March 2015 to rescind the 2005 exception. This move was made to promote equity among providers offering summer programs.
- This special exemption was put in place by the ICB in 2005 to help the childcare providers who were being displaced from their operations in MCPS surplus space due to the expansion of all-day kindergarten by giving them an opportunity to continue their operations as much as possible. These providers were not required to go through a rebid process at the time but permitted to operate as the selected provider with the understanding that it would not be permanent. This accommodation presumed that the vendors were providing year-long programs for families making 12 month commitments under a year-long payment plan. This accommodation should have been discontinued long ago since the ICB also confirmed that the priority for childcare would apply only during the school year and not the summers. The impacted groups were given notice of the change more than a year in advance, with a phased in approach that would not be fully effective until four years later.
- The decision to discontinue the fee waiver to a select number of providers was taken by the ICB to correct a longstanding problem which had been delayed until after the rebid Regulation was in place. It included all providers who were exempted from paying the camp rates during the summer and not just those supporting efforts to assign responsibility for before and after school childcare to DHHS.
- CUPF has used the same definition for summer camps for many years. This guideline is consistent with the American Camp Association and State Department of Health and Mental Hygiene definitions. The programs and fees charged to participants by the exempted providers were essentially the same as charged by providers paying the summer camp rates. Rates in the summer are higher to address greater utility and maintenance impacts

Complaints of providers and parents the Commission has been receiving and trying to address for many years. There is a perception by providers that if they complain about anything, there will retribution.

- All providers' issues and concerns are addressed in a professional and timely manner.
- Staff is not able to address general allegations and would encourage any vendor to bring issues to our attention. If an issue is outside the scope of what we can do, we bring those matters to the attention of the appropriate parties to include the principal and MSDE. Or in situations where the conflict is between a parent and a provider we refer them to the owner/director because neither

MCPS nor County is a party to the contact between the parent and the provider. Similarly, we cannot overturn MSDE decisions.

Council should let the regulation expire.

- The 2016 rebid is in progress. If the Council were to rescind the regulation, the current bid would be completed by MCPS.

2015 Childcare Selection Process Summary

Outcome of the 2015 Bid

Nine sites were included in the first bid conducted after the January 3, 2015 effective date of Executive Regulation 15-14 AMIII, Before and After School Childcare Programs in Public Schools. Three sites had no current Provider and were included at the request of the Principal. The remaining six were sites where the providers had been in place for 14 or more years without a competitive bid. Due to the compressed selection process after the approval of the Executive Regulation, the schools/principals and the providers affected were notified in early January that an abbreviated re-bid would be conducted between February 2015 and May 2015. A determination was made that Daly Elementary School, Woodlin Elementary School, and Wyngate Elementary School would be included because there was a demand for child care services that had not been met before in those locations. The remaining six schools are Dr. Charles Drew, Farmland, Garrett Park, Greenwood, Lake Seneca and Woodacres were designated for re-bid based on the length of time since the location was last bid. Each of the six locations had not been re-bid since 2000 which allowed the sitting Provider to be in place for 15 years at each school. The principals in turn notified their respective communities about the process and requested feedback on their current provider and what attributes they want in the new provider.

A total of 82 applications for nine sites were received from 16 different Providers, of which four were not currently providing these services in MCPS sites. An average of nine applications was reviewed by each committee. The majority of Principals took the advice of CUPF staff and recruited more than the minimum five members since members occasionally drop out due to other commitments. All committees formed by the Principal included one or more parents who would likely use childcare services at the location under consideration. Other members included teachers, other school personnel (i.e., building services managers, teachers, etc.), and school administrators.

In several locations, a committee member did not complete the full process due to personal scheduling conflicts after the committee was convened or had initiated the process. In such instances all scores from the identified members were excluded. Scores were also removed if a member failed to return all rating materials as requested.

One member, whose scores were excluded because rating forms were not returned despite multiple follow up efforts, made an inappropriate comment during the interview. Aside from this one situation, Staff in attendance at all meetings affirms that all committees took their responsibilities seriously.

