



**Committee:** Joint  
**Committee Review:** Completed  
**Staff:** Robert H. Drummer, Senior Legislative Attorney  
**Purpose:** Final action – vote expected  
**Keywords:** #EarlyCareEducation

AGENDA ITEM #10D  
February 15, 2022  
**Action - Revised**

## SUBJECT

Bill 42-21, Child Care – Early Care and Education Coordinating Entity - Established

Lead Sponsors: then Council Vice-President Albornoz, Councilmember Navarro, Councilmember Rice

Co-Sponsors: Councilmember Riemer, then Council President Hucker, Councilmembers Katz, Glass, Jawando, and Friedson.

## EXPECTED ATTENDEES

None

## COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- Whether to establish a designated Early Care and Education Coordinating Entity.
- The Joint Education & Culture and health and Human Services Committee unanimously (5-0) recommended the approval of the bill as amended.

## DESCRIPTION/ISSUE

Would designating a non-profit corporation as the County's Early Care and Education Coordinating Entity improve the availability of affordable quality early care and education in the County?

## SUMMARY OF KEY DISCUSSION POINTS

- What should be the requirements for membership of the Board of the designated entity?
- Would the designated entity duplicate the role assigned to the existing Early Childhood Coordinating Council?

### This report contains:

Staff Report	Pages 1-8
Expedited Bill 42-21	© 1
Legislative Request Report	© 13
ECE Rational Memo	© 14
Economic Impact Statement	© 16
RESJ Impact Statement	© 19
Fiscal Impact Statement	© 24
Testimony	
Brian Levine	© 28
Marilyn Balcombe	© 30

Bill Tomkins	© 31
Holli Rivera	© 33
Erika Conner	© 37
Tiffany Jones	© 40
Adam Leucking	© 42
Amy Turner-Thole	© 43
Annice Cody	© 45
Maryland State Child Care Association	© 46
Tonga Turner	© 47
Crystal Townsend	© 48
Dusty Rood	© 50
Elaine Binder	© 51
Joanne Hurt	© 52
Joan Schaffer	© 54
Leslie Graham	© 57
Michelle Green	© 59
Kevin Beverly, Susan Madden, and Kathy Stevens	© 61
Ruby Daniels	© 63
Saba Ahmed	© 66
Stewart Edelstein, Ph.D.	© 68
Suzan Jenkins	© 70
County Attorney's Bill Review Memo	© 71
Executive's Memo to the Council	© 75

F:\LAW\BILLS\2142 Childcare - ECE - Established \Action Cover Sheet.Docx

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**MEMORANDUM**

February 10, 2022

TO: County Council

FROM: Robert H. Drummer, Senior Legislative Attorney

SUBJECT: Bill 42-21, Child Care – Early Care and Education Coordinating Entity - Established

PURPOSE: **Action** – roll call vote expected

**The Joint HHS-E&C Committee recommends approval of the Bill with amendments.**

Bill 42-21, Child Care – Early Care and Education Coordinating Entity - Established, with Lead Sponsors Council Vice-President Albornoz and Councilmembers Navarro and Rice, and Co-sponsors Councilmember Riemer, Council President Hucker and Councilmembers Katz, Glass, Jawando, and Friedson, was introduced on November 9, 2021. A public hearing was held on November 30, 2021.<sup>1</sup> Joint HHS-E&C Committee worksessions were held on January 20, 2022 and February 7, 2022.

**Background**

Bill 42-21 would require the Council to designate, by resolution approved by the Executive, a single nonprofit corporation as the County’s Early Care and Education Coordinating Entity. The Board of Directors for the Entity, as amended by the joint Committee, must have 9 *ex-officio* government officials and 12 private sector members appointed by the Executive and confirmed by the Council. All Board members must be voting members. The Entity must be a Maryland nonprofit, non-stock corporation exempt from Federal income tax and headquartered in the County. The Entity must adopt bylaws that protect against conflicts of interest and must be subject to the Maryland Open Meetings Act and the Maryland Public Information Act.

The Entity must develop recommendations for increasing availability of and access to high quality early care and education programs with particular attention to underrepresented and special populations. The Entity must serve as a neutral convenor of all major stakeholders to develop a community consensus for the County’s early childhood education sector. The Entity may also secure and administer private-sector funding to support the early care and education system and manage and administer public funding directly appropriated to the Entity. The Entity must also adopt and implement a racial equity and social justice policy consistent with the County’s policy.

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<sup>1</sup>#EarlyCareEducation

The Entity must not provide direct services or deliver programs for early childhood education. Finally, the Entity must report annually by each October 1 to the Executive and the Council. Council Vice President Alborno, Councilmember Rice, and Councilmember Navarro explained their rationale for Bill 42-21 at ©14.

OLO concluded that Bill 42-21 would not directly impact economic conditions in the County (©16). Bill 42-21 would take effect on July 1, 2022.

### **Public Hearing**

All 7 speakers at the public hearing supported the Bill. Brian Levine, representing the Montgomery County Chamber of Commerce (©28) and Marilyn Balcombe, representing the Gaithersburg-Germantown Chamber of Commerce (©30), each spoke about the importance of quality, accessible, and affordable early childcare to the local economy and developing the workforce of the future. Bill Tomkins, representing the Montgomery County Economic Development Corporation (©31), urged support for the same reasons in written testimony. Holli Rivera, President of Intentional Philanthropy (©33), stressed the need for the Entity to be independent in order to draw support from philanthropists in supporting the Bill. Erika Conner, representing the Montgomery County Community Action Board (©37), supported the Bill but requested additional representation for low-income residents. Heidi Lewis, a mother of 2 testified in support of the Bill. Tiffany Jones (©40) and Diego Uriburu also supported the Bill at the public hearing.

The Council also received written testimony in support for the Bill from Adam Leucking (©42), Amy Turner-Thole (©43), Annice Cody, Holy Cross Health Network (©45), Maryland State Child Care Association (©46), Tonga Turner, Kaiser Permanente (©47), Crystal Townsend, Healthcare Initiative Foundation (©48), Dusty Rood, Rodgers Consulting (©50), Elaine Binder (©51), Joanne Hurt, Wonders (©52), Joan Schaffer (©54), Leslie Graham, Primary Care Coalition (©57), Michelle Green, Montgomery Child Care Association (©59), Kevin Beverly, Susan Madden, and Kathy Stevens, representing Montgomery Moving Forward (©61), Ruby Daniels (©63), Saba Ahmed (©66), Stewart Edelstein, Ph.D. (©68), and Suzan Jenkins, Arts & Humanities Council of Montgomery County (©70).

### **First HHS-E&C Worksession**

Dr. Raymond Crowell, DHHS, Sharon Friedman and Susan Madden, MMF, Kevin Beverly, Children's Opportunity Fund, Dana Edwards, MCPS, and Kathy Stevens participated in the discussion. Robert Drummer, Senior Legislative Attorney and Vivian Yao, Legislative Analyst, represented the Council staff.

The Committee reviewed the Bill and discussed without making any decisions the fiscal and economic impact, the need to continue the ECCC, the composition of the Board for the new Entity, the need to prohibit the appointment of a Board member who is an employee or director of an organization that receives funds from the Entity, and the need to mandate 3 Chairs.

The Committee approved (5-0) an amendment recommended by the County Attorney to avoid an ethics issue for the *ex officio* government employees.

Councilmember Rice requested staff to prepare a list of organizations that work in the early child education area for the next worksession. After the worksession, Council staff compiled the following list of organizations focusing on early child education operating in the County:

- Early Childcare Coordinating Council or ECCC
- Commission on Childcare
- Collaboration Council
- Children's Opportunity Fund
- Community Action Board
- Local Interagency Coordinating Council

### **Second HHS-E&C Worksession**

Dira Treadvance, DHHS, Sharon Friedman, MMF, Kevin Beverly, Children's Opportunity Fund, participated in the discussion. Robert Drummer, Senior Legislative Attorney and Vivian Yao, Legislative Analyst, represented the Council staff.

The Committee adopted these additional amendments.

1. Reduce the number of *ex officio* board positions by removing:
  - a. the Executive's early Childhood Education Officer;
  - b. 1 of the 2 designees from MCPS;
  - c. 1 of the 4 designees from HHS; and
  - d. the Kirwan Coordinator.
2. remove the prohibition on appointing a member who is a member of a governing board or employee of an organization that receives County or State funds directed through the Early Care and Education Coordinating Entity.
3. Change the requirement for the Entity to elect 3 co-chairs and require the Entity's Board to elect a chair and vice-chair.

The Committee approved (5-0) the Bill with these amendments.

### **Issues**

#### **1. What is the fiscal and economic impact of the Bill?**

Bill 42-21 would require the Council to designate a non-profit corporation to serve as the County's Early Care and Education Coordinating Entity. Although nine of the Board of Directors of the Entity would be *ex officio* members holding full-time positions in State and County government, the Bill provides that the Entity would be independent. As such, the Entity is going to need its own staff, offices, and other operating capital. In some respects, this is similar to the County law under which the Council designated a nonprofit corporation, the Montgomery County Economic Development Corporation (MCEDC), as the County's economic development corporation. However, the law establishing MCEDC also eliminated the County Department of Economic Development and abolished many County positions. Bill 42-21 would not abolish any County positions and the new Entity would not be funded by savings in County government.

