

Office of the Superintendent of Schools
MONTGOMERY COUNTY PUBLIC SCHOOLS
Rockville, Maryland

January 8, 2013

MEMORANDUM

To: Members of the Board of Education

From: Joshua P. Starr, Superintendent of Schools

Subject: Delegation of Authority—Administration of Before- and After-School Child Care Programs

Background

The Montgomery County Community Use of Public Facilities (CUPF) has facilitated the child-care bid process and scheduled the use of our school buildings by the before- and after-school child-care providers since the early 1980s. Montgomery County Public Schools (MCPS) continues to facilitate and administer the all-day child-care program in compliance with Board Policy ECM, *Joint Occupancy of Montgomery County Public Schools Facilities*.

Recently, the County and the Board of Education were named Defendants in civil litigation that resulted in a ruling by the Circuit Court for Montgomery County that a 2007 resolution, passed by the Interagency Coordinating Board (ICB), was not the proper legal instrument for managing the child-care process. Instead, the court ruled that the child-care process should be governed by a legally adopted regulation rather than a resolution adopted by ICB, and approved by the Montgomery County Council.

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

The Board's legal counsel and MCPS staff have reviewed the resolution and approved it as a means of clarifying the authority of ICB and CUPF over the selection and scheduling of before- and after-school day-care providers. I concur with the proposed plan and recommend that you approve the following resolution:

WHEREAS, The Circuit Court for Montgomery County recently ruled that the process governing the administration of before- and after-school child care should be adopted by regulation approved by the County Council rather than simply by a resolution adopted by the Interagency Coordinating Board; and

WHEREAS, It is in the Board of Education's interest to have the Interagency Coordinating Board and Community Use of Public Facilities continue to administer the before- and after-school child-care program, as it does for other non-school use of school facilities; and

WHEREAS, An explicit delegation of authority by the Board of Education to the Interagency Coordinating Board and Community Use of Public Facilities to administer the before- and after-school child-care program in Montgomery County Public Schools is advisable; and

WHEREAS, Regulations approved by the Board of Education and the County Council also are needed to govern the selection of before- and after-school child-care service providers and administration of the before- and after-school child-care program in Montgomery County Public Schools by the Interagency Coordinating Board and Community Use of Public Facilities; now therefore be it

Resolved, That the Board of Education delegates authority to the Interagency Coordinating Board and Community Use of Public Facilities to administer the before- and after-school child-care program in Montgomery County Public Schools, including the selection and scheduling processes; and be it further

Resolved, That the Board of Education also understands that the Interagency Coordinating Board will submit draft regulations to the Board of Education for its approval.

JPS:LAB:JS;jc