Consistent with the Regulation, each non-profit application received an additional five points based on the tax status of the organization. This resulted in most non-profit applicants progressing to the interview stage. There were a total of nine (9) MCPS sites that participated in the re-bid process. Five of the nine sites, prior to the re-bid were held by non-profit Providers. After the re-bid two (2) out of the nine sites are now held by non-profit Providers. Of the three (3) new sites none of the three selected a non-profit Provider. (see chart below).

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Attachment F

Selections & Prior Providers By School

School	2015-16 Provider Selected	Current Vendor Start Year	Prior vendor	Orig. Start Year
Daly ES	KidsCo, Inc.	2015	N/A	2015
Woodlin	Kids After Hours, Inc.	2015	N/A	2015
Wyngate	KidsCo, Inc. - Under Review	2015	N/A	2015
Dr. Charles R. Drew ES	Academy Child Development Center, Inc.*	2015	Academy Child Development Center, Inc.*	2000
Farmland ES	Kids After Hours, Inc.	2015	Kids After Hours, Inc.	2000
Garrett Park ES	Kids After Hours, Inc.	2015	Montgomery Child Care Association, Inc.*	2000
Greenwood ES	Montgomery Child Care Association, Inc.*	2015	Montgomery Child Care Association, Inc.*	2000
Lake Seneca ES	Global Children's Center	2015	YMCA/Upper Montgomery County (Child Care)*	2000
Woodacres ES	Bar-T, Inc.	2015	Montgomery Child Care Association, Inc.*	2000

**Non-profit provider*

Request for Review/Appeal

During the course of the recent abbreviated re-bid selection process there were several requests made to review the selection process. Within the group of those Providers who were not selected, six Providers requested a review of the rating forms. Bar-T was the only Provider to file a formal appeal under the appeal process established by the regulations. That appeal was related to the Wyngate Elementary School selection. That appeal followed the procedures established and set forth in the Executive Regulations. Bar-T made three claims in their appeal: 1) that a Selection Committee member who was disqualified should have been disqualified earlier in the process; alleging a potential violation of ER 14-15AMIII Section 5(D); 2) that a Selection Committee member was not properly briefed; alleging a potential violation of ER 14-15AMIII Section 5(E); and 3) that the Selection Committee members were not introduced to the Provider applicant; alleging a potential violation of ER 14-15AMIII Section (D).

CUPF staff reviewed the process used at Wyngate and verified the scores for the technical reviews and the interview ratings. During the review of the scores for Wyngate, and subsequently scores from all the other schools, CUPF staff found errors (unrelated to Bar-T's appeal), primarily in calculation of individual scores by members of the schools' selection committees; in a few instances, non-profits were not awarded the extra points. In the case of Wyngate and Lake Seneca, the errors could have impacted the final selection.

Due to the possible impact to the final selection, Staff assembled all relevant documents related to the Wyngate ES and the Lake Seneca ES selections and forwarded them to the ICB Before and After School Childcare Appeal Subcommittee represented by James Song, Ramona Bell-Pearson, and Grace Rivera-Oven. Dr. Henry Lee, also a member of the committee, graciously backed down from this round of reviews since he was out of town and a decision had to be made in a timely manner.

The subcommittee did not find merit in the claims made by Bar-T but they did find that there were calculation errors made in the re-bid selection process at Wyngate and Lake Seneca which presented another basis for reconsideration of the re-bid selection made at Wyngate and Lake Seneca. Therefore, the subcommittee recommended the following to the ICB:

1. CUPF be directed to re-evaluate, but not re-bid, all nine selection processes held this year as part of the re-bid process and require the CUPF Director to provide a full report to the ICB concerning the findings of that evaluation. The re-evaluation was for the purpose of determining if any errors or improprieties were present in the selection processes used during this abbreviated period and under the new regulations; and
2. CUPF be directed to re-bid the selection processes, for both Wyngate Elementary and Lake Seneca Elementary Schools, beginning with the interview process.