OMB estimated that the Entity would need an annual operating budget of \$599,370 for a total expenditure of \$3,596,220 over the first 6 years of operation (©24). Although the Bill would permit the Entity to raise private funding and seek Federal and State grants, it appears that the operating budget would need to be funded with a contract between the Entity and the County. The OMB estimated expenses includes the creation of a new County DHHS Program Manager II position to oversee the contract with the Entity.

OLO estimated that the Bill would not directly impact economic conditions in the County (©16). Although testimony from the Chambers of Commerce for the County and for Gaithersburg-Germantown along with the MCEDC supported the Bill because it would help the local economy through workplace development, OLO could not find a direct link between the Bill and the County's economic development. OLO pointed out that the Entity would make recommendations to the County for improvements in early education that, if implemented, might affect local economic conditions, but could not anticipate or estimate these indirect effects.

## **2. Would the Entity's duties overlap with the existing Early Childhood Coordinating Council?**

Code § 10A-3 established the Early Childhood Coordinating Council (ECCC) is a County Board composed of 33 members, including 15 public members, all appointed by the Executive and confirmed by the Council. The ECCC has the following duties:

- (e) *Duties.* The Coordinating Council must:
  - (1) conduct a periodic county-wide needs assessment concerning the quality and availability of early childhood education and development programs and services for children from birth to school entry, including an assessment of the availability of child care, prekindergarten, and other supportive services for low- income children and their families in the County;
  - (2) identify opportunities for, and barriers to, collaboration and coordination among child development, child care and early childhood education programs, services, and advocacy groups including collaboration and coordination among State and local agencies and organizations responsible for administering or providing oversight for such efforts;
  - (3) develop recommendations for increasing the overall participation of children and their families in existing programs, including outreach to underrepresented and special populations;
  - (4) develop recommendations regarding the implementation and use of the State- established unified data collection system for public early childhood education and development programs and services throughout the County;
  - (5) develop recommendations regarding professional development, career advancement plans, compensation scales and incentives for early childhood educators in the County; and
  - (6) assess the capacity and effectiveness of 2- and 4-year public and private institutions of higher education toward supporting the development of early childhood educators, including the extent to which such institutions have in place articulation agreements, professional development and career

- advancement plans, and practice or internships for students to spend time in Early Head Start, Head Start, prekindergarten, or child care programs;
- (7) recommend uniform regulations for the availability of quality child care in public spaces;
  - (8) develop ways to leverage public and private partnerships between private businesses, Montgomery County Public Schools, and the County;
  - (9) develop a hub consortium that connects family child care providers to accredited child care centers and schools to provide training, technical assistance, and mentoring to family child care providers; and
  - (10) update and implement an Early Childhood Initiative to integrate public and private early childhood services, including areas such as child care, early literacy, early childhood mental health consultation services, and parent support services.

Bill 42-21 would charge the Entity designated by the Council to develop recommendations for increasing the availability of and access to high quality early care and education programs and measure and report on the efforts to improve and expand the system. Although the language is somewhat different, the goal appears to be the same. The Entity is also charged with securing and administering private-sector funding to support its goals, but that is a function of it being an independent non-profit corporation rather than a County board. The County Attorney's Bill Review Memorandum points out the overlapping duties of the Entity and the Coordinating Council. See ©71.

The Committee decided to defer on the future of the Coordinating Council until after the Entity is up and operating.

### **3. Would the *ex officio* government employees have a conflict of interest under the County Ethics Law?**

The County Attorney's Bill Review Memo also raised a possible ethics issue for the *ex officio* public members. The County employees appointed to the Board of the Entity would be subject to the County Ethics Law. Section 19A-11(a)(2)(A) prohibits a County employee from participating in a matter as an employee if it involves an entity where the County employee is a board member. This would prohibit an employee appointed to the Entity's Board from working on any matter that involves early care and education, which undoubtedly may also be a large part of their County duties. The County Attorney suggested an amendment that would avoid this issue by stating that the public members appointed to the Entity's Board would "represent the public." While this amendment would avoid the Ethics Code prohibition, it would make it clear that these public members of the Board owe a fiduciary duty to the public in general and not to the Entity.

**The Committee approved (5-0) the following amendment:**

*Amend lines 47-52 of the Bill as follows:*

- (c) Board of Directors. To qualify as the County's Early Care and Education Coordinating Entity, the Corporation's Board of Directors must have no

more than 13 *ex-officio* voting members and 12 other voting members appointed by the County Executive and confirmed by the County Council. Each member must reside or work in the County. Each member appointed from the public sector as an *ex officio* member represents the public interest and is not precluded from participating in a matter as a board member if that member's government employer is a party to the matter. The Executive should appoint the following *ex officio* voting members:

**4. Would a Board of Directors composed of a majority of public sector members be independent?**

Bill 42-21 would require the Entity to have a 25 member Board appointed by the Executive and confirmed by the Council consisting of 13 *ex officio* public sector members and 12 private sector members. One of the stated essential characteristics of the Entity is the “independence necessary to leverage cross sector participation, act as a neutral convener, and guided by community engagement, (operate) with a 360 view of the Early Care and Education system.” See ©15. Since most of the *ex officio* public members would be government employees who have job duties directly related to early care and education, would this Entity truly be independent from the State and County government agencies they represent?

The Executive suggested adding additional parents and private sector child care providers to the Board. See the Executive's memo at ©75. While the Committee may not want to add additional seats to an already large 25 member Board, the Committee may want to consider additions and deletions to the Board that would change the composition to a majority of private sector Board members.

HHS Director Crowel told the Committee that one of the *ex officio* positions the law would direct be appointed to the Entity's Board, the Executive's early Childhood Education Officer, is currently vacant. Dr. Crowel also requested that the Council repeal §§ 10A-1 and 10A-2 establishing this position so HHS can redirect the funding for other needed positions.<sup>2</sup>

**Committee recommendation (5-0):** Reduce the number of *ex officio* board positions by removing:

- a. the Executive's early Childhood Education Officer;
- b. 1 of the 2 designees from MCPS;
- c. 1 of the 4 designees from HHS; and
- d. the Kirwan Coordinator.

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<sup>2</sup> The repeal of these Code provisions is beyond the scope of the advertisement for Bill 42-21 but could be considered in a separate Bill or if the Council wants to hold a second public hearing for this Bill with an expanded advertisement.



The Committee also decided to remove the prohibition on appointing a member who is a member of a governing board or employee of an organization that receives County or State funds directed through the Early Care and Education Coordinating Entity. The Committee instead, decided to rely on the general requirement that the Bylaws contain conflict of interest provisions similar to the County Ethics Law.

**5. Should the Bill be amended to establish a transparent method of selecting an Entity through the Request for Proposals (RFP) process?**

The Executive also suggested that the Bill be amended to require a transparent RFP process to select the non-profit corporation to serve as the Entity ©75. It is difficult to see how this could be done if each Board member must be appointed by the Executive and confirmed by the Council and include 13 *ex officio* public sector members representing different government agencies. No such non-profit corporation currently exists and cannot exist without the help of the Executive and the Council. **Committee recommendation (5-0):** do not change the method of selecting an entity.

**6. What is the Racial Equity and Social Justice Impact of the Bill?**

OLO concluded that Bill 42-21 could help narrow racial and social inequities in early care and education if the Entity’s efforts result in making high-quality early education programs affordable for low and moderate-income families (©19). That, of course, is the goal of the Bill and the hope of the sponsors. Whether this new model would produce these anticipated results cannot be determined until the Entity has had an opportunity to perform its duties.

**7. How would the 3 Co-Chair system work?**

The Bill requires the Entity’s Board to elect 3 co-chairs – one public sector member, one private sector member, and one parent or guardian. The Board would have to establish bylaws to delineate the different duties for each member of this leadership team. There is an old pro football saying often attributed to the former NFL player, coach, television commentator, and video game creator, John Madden; “if you have 2 quarterbacks, you actually have none.” The quarterback in football calls the plays on offense and is generally considered the leader of the offense. Rotating quarterbacks, or leaders, can hamper a team’s cohesion because everyone brings a different set of talents and vision to a job.

**Committee recommendation (5-0):** amend the Bill to require the Entity’s Board to elect a chair and a vice-chair.

This packet contains:	<u>Circle #</u>
Expedited Bill 42-21	1
Legislative Request Report	13
ECE Rational Memo	14
Economic Impact Statement	16
RESJ Impact Statement	19
Fiscal Impact Statement	24
Testimony	
Brian Levine	28
Marilyn Balcombe	30

Bill Tomkins	31
Holli Rivera	33
Erika Conner	37
Tiffany Jones	40
Adam Leucking	42
Amy Turner-Thole	43
Annice Cody	45
Maryland State Child Care Association	46
Tonga Turner	47
Crystal Townsend	48
Dusty Rood	50
Elaine Binder	51
Joanne Hurt	52
Joan Schaffer	54
Leslie Graham	57
Michelle Green	59
Kevin Beverly, Susan Madden, and Kathy Stevens	61
Ruby Daniels	63
Saba Ahmed	66
Stewart Edelstein, Ph.D.	68
Suzan Jenkins	70
County Attorney's Bill Review Memo	71
Executive's Memo to the Council	75

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Bill No. 42-21  
Concerning: Child Care – Early Care and  
Education Coordinating Entity -  
Established  
Revised: 2-15-22 Draft No. 9  
Introduced: November 22, 2021  
Expires: May 9, 2023  
Enacted: \_\_\_\_\_  
Executive: \_\_\_\_\_  
Effective: \_\_\_\_\_  
Sunset Date: \_\_\_\_\_  
Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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Lead Sponsors: Council Vice-President Alborno, Councilmember Navarro, and Councilmember Rice

Co-Sponsors: Councilmember Riemer, Council President Hucker, and Councilmembers Katz, Glass, Jawando, and Friedson

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**AN ACT** to:

- (1) establish an Early Care and Education Coordinating Entity;
- (2) require the Council to designate a non-profit corporation to serve as the County’s Early Care and Education Coordinating Entity;
- (3) establish guidelines for the designation of the County’s Early Care and Education Coordinating Entity;
- (4) establish the duties of the County’s Early Care and Education Coordinating Entity; and
- (5) generally amend the laws governing early child care and education in the County.