Since the school year was quickly coming to a close and the winning Providers had to start preparing for the next school year, CUPF reached out to the ICB via email for approval of the

subcommittee's recommendations. Staff appreciated the Board's timely response. Once approved, CUPF reached out to the school Principals and Providers to reconvene the selection committees and perform the interviews again for Wyngate and Lake Seneca (week of June 15th). In both cases, after the re-interview process was completed, the original awardee won again.

As a result of the rebid process, the following enhancements were made to improve the process for 2016:

- CUPF Staff will perform data integrity after the technical review and interview ratings prior to posting the school's decision.
- The final rating sheets were changed to one side; scores are easier to add (some members weren't carrying over the correct figure to the back of the sheet).
- For the technical review form, the box for score entry has been placed at the end of each category (it had been at the beginning and that confused some scorers, which led to some incidents of duplicate scoring which was corrected during the CUPF review process).
- Include the possible maximum scoring amount in the scoring box, including the five points for non-profits. Also, the non-profit category was put in bold. This will help prevent raters giving more points than possible and highlight the non-profit category.
- CUPF Staff will review the changes with the selection committees during their orientation. Staff will also remind the members who the non-profits are and that they need to receive five extra points.

From: Nancy Richardson [<mailto:nrichardson@bar-t.com>]

Sent: Monday, May 11, 2015 4:54 PM

To: Gong, Ginny

Cc: Ike Leggett; County Council; Bowers, Larry; Yao, Vivian; Bell-Pearson, Ramona; Nurmi, Joy; Shaun; Michelle.Green@mccaedu.org; Joe Richardson

Subject: Request for Review of Committee Decision for Community Use of Public Facilities FY15 Request for Submission/Wyngate ES

Ms. Gong,

I am writing to you to request a review of the Wyngate ES Child Care Committee's decision as that there were violations of the process as outlined in County Regulation 14-15AMIII.

When calling to notify Bar-T that the program was awarded to another provider, Ms. Wallace indicated that two of the committee members' scores were disqualified. She indicated that one of the member's was disqualified because they "did not sign a form" and would not give a reason for the other member's disqualification.

County Regulation 14-15AMIII Section 5 (D) states that "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 conflict of 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. CUPF will determine how a disclosed conflict of interest will be handled before the selection committee begins its work."

Given Ms. Wallace's comments to us about the committee's decision and the disqualification of scores, any reason for disqualification should have been determined prior to the committee member reviewing applications, let alone participating in the interview process.

Additionally, during the interview, one of the committee members began to ask a follow up question and was promptly stopped by Ms. Wallace. This committee member expressed aloud, "So I can't ask a follow up question? They are getting zero points." Given this outburst, it is clear that the committee member was not properly oriented about the selection process as outlined in County Regulation 14-15AMIII, Section 5 (E). This section expressly indicates that "CUPF will assist the Principal in conducting the orientation that will include information about the selection process, timeline for selection, responsibility of committee members, conflicts of interest and elements related to quality child care."

Finally, the Committee Members were never introduced at the interview. Without knowing who the members of the committee are, there is a potential violation of County Regulation 14-15AMIII in regard to parent involvement. County Regulation 14-15AMIII Section 5 (D) states that, "The committee must include a parent whose child(ren) use child care services, if possible, but the Principal holds the discretion to determine the number of parents to be included and the cross section of parents who use or do not use the incumbent services to be included."

Regardless of the award of the program, we are concerned with the lack of transparency throughout the process and question the proper implementation of County Regulation 14-15AMIII in the Childcare Selection Process for Wyngate ES (Community Use of Public Facilities FY15 Request for Submission/Wyngate ES).

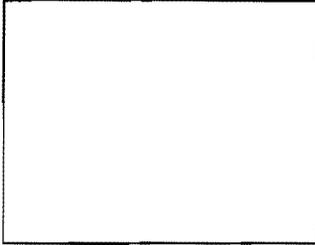
I look forward to your review.

Best regards,

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Nancy

Nancy Richardson • *President/Owner Bar-T*



18753 North Frederick Avenue, Suite 203
Gaithersburg, MD 20879
Office: 301.948.3172 • Mobile: 301.674.7244
nrichardson@bar-t.com • BAR-T.com

2015 ICB Appeal Letter to Bar-T

July 23, 2015

Nancy Richardson, President/Owner
Bar-T Holding, Inc.
18753 North Frederick Ave, Suite 203
Gaithersburg, MD 20879

RE: Request to Review the Selection Committee Decision for Before and After School Childcare at
Wyngate Elementary School for the 2015-16 School Year

Dear Ms. Richardson:

Following the guidelines established in Executive Regulation 15-14 AMIII related to the Before-and After School Childcare Programs in Public Schools, an appeal was submitted by Bar-T on May 11, 2015 regarding the re-bid selection process held for Wyngate Elementary School after the announcement of the school's decision. The Interagency Coordinating Board (ICB) Appeal Subcommittee reviewed the appeal and in regards to the claims by Bar-T, the subcommittee found that the before and after school childcare selection process at Wyngate Elementary School correctly followed Executive Regulation 15-14 AMIII. However, in addressing claims submitted by Bar-T, we became aware of errors made by the selection committee. The subcommittee recommended that the interviews be repeated. The ICB agreed with the subcommittee's decision. Details regarding the request for review and the subcommittee's analysis/decision are below.

Bar-T gave the following reasons why a review was needed:

1. "...two committee members' scores were disqualified...one of the member's was disqualified because they "did not sign" a form and (CUPF staff) would not give a reason for the other member's disqualification." Furthermore, Ms. Richardson addressed Executive Regulation 14-15AMIII, Section 5 (D), and stated that "any reason for disqualification should have been determined prior to the committee member reviewing applications, let alone participating in the interview process."
2. During the interview, when one of the selection committee members was stopped from asking a follow-up question by CUPF staff, the member said "So I can't ask a follow-up question? They are getting zero points." Due to this statement by the member, Ms. Richardson claimed that the committee member "was not properly oriented about the selection process as outlined in County Regulation 14-15AMIII, Section 5 (E)."
3. The committee members were not introduced, which is a potential violation of Executive Regulation 14-15AMIII, Section 5 (D), in regards to parent involvement. The section states that "the committee must include a parent whose child(ren) use child care services, if possible, but the Principal holds the discretion to determine the number of parents to be included and the cross section of parents who use or do not use the incumbent services to be included."

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ICB Subcommittee Review

1. Claim: any reason for disqualification should have been determined prior to the committee member reviewing applications, let alone participating in the interview process

Originally, there were nine selection committee members, including the principal. According to Executive Regulation 14-15AMIII, Section 5 (D-F), all of these members received an orientation (which included resource materials and Department of Health and Human Services' input) by CUPF staff on March 26, 2015. In addition, all principals received an orientation by CUPF staff on January 16, 2015. All members signed off on the forms regarding conflict of interest and non-disclosure of confidential information (all of the forms were collected by CUPF) prior to receiving any proposals. Three of the original nine members were not included in the final scores due to various reasons, which were approved by the principal – who chairs the selection committee and is entitled to make such decisions.

These three members were not removed due to conflict of interest or for non-disclosure of information. Member A was removed immediately after orientation because in so doing she would not be able to fulfill her job duties at the school as an administrative secretary. Member B was removed after orientation because he/she was unable to leave work for the interview sessions. Finally, Member C participated in the interviews, but did not hand in her interview evaluation materials and the principal made the decision to remove her technical scores so that a decision could be posted.

With three members removed, six members' scores were used for the final outcome, which was appropriate. According to Executive Regulation 14-15AMIII, Section 5 (D), "The committee should have a minimum of 5 members to review the applications and conduct interviews."