By adding

Montgomery County Code  
Chapter 10A, Child Care  
Article 6, Section 10A-12

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

*The County Council for Montgomery County, Maryland approves the following Act:*

1           **Sec. 1. Article 6, Section 10A-12 is added as follows:**

2    **ARTICLE 6. EARLY CARE AND EDUCATION COORDINATING ENTITY.**  
 3    **10A-12.**

4           **(a) Findings.**

5           (1) Early care and education (ECE) is an essential service and  
 6           economic imperative for the well-being of children, families,  
 7           employers, and the greater community.

8           (2) High quality ECE services prepare young children to enter school  
 9           ready to learn and start on a pathway of success in life.

10          (3) Accessible ECE programs are economic drivers that allow parents  
 11          to participate in the workforce and support the local economy.  
 12          ECE programs play a key role in workforce development by  
 13          attracting and retaining a talented workforce through support to  
 14          families with young children, and by addressing the opportunity  
 15          gap to ensure a future skilled workforce by addressing the  
 16          opportunity gap.

17          (4) A strong system of high quality, accessible, sustainable ECE is  
 18          needed to support the well-being of children and families in the  
 19          County and eliminate systemic racism and structures that have  
 20          been barriers for vulnerable, racially and ethnically diverse  
 21          populations.

22          (5) Designating an independent nonprofit entity with parents,  
 23          employers and providers as key stakeholders will ensure  
 24          community priorities are reflected in building a robust system that  
 25          supports all residents having access to high quality, affordable  
 26          early care and education.

27          **(b) Designation.**

(1) The Council must designate, by resolution approved by the Executive, a single nonprofit corporation which complies with all requirements and criteria of this Section as the County's Early Care and Education Coordinating Entity. If the Executive disapproves the resolution within 10 days after receiving it, the Council may readopt the resolution with at least 6 affirmative votes.

(2) To continue to qualify as the County's Early Care and Education Coordinating Entity, the Entity's articles of incorporation and bylaws must comply with all requirements of this Section.

(3) Any designation under this Section expires 3 years after the resolution is adopted unless the Council extends the designation by adopting another resolution under this Section.

(4) The Council at any time may suspend or revoke the designation of a corporation as the County's Early Care and Education Coordinating Entity by resolution, adopted after at least 15 days public notice that is approved by the Executive, or, if the Executive disapproves the resolution within 10 days after receiving it, readopted by a vote of at least 6 Councilmembers.

(c) Board of Directors. To qualify as the County's Early Care and Education Coordinating Entity, the Corporation's Board of Directors must have no more than ~~[[13]]~~ 9 ex-officio voting members and 12 other voting members appointed by the County Executive and confirmed by the County Council. Each member must reside or work in the County. Each member appointed from the public sector as an ex officio member represents the public interest and is not precluded from participating in a matter as a board member if that member's government employer is a

55 party to the matter. The Executive should appoint the following *ex officio*  
 56 voting members:

57 (1) [[the Executive’s early Childhood Education Officer or the  
 58 Officer’s designee;

59 (2)]] a Council staff member with expertise in early childhood  
 60 education;

61 ~~[[3)]] (2) [[a representative]]~~ two representatives jointly designated  
 62 by the County Board of Education and the Superintendent of  
 63 Montgomery County Public Schools;

64 ~~[[4) 2]] [(3) a]]~~ [[representatives]] ~~[[representative designated by the~~  
 65 ~~Superintendent of Montgomery Public Schools;]]~~

66 ~~[[5)]] (4)] (3)~~ [[4]] 3 representatives of the County Department of  
 67 Health and Human Services;

68 ~~[[6)]] [(5)] (4)~~ a representative of the Office of Management and  
 69 Budget;

70 ~~[[7)]] [(6)] (5)~~ a representative of Montgomery College; and

71 ~~[[8)]] [(7)] (6)~~ a representative of the Universities at Shady Grove[[;  
 72 and

73 (9) the Montgomery County Kirwan Coordinator or the Coordinator’s  
 74 designee]].

75 The Executive should appoint the following voting members:

76 (1) 3 parents or guardians with children in childcare and/or pre-  
 77 kindergarten programs, including 2 low income parents or  
 78 guardians;

79 (2) 2 center based early care and education providers;

80 (3) 2 family child care providers;

- 81           (4) 2 representatives of an employer who is not an early childhood  
 82           education provider;  
 83           (5) a representative of a philanthropic foundation; and  
 84           (6) 2 representatives of a nonprofit corporation focused on equity and  
 85           inclusion, youth development, economic development, or  
 86           workforce development.

87           The Board must permit the County Executive, the County Council's Lead  
 88           for Early Care and Education, and the President of the Montgomery  
 89           County Board of Education, or a designee of each public official, to  
 90           attend and participate at each Board meeting without voting. [[The  
 91           Executive must not appoint a member of a governing board or employee  
 92           of an organization that receives County or State funds directed through  
 93           the Early Care and Education Coordinating Entity.]] The Executive must  
 94           strive to achieve Board representation from diverse geographic areas,  
 95           socio-economic groups, and ethnic groups.

- 96           (d) Leadership. The Board must elect a chair and vice-chair from its  
 97           members [[3 co-chairs from the following members of the Board:  
 98           (1) a public sector member;  
 99           (2) a private sector member; and  
 100           (3) a parent or guardian]].

101           (e) Term; Removal.

- 102           (1) Board members serve for three years. The individual terms of the  
 103           voting members must be staggered. Of the voting members first  
 104           appointed, approximately one-third must be appointed for a 1-year  
 105           term, approximately one-third must be appointed for a 2-year term,  
 106           and approximately one-third must be appointed for a 3-year term.  
 107           A voting member appointed to fill a vacancy serves the rest of the

108 unexpired term. The Executive may reappoint a member, but a  
 109 member who is not a government official or a designee of a  
 110 government official must not serve more than 2 consecutive full  
 111 terms, not including any portion of an unexpired term. A voting  
 112 member continues in office until his or her successor is appointed  
 113 and confirmed.

114 (2) The Executive may remove a member for violation of law or other  
 115 good cause [[specific]] specified in the bylaws of the corporation,  
 116 after giving the Council at least 15 days' notice of the proposed  
 117 removal.

118 (f) Compensation for Board Members.

119 (1) Except as provided in paragraph (2), a member of the Board must  
 120 serve without compensation. The corporation may reimburse a  
 121 member who is not a government official or a designee of a  
 122 government official for expenses incurred in attending meetings or  
 123 carrying out other duties, including travel and dependent care costs  
 124 at rates established by the County.

125 (2) The Entity may adopt guidelines based on need to provide stipends  
 126 to members appointed as a parent of a child enrolled in an early  
 127 child care or early education program.

128 (3) A member is not eligible to receive benefits under any County  
 129 retirement system for serving as a Board Member.

130 (g) Ethics.

131 (1) A member is not subject to Chapter 19A because of serving on the  
 132 Board. The Entity's bylaws must protect against any conflict of  
 133 interest or similar impropriety by members of the Board of



134 Directors or the Executive Director or any other employees. The  
 135 bylaws must include:

136 (A) a prohibition against self-dealing and collusive practices;

137 (B) a provision for the disclosure of a financial or similar  
 138 interest of any person in any matter before the Entity that  
 139 may create a conflict of interest;

140 (C) a provision establishing conditions under which a person is  
 141 disqualified from participating in decisions or other actions  
 142 in which there is a conflict between the person's official  
 143 duties and private interests;

144 (D) appropriate remedies for a violation of the bylaws, including  
 145 removal or termination; and

146 (E) a policy to protect whistleblowers.

147 (2) Notwithstanding any inconsistent provision of Code § 19A-21, a  
 148 member of the Board of Directors or a staff member of the Entity  
 149 who engages in legislative, administrative, or executive advocacy  
 150 as part of that person's duties is not required to register as a  
 151 lobbyist under Article V of Chapter 19A because of the advocacy.

152 (h) Status; Incorporation; Bylaws.

153 (1) To qualify as the County's Early Care and Education Coordinating  
 154 Entity, the Corporation's articles of incorporation must provide for  
 155 the appointment of the members of its Board of Directors as set  
 156 forth in this Section. The articles of incorporation must also  
 157 provide that the Entity is:

158 (A) a Maryland nonprofit, non-stock corporation with the  
 159 purposes and activities limited to those that are permitted to  
 160 be performed by a corporation that is recognized as exempt

161 from Federal income tax under 26 U.S.C. § 501, as  
 162 amended;

163 (B) not an instrumentality of the County;

164 (C) incorporated for the purpose of serving as the County’s  
 165 Early Care and Education Coordinating Entity responsible  
 166 for monitoring and supporting the early care and education  
 167 system in the County;

168 (D) organized and operated under the laws of the State of  
 169 Maryland; and

170 (E) headquartered in the County.

171 (2) The Entity’s bylaws may contain any provision necessary to  
 172 govern and manage the Entity that does not conflict with this  
 173 Section. The Corporation may exercise all powers and is subject  
 174 to all requirements which apply to non-stock corporations under  
 175 the Corporations and Associations Article of the Maryland Code.

176 (3) The bylaws must require the Entity to comply with the Maryland  
 177 Open Meetings law and the Maryland Public Information Act.

178 (i) Duties. In developing an equitable system of high quality, accessible,  
 179 sustainable early care and education and eliminating systemic racism and  
 180 structures that created access barriers for vulnerable, racially and  
 181 ethnically diverse populations, the Early Care and Education  
 182 Coordinating Entity must:

183 (1) develop recommendations for increasing availability of and access  
 184 to high quality early care and education programs, with particular  
 185 attention to underrepresented and special populations, including  
 186 low-income children, families of children with special needs, and

- 187 English language learners and with a focus on children from birth  
188 to 5 years old;
- 189 (2) convene and solicit input from all ECE stakeholders to identify  
190 unmet needs and barriers to accessing quality ECE services,  
191 develop common goals and priorities for system expansion and  
192 improvement, and identify opportunities for and barriers to  
193 collaboration and coordination among stakeholder groups. The  
194 Entity must seek advice from the members of the Early Childhood  
195 Coordinating Council while the Entity develops final  
196 recommendations for realigning existing County committees and  
197 advisory groups that provide input into the early care and  
198 education system;
- 199 (3) solicit board members through a community-based process  
200 involving parent groups and other advisory bodies. Create and/or  
201 maintain existing advisory bodies to ensure continuing direct input  
202 from a wide range of community perspectives;
- 203 (4) engage and educate families and the wider community about the  
204 importance of high-quality early care and education programs and  
205 advocate at the Federal, State, and local level for greater public and  
206 private investment in and improvements to the early care and  
207 education system;
- 208 (4) research and facilitate innovative service models and strategies to  
209 improve the early care and education system and identify  
210 community needs through periodic mapping of early care and  
211 education services and resources and County-wide needs  
212 assessments;

- 213           (5)   secure and administer private-sector funding to support the early  
 214           care and education system and manage and administer public  
 215           funding that is directly appropriated to the Entity;
- 216           (6)   measure and report on the efforts to improve and expand the early  
 217           care and education system with a focus on achieving tangible  
 218           results that improve access to high-quality ECE across the County;
- 219           (7)   address current inequities imposing barriers to accessible high  
 220           quality, affordable care for all communities; and
- 221           (8)   create, as a neutral convener, a common early childhood education  
 222           agenda based on community consensus that all major stakeholders  
 223           commit to and maintain a 360 degree view of all aspects of the  
 224           County’s early childhood education sector.
- 225       (j)   *Racial Equity and Social Justice.* To effectively address the complex  
 226           needs of the County’s racially and economically diverse children and  
 227           their families and strategically expand access to critical early care and  
 228           education services to underrepresented populations, the Entity must adopt  
 229           and implement a racial equity and social justice policy that applies a racial  
 230           equity and social justice lens into all aspects of the Entity’s operations in  
 231           alignment with the County’s racial equity and social justice strategic plan.  
 232           The racial equity and social justice policy must include:
- 233           (1)   a statement of commitment to racial equity and social justice as  
 234           part of the organization’s core values;
- 235           (2)   active recruitment of potential Board members from diverse  
 236           backgrounds and outreach to communities of color for  
 237           consideration by the County Executive and County Council;
- 238           (3)   a formal process to assess Board culture and identify barriers to  
 239           inclusion in Board participation and leadership;

- 240           (4)   communications and business practices that are tailored to the  
 241                   needs of communities of color and other marginalized  
 242                   communities;
- 243           (5)   a process to identify and address discriminatory or non-inclusive  
 244                   behaviors;
- 245           (6)   organizational policies and procedures that address diversity and  
 246                   inclusion; and
- 247           (7)   a clear, realistic, actionable, and measurable commitment to  
 248                   addressing racial equity that is woven into the governance, culture,  
 249                   and membership of the entity that includes representatives of an  
 250                   inclusive group of community stakeholders.
- 251       (k)   Direct Services. The Entity must not provide direct services or deliver  
 252                   programs for early childhood education.
- 253       (l)   Reports.
- 254           (1)   The Board of Directors must report annually on the activities and  
 255                   finances of the Entity and provide an audited financial statement  
 256                   of the Entity to the Executive and Council by October 1 of each  
 257                   year. The report must include:
- 258                   (A)   the Entity’s plan to solicit and receive additional public and  
 259                   private funding for its operations;
- 260                   (B)   outcomes data that measures the progress of early care and  
 261                   education system improvements, including changes in:
- 262                           (i)   the level of public and private investment;
- 263                           (ii)   the availability and use of early care and education  
 264                                   seats in the County as a whole and for isolated and  
 265                                   vulnerable populations; and

266 (iii) school readiness (including academic, physical and  
 267 social emotional competencies) rates broken out by  
 268 total population, race/ethnicity, income categories,  
 269 and special education status; and

270 (C) advocacy efforts.

271 (2) The Entity must make public data sets available on the internet to  
 272 improve public knowledge of the Entity and its operations, further  
 273 its mission, or increase its accountability and responsiveness.

274 (3) The Entity must provide the Executive and Council, upon request,  
 275 all non-confidential data produced and received by the Entity,  
 276 including research, data related to the delivery of early care and  
 277 education services, and minutes of Board meetings.

278 **Sec 2. Effective date.** This Act must take effect on July 1, 2022.

## LEGISLATIVE REQUEST REPORT

Bill 42-21

*Child Care – Early Care and Education Coordinating Entity - Established*

<b>DESCRIPTION:</b>	Bill 42-21 would require the Council to designate, by resolution approved by the Executive, a single nonprofit corporation as the County's Early Care and Education Coordinating Entity. The Entity must have 13 ex-officio government officials and 12 private sector members appointed by the Executive and confirmed by the Council. All Board members must be voting members. The Entity must be a Maryland nonprofit, non-stock corporation exempt from Federal income tax and headquartered in the County. The Entity must adopt bylaws that protect against conflicts of interest and must be subject to the Maryland Open Meetings Act and the Maryland Public Information Act.
<b>PROBLEM:</b>	The lack of available affordable quality early care and education in the County adversely affects County residents.
<b>GOALS AND OBJECTIVES:</b>	To improve the availability of affordable quality early care and education in the County.
<b>COORDINATION:</b>	HHS
<b>FISCAL IMPACT:</b>	Office of Management and Budget.
<b>ECONOMIC IMPACT:</b>	Office of Legislative Oversight
<b>EVALUATION:</b>	To be researched.
<b>EXPERIENCE ELSEWHERE:</b>	To be researched.
<b>SOURCE OF INFORMATION:</b>	Robert H. Drummer, Senior Legislative Attorney (240) 777-7895
<b>APPLICATION WITHIN MUNICIPALITIES:</b>	Not applicable.
<b>PENALTIES:</b>	Not applicable.



**MONTGOMERY COUNTY COUNCIL**

Memorandum for: Councilmembers

From: Councilmember Gabe Albornoz, HHS Chair  
Councilmember Nancy Navarro, GO Chair  
Councilmember Craig Rice, E&C Chair

Date: November 2, 2021

Subject: Proposed Bill: Early Care and Education Coordinating Entity

We are cosponsoring legislation which creates an independent Early Care and Education Coordinating Entity to focus solely and comprehensively on ECE programs, services, and funding sources.

Early Care and Education (ECE) which comprises the range of supports provided to families with young children, is key to economic development and recovery following the pandemic, as well as essential to a thriving community built on equity and inclusion. In Montgomery County, nearly half of all children in our community are not ready for kindergarten. Such opportunity gaps limit promising futures and lead to skill gaps in the county’s workforce. Quality, affordable Early Care and Education that promotes healthy social and emotional development and breaks down barriers to success will be key to building the workforce of tomorrow and enabling today’s parents to fuel the economy as productive members of the workforce.

The County has made considerable progress in expanding access to and developing a strong Early Care and Education sector, but more work remains. It is still necessary to work towards a true system of care and education—to design and implement systemic coordination, collaboration, and cooperation to build back the sector and advance access. Based on the Early Care and Education Framework, and the Racial Equity and Social Justice law, both authored and spearheaded by Councilmember Nancy Navarro, several years of stakeholder engagement by Montgomery Moving Forward (MMF) and, in part, on the proposal MMF provided to the joint HHS/E&C Committee in January 2021, this legislation achieves an equitable approach that will benefit our children, families, childcare providers, and employers with their shared voice being integral to building a high quality, affordable, robust ECE system with accountability measures in place.