2. Claim: a committee member (Member C) was not properly oriented about the selection process

As noted in the response to claim #1 above, all of the nine members received an orientation, along with resource materials on March 26, 2015. CUPF staff was present at all of the committee meetings. For this school, there were three meetings: an initial orientation, a rating selection, and interviews. This orientation included:

- An overview of Executive Regulation 14-15AMIII
- Process overview (which included asking the same interview questions in the same order)
- Roles and responsibilities
- Review and signing of the conflict of interest and non-disclosure of confidential information forms
- Process resources or toolbox
- Question and answer session

Furthermore, Member C's scores were not used for the final tally/rating; this was the same member noted above that did not hand in their paperwork from the interviews and the principal did not use her scores from both the technical (application) and interview ratings.

3. Claim: the committee members were not introduced

Personal information regarding the selection committee members may not have been presented in some schools to protect the confidentiality of raters given the harassment that some raters experienced in past years from unselected providers. There was not a violation of Executive Regulation 14-15AMIII, Section 5 (D) in regards to not providing personal information and parent involvement. Although the school opted to not introduce committee members, the committee was predominately comprised of parents whose children use childcare provider services.

The ICB Subcommittee determined that the redaction of scores was an appropriate response by the principal and that the process was followed.

The ICB appreciates your feedback.

Sincerely,

Ms. Gracie Rivera-Oven, Chair
Interagency Coordinating Board

2016 Childcare Selection Process Summary

On October 1st and 6th, CUPF staff provided two orientations to Principals on the childcare selection process, which also included numerous handouts to assist the Principals with the process. The Principals were highly engaged at the orientations and CUPF received positive feedback afterwards. On November 18th, the bid/request for proposals for before and after school childcare were advertised in the Washington Post and on the CUPF website for the following 22 schools:

Ashburton ES	Luxmanor ES
Bethesda ES	Matsunaga ES
Clearspring ES	Meadow Hall ES
Clopper Mill ES*	Parkland MS*
Cresthaven ES	Rock Creek Forest ES
Darnestown ES	Silver Spring International MS
Georgian Forest ES	Stonegate ES*
Glen Haven ES	Strathmore ES
Jones Lane ES	Strawberry Knoll ES
Kensington Parkwood ES	Waters Landing ES
Lakewood ES	Woodfield ES

**new schools added*

This advertisement included any site specific requirements submitted by the Principals, with input from their respective school communities. Providers will have until December 18th at noon to apply. In January, CUPF will provide orientations to the selection committees for all 22 schools. That orientation will include information and materials provided by the HHS. That information includes:

- 1) Power point slides presentations discussing and demonstrating quality childcare
- 2) The purpose was to provide guidance to the Selection Committee in making choices for child care Providers to provide quality care providers
- 3) The information provided was also intended to assist Principals in making selection for quality child care Providers to be placed in their schools y focusing on program philosophy, program mission, characteristics of employment contracts and benefits offered to employees.

2016 Childcare Selection Process Key Dates

August 2015 - September 2015	Finalize documents (principal "tool box," bid request, on-line application form, rating rubric, instructions/resource materials, disclosure forms, etc.) to be posted on a secure website for committees. Form ICB sub-committee.
14-Sep	Notice to vendors & schools of intent to bid distributed; request principals to ask the school community for site specific information.
21-Sep	Account statements sent to vendors (any balances of \$500 for 60 days as of December 18, 2015 disqualify a vendor from consideration). 60 days before December 18, 2015 is October 19, 2015.
September 29th - October 1st	Orientation meeting for principals conducted.
1-Oct	Principals must make announcement of bid notice and provide an opportunity for feedback regarding satisfaction with the current provider and desired program attributes. Principals retain any relevant feedback received and share it with the committee. Principals begin recruiting for committees - to include alternates in the event some are disqualified due to possible conflict of interest.
16-Oct	Site specific information from schools due.
10-Nov	Advertisement proof sent to newspaper.
18-Nov	Bid request advertised in the newspaper and posted on CUPF's website. Notification letters distributed to interested parties (Childcare Commission, DHHS, new vendors on notification list)
1-Dec	Principals finalize committee member selection (5-9 members, with alternates). General orientation materials distributed.
18-Dec	Deadline for application submissions.
Week of December 21st	Provider applicants not eligible for consideration are notified (application submitted after the bid closes or account is not in good standing). CUPF prepares applications for posting on the Internet. Distribute list of applicants. Members submit disclosure forms. CUPF, in consultation with the principal and the ICB sub-committee, make decisions on committee qualifications based on disclosure statements.
December 24th-January 1st	Winter Break
2-Jan	Executive regulation expires
4-Jan	Finalize rating committees
January 11th-25th	General committee member orientation with DHHS assistance, which includes the selection process timeline, member expectations, and elements/indicators of quality childcare.
25-Jan	Proposals posted for school committee members. Distribution of secure site passwords.
February 1st - February 29th	Committees read/rate proposals and identify groups to be interviewed.
1-Mar	Notice to selected applicants of the interview schedule with seven business days prior to interview date.
1-Mar	Committee finalizes interview questions.
March 8th - April 29th	Interviews
March 25th - April 1st	Spring Break
29-Apr	Final selection decisions made; applicants are notified. Decisions posted by CUPF.
Within 10 days of April 29th	Applicants not selected submit protests enumerating deviations from the process resulting in non-selection.
13-May	MSDE Licensing Inspection applications submitted.
May - June	Consideration of protests as applicable.
July - August	CUPF permits issued for the 2016-17 school year.