An independent public-private coordinating entity will build the system and facilitate a sustainable economic recovery and future growth by helping to identify needs and coordinate resources across the entire Early Care and Education system, incorporating health providers, social service agencies, and other supports to families as well as child care providers.

Because the entity will have a broad view of available services and community needs, it will ensure equity in the system so that all residents have access to high quality, affordable Early Care and Education. A high functioning system will also offer a critical differentiating element for Montgomery County's economic development efforts with businesses seeking to recruit and retain skilled workers. Having many options for quality child care makes Montgomery County more attractive for the skilled workforce the County seeks to attract.

For such an entity to be successful, the following characteristics are essential:

- **Inclusion:** The Entity will develop clear, realistic, actionable, and measurable inclusion and racial equity goals. Parents and providers must have an authentic voice and authority on the governing board and real community engagement strategies must be employed to ensure community priorities are reflected in the common agenda.
- **Independence:** The Entity must have the independence necessary to leverage cross sector participation, act as a neutral convener, and guided by community engagement, with a 360 view of the Early Care and Education system.
- **Cross sector representation:** The Entity must have a public private board whose members spans the system including employers, philanthropy, government, providers, and parents.
- **Accountable:** The Entity will focus on the systems level and will not deliver programs or services. It will work to break down silos and create accountability tools to measure the overall success of the shared agenda and progress towards shared goals.
- **Guardian:** The entity will provide accounting and transparency to meet all fiduciary responsibilities in service of a common agenda. The Entity must establish a robust process for tracking, managing, and reporting on all funds. It will report on the management and allocation of funds directly to the County Council and at public board meetings.

# Economic Impact Statement

Office of Legislative Oversight

## Bill 42-21

## Child Care – Early Care and Education Coordinating Entity – Established

### SUMMARY

The Office of Legislative Oversight (OLO) anticipates that enacting Bill 42-21 would not directly impact economic conditions in the County.

### BACKGROUND

If enacted, Bill 42-21 would make the following changes to County law:

- “(1) establish an Early Care and Education Coordinating Entity;
- (2) require the Council to designate a non-profit corporation to serve as the County’s Early Care and Education Coordinating Entity;
- (3) establish guidelines for the designation of the County’s Early Care and Education Coordinating Entity;
- (4) establish the duties of the County’s Early Care and Education Coordinating Entity; and
- (5) generally amend the laws governing early child care and education in the County.”<sup>1</sup>

### INFORMATION SOURCES, METHODOLOGIES, AND ASSUMPTIONS

Enacting Bill 42-21 would establish an Early Care and Education Coordinating Entity. The Entity would “develop recommendations for increasing availability of and access to high quality early care and education programs with particular attention to underrepresented and special populations.”<sup>2</sup> If implemented, these recommendations may affect economic conditions in terms of the Council’s priority indicators.<sup>3</sup> However, anticipating these potential indirect effects is beyond the scope of this analysis.

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<sup>1</sup> Montgomery County Council, [Bill 42-21, Child Care – Early Care and Education Coordinating Entity - Established](#), Introduced on November 9, 2021.

<sup>2</sup> Robert H. Drummer to County Council, [Memorandum](#), November 5, 2021.

<sup>3</sup> Montgomery County Code, [Sec. 2-81B, Economic Impact Statements](#).

# Economic Impact Statement

Office of Legislative Oversight

## VARIABLES

Not applicable

## IMPACTS

WORKFORCE ▪ TAXATION POLICY ▪ PROPERTY VALUES ▪ INCOMES ▪ OPERATING COSTS ▪ PRIVATE SECTOR CAPITAL INVESTMENT ▪ ECONOMIC DEVELOPMENT ▪ COMPETITIVENESS

### Businesses, Non-Profits, Other Private Organizations

Not applicable

### Residents

Not applicable

## DISCUSSION ITEMS

Not applicable

## WORKS CITED

Montgomery County Code. [Sec. 2-81B, Economic Impact Statements.](#)

Montgomery County Council. [Bill 42-21, Child Care – Early Care and Education Coordinating Entity – Established.](#)

Introduced on November 9, 2021.

## CAVEATS

Two caveats to the economic analysis performed here should be noted. First, predicting the economic impacts of legislation is a challenging analytical endeavor due to data limitations, the multitude of causes of economic outcomes, economic shocks, uncertainty, and other factors. Second, the analysis performed here is intended to *inform* the legislative process, not determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the Bill under consideration

# Economic Impact Statement

Office of Legislative Oversight

## CONTRIBUTIONS

Stephen Roblin (OLO) prepared this report.

# Racial Equity and Social Justice (RESJ) Impact Statement

Office of Legislative Oversight

## **BILL 42-21: CHILD CARE —EARLY CARE AND EDUCATION— COORDINATING ENTITY — ESTABLISHED**

### **SUMMARY**

The Office of Legislative Oversight (OLO) anticipates that Bill 42-21 could help narrow racial and social inequities in early care and education if additional resources that make high-quality childcare and early education programs affordable for low- and moderate-income families accompany this bill. In turn, the magnitude of this bill's impact on RESJ depends on the availability of additional resources aimed at increasing the affordability of high-quality early care and education.

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### **PURPOSE OF RESJ IMPACT STATEMENT**

The purpose of racial equity and social justice (RESJ) impact statements is to evaluate the anticipated impact of legislation on racial equity and social justice in the County. Racial equity and social justice refer to a **process** that focuses on centering the needs of communities of color and low-income communities with a **goal** of eliminating racial and social inequities.<sup>1</sup> Achieving racial equity and social justice usually requires seeing, thinking, and working differently to address the racial and social harms that have caused racial and social inequities.<sup>2</sup>

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### **PURPOSE OF BILL 42-21**

The intended goal of Bill 42-21 is to improve the County's childcare and early education sector by establishing a nonprofit early care and education (ECE) coordinating entity that will provide leadership for improving the sector. Toward this end, Bill 42-21 specifies that the ECE entity would have 13 ex-officio government officials and 12 private sector members that would include parents, employers and ECE providers.<sup>3</sup> The ECE entity would be responsible for developing recommendations for increasing the availability of and access to high quality early childcare and education programs in the County. The ECE entity would also be responsible for adopting and implementing a RESJ policy consistent with the County's RESJ law. In its role as the convener of County stakeholders to develop a consensus for developing the County's ECE sector, the ECE entity, however, would be prohibited from delivering direct services to children and families as a childcare or educational services provider.

Bill 42-21 is consistent Montgomery Moving Forward's recommendations for the County to designate a public-private ECE entity in the County.<sup>4</sup> Bill 42-21 is also consistent with the County's Economic Development Platform.<sup>5</sup> Bill 42-21 was introduced to the Council on November 9, 2021.

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### **ECONOMIC OPPORTUNITY, CHILD CARE, AND RACIAL EQUITY**

Understanding the impact of Bill 42-21 on racial equity and social justice requires understanding the historical context that shapes economic opportunity and the availability of childcare services and quality early childhood educational opportunities today. To describe this historical context, this section describes the historical drivers of racial inequities in economic opportunity and childcare and available data both nationally and locally.

Office of Legislative Oversight

December 8, 2021

# RESJ Impact Statement

## Bill 42-21

**Inequities in Economic Opportunity.** Historically inequitable policies have fostered racial and ethnic inequities in economic development among business owners and employees. As noted by the Federal Reserve Bank of Boston:<sup>6</sup>

*“(T)he practices and policies that laid the groundwork for and built the U.S. were explicitly designed to ensure an absolute accumulation of intergenerational wealth and concentrated power for white people, particularly men. A legacy of land theft, slavery, racial segregation, disenfranchisement, and other exclusive policies against Black and Indigenous people and people of color produced a racialized economy that decimated these communities and intentionally barred survivors and descendants from building wealth, socioeconomic well-being and resilience.”*

Historic and current inequities in economic opportunity result in sizable disparities in business ownership by race and ethnicity. Nationally, Black and Latinx residents represent about 28 percent of the population, but only eight percent of the nation’s business owners with employees.<sup>7</sup> Locally, Black and Latinx firms each accounted for 15 percent of firms in 2012 and Asian firms accounted for 14 percent of firms, yet Asian firms accounted for only four percent of business revenue, Black firms accounted for 1.7% of business revenue, and Latinx firms accounted for 1.5% of business revenue.<sup>8</sup>

Economic inequities also foster racial and ethnic disparities in employment, income, and poverty. Nearly two-thirds (64 and 62 percent) of White and Asian residents in Montgomery County were employed in management, business, science and arts occupations in 2017 while less than half of Black residents (45 percent) and only a quarter of Latinx residents were employed in such positions.<sup>9</sup> This contributes to disparities in incomes by race and ethnicity where the median household income for White families in Montgomery County was \$119,000 and Asian families was \$109,000 compared to \$73,000 for Black households and \$72,000 for Latinx households in 2017.<sup>10</sup> Economic inequities also foster disparities in poverty rates by race and ethnicity where three percent of White residents and six percent of Asian residents lived in poverty in 2019 compared to 12 percent of Black residents and 13 percent of Latinx residents.<sup>11</sup>

**Inequities in Child Care.** Historically, inequitable policies and practices have fostered inequities in childcare by race and ethnicity among businesses and their employees as well as among client families and children. These inequities are driven by a lack of public investment in early childcare that is rooted in the racialized history of Black women bearing the burden of domestic work and childcare through slavery and Jim Crow. A description of how this legacy shapes inequity by race and ethnicity among childcare providers, access, and outcomes follows.

**Childcare Providers and Caregivers.** Unlike most developed nations, the U.S. for the most part has not treated the care of its youngest children as a public good worthy of significant public investment, especially in relation to K-12 public education.<sup>12</sup> Whereas K-12 is seen as part of the public good, childcare has been viewed as part of the service industry.<sup>13</sup> The public undervaluing of childcare and its workforce is rooted in a history of race, gender, class, and nativism.<sup>14</sup> More than 90 percent of childcare workers are female and nearly half (45 percent) are people of color.<sup>15</sup> People of color are also concentrated among childcare providers as half of childcare business owners are minority-owned.<sup>16</sup>

The undervaluing of childcare makes it difficult for childcare providers and workers to achieve financial stability. Nationally, about 10 percent of programs have closed permanently since the start of the pandemic.<sup>17</sup> Further, four in five childcare operators suffered from a staffing shortage this summer and more than a third of early childhood educators reported they were considering leaving their programs, or the field itself, within the next year – a figure that increases to 55 percent at minority-owned businesses.<sup>18</sup> A large proportion of the field has also worked in poorly paid jobs with substandard or no benefits. In 2013, childcare workers earned an average of \$10 per hour. Preschool teachers fared better at \$15.11 per hour. In comparison, kindergarten teachers earned \$25.40 per hour.<sup>19</sup> Further, a national survey found that nearly half of childcare workers received public assistance.<sup>20</sup> Without sufficient government support for childcare, “women of color have been subsidizing the entire system by taking very low wages.”<sup>21</sup>

# RESJ Impact Statement

## Bill 42-21

The government usually subsidizes early childhood education for low-income families who receive state-funded vouchers or subsidies. While many states and cities have also created or expanded pre-K programs, collectively these programs only serve 44 percent of eligible four-year-olds and 17 percent of eligible three-year-olds nationwide.<sup>22</sup> Researchers note that government investments in childcare and early education have occurred in “fits and starts,”<sup>23</sup> often in response to larger public goals like preparing children for school, moving low-income parents into employment, and assimilating immigrant and low-income children of color into mainstream culture. However, these efforts have not been sufficiently funded to meet policy goals, provide benefits equitably, or address gaps in access to early education.<sup>24</sup>

**Childcare Opportunities.** Although government funding for childcare targets low-income families, both low- and moderate-income families face barriers to childcare and early education because the supply of available slots is insufficient for demand. A description of common barriers follows. Of note, these barriers can be especially daunting for families of color, English learning families, and immigrant families.<sup>25</sup>

- **Affordability:** The most universal barrier to childcare is cost. There are too few free or affordable early childhood programs for all children. For most working families, childcare is a significant portion of their household budget.<sup>26</sup> In 2021, the average cost of full-time infant care was \$14,668 per year and for preschooler care, it was \$16,365.<sup>27</sup> A family of four with an infant and a preschooler in Montgomery County would need to earn at least \$106,000 to afford the costs of childcare.<sup>28</sup> Affordability is especially challenging for Black and Latinx families given lower average salaries and higher poverty rates.
- **Access:** Publicly funded early childhood programs can help alleviate affordability as a barrier to accessing quality childcare and early education services. Since all early childhood programs are under-resourced, policies determining who can participate in these programs are often made in the context of limited resources. These decisions can disproportionately limit access to children and families of color.<sup>29</sup>
- **Supply:** Families’ participation in childcare and early education may also be inhibited by the lack of high-quality options that are culturally and linguistically appropriate. Research on populations impacted by “childcare deserts,” areas with little or no access to childcare – show that nationally Latinx and Asian children are most impacted by lack of supply. The supply of high-quality options is often limited in poor and low-income neighborhoods. Low-income neighborhoods, as well as neighborhoods with high proportions of non-English speakers, may also have low availability of formal, licenses, culturally competent care, including bilingual providers who speak the languages of the families in the community.<sup>30</sup>

Locally, three of the most diverse areas of the County, Gaithersburg and Montgomery Village (District 9), Silver Spring and Wheaton (District 13) and Burtonsville (District 5) can be considered childcare deserts for infants and toddlers since the number of children under age two exceed slots available by more than 2,000 children.<sup>31</sup> In 2016, there were 5.5 children per registered slot for infants and toddlers across the County overall.<sup>32</sup>

- **Quality:** Research shows that maintaining strong and positive racial, ethnic, and cultural identities is beneficial for youth of color’s development. Similarly, research demonstrates the benefits of early childhood program practice that maintains continuity of cultural and linguistic characteristics and experiences between children’s homes and their early childhood settings. Yet definitions of quality in early childhood settings often reflects the views of the dominant language and culture and may fail to elevate standards of diversity or alternative concepts of quality.<sup>33</sup> In 2017, 43 percent of four-year olds participated in high-quality pre-K programs—defined as public pre-K and childcare and family care slots—meeting the Excels 5 criteria in Montgomery County.<sup>34</sup>

# RESJ Impact Statement

## Bill 42-21

### ANTICIPATED RESJ IMPACTS

If enacted, Expedited Bill 42-21 will establish a non-profit entity tasked with developing a plan for improving the County's early care and education (ECE) sector. Increasing coordination among existing resources with a focus on improving racial equity and social justice in the development and delivery of ECE services are laudable priorities that could make existing ECE options more racially and socially equitable. However, the main factor shaping racial and social inequities in ECE is absence of significant government funding that puts high-quality ECE programs out of reach for many low- and moderate-income families rather than a lack of coordination among existing ECE programs and resources. In turn, due to a history of systemic inequities, BIPOC families and providers are under-served by the current system of ECE because they often have less wealth and income than White families and providers in the County.

Given that the availability of public resources for ECE likely shapes racial and social inequities in ECE more so than a lack of coordination within the ECE sector, OLO anticipates that Bill 42-21 could help narrow racial and social inequities if it is accompanied by a large infusion of public resources that make high-quality childcare and early education programs affordable for low- and moderate-income families. The ECE coordinating entity, if enacted, would undoubtedly advocate for additional public resources to support the Countywide ECE plan it develops. With a significant financial investment in ECE, Bill 42-21 could improve RESJ by ensuring that new ECE resources are implemented ways that narrow racial and social inequities in ECE. Without additional public revenue, OLO anticipates that Bill 42-21 will have a limited and at best minor impact on narrowing racial and social inequities in early care and education in the County.

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### RECOMMENDED AMENDMENTS

The County's Racial Equity and Social Justice Act requires OLO to consider whether recommended amendments to bills aimed at narrowing racial and social inequities are warranted in developing RESJ impact statements.<sup>35</sup> OLO finds that Bill 45-21 could narrow racial and ethnic inequities in early care and education if it is accompanied by a large infusion of public resources aimed at making high-quality ECE options affordable to low- and moderate-income families. Consequently, this RESJ impact statement does not offer recommendations.

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### CAVEATS

Two caveats to this racial equity and social justice impact statement should be noted. First, predicting the impact of legislation on racial equity and social justice is a challenging, analytical endeavor due to data limitations, uncertainty, and other factors. Second, this RESJ impact statement is intended to inform the legislative process rather than determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the bill under consideration.

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### CONTRIBUTIONS

OLO staffer Elaine Bonner-Tompkins, Senior Legislative Analyst, drafted this RESJ impact statement.

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<sup>1</sup> Definition of racial equity and social justice adopted from "Applying a Racial Equity Lens into Federal Nutrition Programs" by Marlysa Gamblin, et.al. Bread for the World, and from Racial Equity Tools <https://www.racialequitytools.org/glossary>

<sup>2</sup> Ibid

<sup>3</sup> Montgomery County Council, Bill 42-21, Child Care – Early Care and Education Coordinating Entity – Established, introduced on November 9, 2021



# RESJ Impact Statement

## Bill 42-21

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<sup>4</sup> Montgomery Moving Forward, Recommendations for a Public-Private ECE Coordinating Entity in Montgomery County, Maryland, January 2021

<sup>5</sup> Montgomery County Council, Resolution 19-300, Economic Development Platform for Montgomery County, November 19, 2019

<sup>6</sup> Field Note, 2020-2, December 2020 – Turning the Floodlights on the Root Causes of Today’s Racialized Economic Disparities: Community Development Work at the Boston Fed Post-2020, Regional and Community Outreach

<sup>7</sup> Joseph Parilla and Darin Redus, How a new Minority Business Accelerator grant program can close the racial entrepreneurship gap. Brookings, December 9, 2020

<sup>8</sup> Jupiter Independent Research Group, Racial Equity Profile Montgomery County, OLO Report 2019-7, Office of Legislative Oversight, July 15, 2019

<sup>9</sup> American Community Survey, 1 Year Estimates, 2019, Table S0201

<sup>10</sup> Jupiter Independent Research Group

<sup>11</sup> National Equity Atlas, 2021

<sup>12</sup> Christine Johnson-Staub, Equity Starts Here: Addressing Racial Inequities in Child Care and Early Education Policy, Center for Law and Social Policy (CLASP), December 2017

<sup>13</sup> Sarah Carr, The racist and sexist roots of childcare in America explain why the system is in shambles, Hechinger Report, October 26, 2021

<sup>14</sup> Christine Johnson-Staub

<sup>15</sup> Sarah Carr

<sup>16</sup> Eleonor Mueller, “Crashing down: How the childcare crisis is magnifying racial disparities,” Politico, July 22, 2020.