ADDENDUM
HHS/ED COMMITTEE #1
December 4, 2015
Worksession

MEMORANDUM

December 3, 2015

TO: Health and Human Services Committee
Education Committee

FROM: Vivian Yao, Legislative Analyst 

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

The Council received the attached correspondence (©1) from Monica and Steve Utrecht with Global Children's Center after the publication of the initial packet. The correspondence supports the Executive Regulation 15-14AMIV, and the continuation of the rebid process for before and after school child care in public schools without a sunset date.

To Whom It May Concern:

We are writing to support the continuation of the ICB rebid process under the Regulation with elimination of the sunset date. As childcare providers, we would like to thank and acknowledge the dedicated staff at CUPF.

In 2005, we began to pursue our dream of starting a before and after school childcare business within the MCPS. This was our dream for many years as educators. We wanted to provide a child care facility for young children in the Montgomery County area based on our Global Children's Center philosophy. We had begun this process as a small home based child care center in Boyds, Maryland. We had many requests for the need of quality and safe childcare, especially inside MCPS schools.

From day one, we faced obstacle after obstacle in the pursuit of our dream. However, we found that staff at the CUPF office offered us endless support. We submitted our bids in 2005 but unfortunately, were not chosen at all. However, CUPF encouraged us to keep trying although we felt as if we had no chance competing with large centers already established within MCPS. In 2008, we tried again for the new school being built in Germantown (located in our community) William B. Gibbs Jr., ES.

This was the year we finally got an interview and the first Global Children's Center was opened in 2009 at William B. Gibbs Jr., ES. From 2009 on, we take pride in our ability to offer a quality child care program that currently operates in thirteen MCPS schools.

Without CUPF's support and guidance, and the rebid process in place, we don't know where we would be now and we are very thankful. Today, we have a growing business within MCPS, we employ over one-hundred and fifty people and serve over one-thousand, five hundred children.

ICB/CUPF's has helped Global Children's Center in many other ways besides the start-up and growth of Global Children's Center. One recent example of this ongoing support was at one of our centers at a school in Silver Spring. A new principal from another county recently took over this school and did not fully understand the need for a before and after care program located at the school. The APR was not being provided for our use as our primary site, making it very difficult to run a successful, quality child care program. Ms. Gong and Ms. Wallace took initiative and worked with the school system to resolve this issue. We will be relocated to the APR in the coming weeks. These are the type of actions that they do on a consistent basis that do not receive recognition. These actions allow child care providers, school administrators and parents to have successful programs located in MCPS at a reasonable cost to the parents.

We believe that this office will continue to help the community and every other child care provider. ICB will ensure that all people with a dream are given the support we received and are forever grateful for.

Thank you,

Monika and Steve Utrecht