<sup>17</sup> Estimate from Center for American Progress cited by Sarah Carr

<sup>18</sup> July survey from the National Association for the Education of Young Children cited by Sarah Carr

<sup>19</sup> Christine Johnson-Staub

<sup>20</sup> Center for the Study of Childcare Employment, 3 Earnings and Economic Security, Early Childhood Workforce Index, University of California, Berkeley, 2018

<sup>21</sup> Christine Johnson-Staub

<sup>22</sup> Ibid

<sup>23</sup> Ibid

<sup>24</sup> Ibid

<sup>25</sup> Ibid

<sup>26</sup> Ibid

<sup>27</sup> Maryland Family Network, Maryland Child Care Resource Network, 2021 Child Care Demographics, Montgomery County Report

<sup>28</sup> Ibid

<sup>29</sup> Christine Johnson-Staub

<sup>30</sup> Ibid

<sup>31</sup> Natalia Carrizosa, Child Care in Montgomery County, OLO Report 2016-3, Office of Legislative Oversight, December 8, 2015.

<sup>32</sup> Ibid

<sup>33</sup> Christine Johnson-Staub

<sup>34</sup> Elaine Bonner-Tompkins, Pre-K in Montgomery County and Other Jurisdictions, OLO Report 2017-7, Office of Legislative Oversight

<sup>35</sup> Montgomery County Council, Bill 27-19, Administration – Human Rights - Office of Racial Equity and Social Justice – Racial Equity and Social Justice Advisory Committee – Established

**Fiscal Impact Statement**

**Bill 42-21, Child Care – Early Care and Education Coordinating Entity – Established**

**1. Legislative Summary.**

Bill 42-21 establishes an Early Care and Education Coordinating Entity; requires the Council to designate a non-profit corporation to serve as the County’s Early Care and Education Coordinating Entity (the Entity); establishes guidelines for the designation of the Entity; and establishes the duties of the Entity.

**2. An estimate of changes in County revenues and expenditures regardless of whether the revenues or expenditures are assumed in the recommended or approved budget. Includes source of information, assumptions, and methodologies used.**

The Entity’s Operating Budget for the first year is anticipated to total up to \$446,800 as outlined below:

<b>Entity Operating Budget</b>	<b>FY23</b>
<b>Personnel Cost:</b>	
Executive Director (includes development)	\$100,000
Administrative Coordinator	\$40,000
Communications and Advocacy Manager	\$75,000
Early Care and Education Specialist	\$75,000
Fringe benefits and payroll taxes	\$20,900
<b>Sub-Total Personnel Cost</b>	<b>\$310,900</b>
<b>Operating Expenses:</b>	
Directors and Officers insurance and liability insurance	\$8,000
Rent and utilities	\$10,900
Data, evaluation, accountability	\$50,000
Staff travel, meetings, development	\$20,000
Communications/Marketing and related collateral materials	\$32,000
Equipment/IT/Operations/Supplies	\$15,000
<b>Sub-Total Operating Expense</b>	<b>\$135,900</b>
<b>Entity Total Operating Budget</b>	<b>\$446,800</b>

Additionally, the Department of Health and Human Services (DHHS) will need to create a Program Manger II position to monitor the contract between the County and the Entity for any funds provided to it whether for administration or grant purposes to carry out any of the program related work such as research and development, evaluation, data support, outreach to philanthropic organizations throughout the region and country, advocacy, and the potential development of pilot or innovation projects.

It is also assumed that there will be four public convenings held by the Entity each year with paid speakers. Initially these convenings are assumed to be held virtually.

The Entity requires the creation of a board of Directors, so reimbursement of board member expenses for childcare and mileage are anticipated. It is assumed that six community board members may receive an annual stipend of \$2,000 each for a total annual stipend of up to \$12,000 per year.

**3. Revenue and expenditure estimates covering at least the next 6 fiscal years.**

	<b>FY23</b>	<b>FY24</b>	<b>FY25</b>	<b>FY26</b>	<b>FY27</b>	<b>FY28</b>	<b>Total 6 Years</b>
Entity Operating Budget	\$446,800	\$446,800	\$446,800	\$446,800	\$446,800	\$446,800	\$2,680,800
Convening of Stakeholders and Experts	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000	\$150,000
DHHS Program Manager II	\$115,570	\$115,570	\$115,570	\$115,570	\$115,570	\$115,570	\$693,420
Annual Stipend	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000
Community Members	6	6	6	6	6	6	6
<b>Total</b>	<b>\$12,000</b>	<b>\$12,000</b>	<b>\$12,000</b>	<b>\$12,000</b>	<b>\$12,000</b>	<b>\$12,000</b>	<b>\$72,000</b>
<b>Grand Total</b>	<b>\$599,370</b>	<b>\$599,370</b>	<b>\$599,370</b>	<b>\$599,370</b>	<b>\$599,370</b>	<b>\$599,370</b>	<b>\$3,596,220</b>

Note: FY23 PMII cost includes \$6,200 for infrastructure and FY24-FY28 PC cost include \$1350 for annual infrastructure.

While it is possible that the Entity may be able to raise revenue from philanthropic sources, no revenues are known, and no revenues are assumed to be raised at this time.

**4. An actuarial analysis through the entire amortization period for each bill that would affect retiree pension or group insurance costs.**

Bill 42-21 is not expected to impact retiree pension or group insurance costs.

**5. An estimate of expenditures related to County’s information technology (IT) systems, including Enterprise Resource Planning (ERP) systems.**

Bill 42-21 is not expected to materially impact the County’s IT or ERP systems.

**6. Later actions that may affect future revenue and expenditures if the bill authorizes future spending.**

If the Entity expands its work, additional personnel in areas such as administration, financial reporting, or creation of a development office may be required.

**7. An estimate of the staff time needed to implement the Bill.**

Staff from the Office of Procurement, Office of the County Attorney, and DHHS will be involved in the implementation of the bill. The amount of time for the County to approve, fund, load into the budget and get funds to the new entity would take approximately 60 days. Overlapping that same time, the entity would need to take steps to establish themselves as a legal organization and hire staff, select, and appoint board members, and establish accounts to receive the County funds. The amount of time the Entity will take to establish itself cannot be reliably estimated at this time.

**8. An explanation of how the addition of new staff responsibilities would affect other duties.**

In addition to the Program Manager II, existing staff in the Executive Branch will be required to provide research and data to the Entity annually to support its recommendations.

**9. An estimate of costs when an additional appropriation is needed.**

See the response to Question 3. The Legislation takes effect July 1, 2022, thus additional appropriation would be needed in FY23.

**10. A description of any variable that could affect revenue and cost estimates.**

The potential philanthropic revenue that might be raised by the Entity is unknown and difficult to project. If the Entity can attract philanthropic funds, the fiscal impact on County could be mitigated. The administrative and operational infrastructure for the Entity beyond the first year is also difficult to project. If the staffing for the Entity grows, the fiscal impact on the County could be increased. Additionally, if public convenings change to in-person, the fiscal impact on the County could be increased.

**11. Ranges of revenue or expenditures that are uncertain or difficult to project.**

See the response to Question 3.

**12. If a bill is likely to have no fiscal impact, why that is the case.**

Not Applicable.

**13. Other fiscal impacts or comments.**

Not Applicable.

**14. The following contributed to and concurred with this analysis:**

Barbara Andrews, Administrator, DHHS, Early Childhood Services  
JoAnn Barnes, Contractor, DHHS, Children, Youth, and Families  
Deborah Lambert, Office of Management and Budget



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Jennifer R. Bryant, Director  
Office of Management and Budget

12-8-21

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Date



November 29, 2021

The Honorable Tom Hucker  
Council President  
Montgomery County Council  
100 Maryland Avenue  
Rockville, Maryland 20850

Dear Council President Hucker and Members of the Montgomery County Council:

The Montgomery County Chamber of Commerce (MCCC) supports Bill 42-21, *Child Care - Early Care and Education Coordinating Entity - Established*. MCCC thanks the lead sponsors, Councilmembers Alborno, Navarro, and Rice, for introducing this legislation and Councilmembers Friedson, Glass, Hucker, Katz, Jawando, and Riemer for co-sponsoring Bill 42-21. MCCC, in collaboration with community stakeholders, has identified increasing child care access and affordability as an economic imperative that must be addressed to help Montgomery grow and prosper.

Bill 42-21 would create the Early Care and Education Coordinating Entity in Montgomery County. This public-private entity would develop recommendations for increasing the availability and access of high-quality early care and education programs, which must have a focus on underrepresented populations. This coordinating entity, consisting of 13 ex-officio government officials and 12 private sector members, would report annually by October 1 on its efforts.

In Montgomery County, creating a pathway for more accessible, high-quality, and sustainable early care education (ECE) programs would allow more parents to choose whether to participate in the workforce. Providing high-quality early care is critical component for employers, who rely on their employees having reliable child care so they can come to work every day. Bill 42-21 takes on an even greater need as rapid workplace changes brought about by the COVID-19 pandemic have exacerbated the challenges in attracting and retaining employees.

Now more than ever, the availability of quality and affordable child care is an important determinate to the success of the local economy. The entity created by this bill would facilitate a sustainable economic recovery for the County by helping identify needs and coordinate resources across the entire ECE system. Bill 42-21 furthers economic activity by decreasing the cost of doing business in the County, thus creating an improved business climate.

A high quality and sustainable ECE system would also provide a solid educational foundation for children. The entity created by Bill 42-21 would ensure that the County is better able to prepare children for school and thus build an improved talent pipeline for the workforce of tomorrow. An effective child care system can serve as differentiator for Montgomery County by driving economic development and strengthening workforce development.

**Montgomery County Chamber of Commerce**  
51 Monroe St, Suite 1800, Rockville, MD 20850 | 301-738-0015 | [www.mccc.md.com](http://www.mccc.md.com)

Again, MCCC supports the passage of Bill 42-21 and looks forward to continuing to partner on ways to move Montgomery County forward. As you continue your important work, please do not hesitate to reach out to us if we can be of assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "G. Godwin". The signature is fluid and cursive, with the first letter of the first name being a large, stylized 'G'.

Georgette "Gigi" Godwin  
President & CEO  
Montgomery County Chamber of Commerce

## **Bill 42-21, Child Care–Early Care and Education Coordinating Entity**

The Gaithersburg-Germantown Chamber of Commerce supports Bill 42-21 to establish an early care and education coordinating entity. We know that access to early care and education has a direct impact on our local economy through attraction and retention of the current workforce as well as ensuring an educated, skilled workforce for the future.

We often ask business owners what’s keeping them up at night. Nine times out of ten its staffing and workforce development. Although this was an issue before the pandemic, we have truly reached a crisis point. The current worker shortage has added a significant burden to business owners who were already in dire straits.

We know that a major obstacle for individuals entering or staying in the workforce is access to quality child care. The economics of the childcare industry do not work for families on the lower end of the economic spectrum. Families are often forced to make alternative decisions such as unlicensed childcare, reliance of family support that may not be ideal, or parents leaving the workforce all together – most often mothers.

Over the past 20 months, we’ve had a front row seat to what happens when the childcare industry breaks down. Although we knew disparities existed, the pandemic exposed ongoing gaps in the system and exacerbated these inequities. We need a strategic, effective, sustainable system. An ECE Coordinating Entity will make that happen.

However, an ECE Coordinating Entity is not just about providing child care for today’s workforce, it also supports the workforce of tomorrow. Montgomery County has been working on the achievement gap for well over 20 years. Because these disparities begin at a very early age, we must provide high quality early education for all our children. Not only will this help secure a pipeline of educated, skilled workers, it is simply the right thing to do.

Our Chamber has been engaged with this issue for several years now. Having been on the Montgomery Moving Forward Leadership Group, I’ve studied the literature, I’ve reviewed best practices from around the globe, I know the sheer number of resources that have been applied to this very complex issue. The way to make sustainable change is to create an ECE Coordinating entity to help guide resources, energy, and passion to solve the inequities in early care and education in the County.

Please approve Bill 42-21.

Thank you for your consideration.

CONTACT: Marilyn Balcombe, [mbalcombe@ggchamber.org](mailto:mbalcombe@ggchamber.org)





November 28, 2021

Members of the Montgomery County Council

Dear Montgomery County Councilmembers,

I am Bill Tompkins, Executive Vice President & COO of the Montgomery County Economic Development Corporation. I also volunteer as a Leadership Team member of Montgomery Moving Forward. I am writing in support of Bill 42-21 on the Early Care and Education Coordinating Entity.

Thanks to all the County councilmembers for co- sponsoring this legislation, including Council Vice President Albornoz, and Councilmembers Navarro and Rice for leading this effort.

There are many important reasons to support this, but I would like to focus on its importance towards advancing Montgomery County's economic development efforts. Simply speaking, having a stronger coordinated network of services to provide support, guidance and a stronger educational experience for the County's children beginning at their earliest formative years helps ensure that we have a strong and healthy network of workers for tomorrow. Combining this focused effort with the positive personal, productive, and financial impact a coordinating entity will have on parents and employers, creates a win/win for Montgomery County as a great place to live, work, and play. It also makes us more competitive and alluring when people have a choice as to where to live.

The current pandemic has had a disproportionate personal and financial impact on businesses and families, and their ability to recover. We are not all at the same level of stability and without doing some things differently, we may never be. The childcare system was turned upside down by the pandemic and its impact will have a potentially lasting negative effect on children's' long term learning ability, and on equity in the workplace as we see large numbers of workers (many more women than men) leaving the workforce to address childcare needs.

Its time to do some things differently. Government cannot do it all on its own, and without the combined and significant involvement of businesses, parents, educators and other stakeholders, the current childcare system cannot be improved to meet the needs of our society. An independent coordinating entity which embraces both the private and public sector ensures a better sense of participation and accountability and moves us towards a high quality more equitable and successful system for early childcare and education.

Please vote in support of Bill 42-21 as it will go a long way towards helping our children and our parents succeed and towards a brighter future for Montgomery County.

Sincerely,

*Bill Tompkins*

Bill Tompkins

**In support of Montgomery County Council Bill 42-21 Early Care and Education  
Coordinating Entity, public hearing  
Nov. 30, 1:30 pm.**

My name is Holli Rivera and I am President of Intentional Philanthropy, a philanthropic advisory firm based in Montgomery County that both manages and provides strategic grantmaking services to private foundations, primarily family foundations ranging from \$30M to \$300M. Our clients collectively represent \$1.3B in charitable assets and our very talented Bethesda, Philadelphia and NY team members research, advise and distribute close to \$50M annually between New York City and the District. I am writing to testify in support of Bill 42-21 on the Early Care and Education Coordinating Entity because I am excited for this opportunity in our County having seen in other communities how coordinated efforts to support all of a community's children can lighten the load for parents, equip informal caregivers, and build a stronger workforce to serve as an economic driver of the future.

Thank you Council Vice President Albornoz, and Councilmembers Navarro and Rice for taking the lead on this groundbreaking legislation, and thanks to Council President Hucker, Councilmembers Friedson, Glass, Jawando, Katz and Riemer for their enthusiastic support.

This is a critical step towards ensuring that all children in Montgomery County have the resources and opportunity to develop a solid foundation for life - which includes socio-emotional development, and all of the pre-literacy and pre-numeracy awareness that can help close the achievement gap and lead to greater academic and economic success later in life – and also importantly as we have seen over recent years, increase social cohesion in our communities by mitigating some of the starting line gap.

The purpose of building a “system” or coordinating nonprofit entity for early care and education is not to create a bureaucracy that slows progress or takes the place of any one entity that is already doing fabulous work – such as our own HHS. Instead, its goal is to amplify the efforts already underway - to foster coordination and collaboration, to facilitate knowledge sharing of what works and to identify gaps that are needed but perhaps can't be filled by government or providers alone. As a multi-sector entity with a public-private board, its goal will be to leverage the resources, strengths, and talents of multiple sectors of our community and provide accountability for the growth and shepherding of our most vulnerable citizens and the future of our success – our children.

**Why an ECE Entity is Important to me**

As a mom, I am grateful for quality care that enabled my daughter's dyslexia to be noticed (or at least suspected) at a very, very early age. But that care cost me close to \$15,000 year. An impossible number for most and, by the way, not particularly easy for me either at the time. Personally, so many of the parents I knew at the time, stepped out of their careers to stay home with their young children because what they earned didn't make sense after taxes and pre-school. Still others, who qualified for government support and programs, chose not to pursue the opportunity because for cultural or other reasons they did not want to “institutionalize” their children. Quality, affordable child-care for all Montgomery County citizens who need it and want it is the base-line, the minimum. But there is so

much more that could be if we lift our eyes. How do we support families who want their children home with grandma but who need grandma to be equipped to not just love but also provide a stimulating environment? How do we help families navigate a vast and complex system when there are language barriers and both parents are working multiple jobs just to make ends meet? How do we evaluate what is working and what is not, objectively and in a timely manner, so that precious years are not lost?

These are some of the questions that a coordinating, independent entity is meant to address.

The framework for the coordinating body outlined in Bill 42-21 is based on extensive research in best practices and knowledge of other models around the country. Surely, we can do this in Montgomery County – and even take it to the next level so that we are a model for others!

Success factors outlined in the legislation that have been highlighted as paramount by those who have gone before us include the following:

- **Independence:** The Entity must be able to act as a neutral convener and as an honest broker of information, actively seeking community input and engagement and disseminating learnings. If it is not truly independent, credibility and the ability to leverage cross sector participation will be lost.
- **Cross-sector representation and leadership:** Equally important is that the Entity have an independent public-private board whose members include government, employers, child care providers, philanthropy, and parents. And this must be real participation and independence – not political rewards and certainly not just because a donor gives funding. This is serious work that needs to include those affected by the system but also board members who are systems thinkers, creative problem solvers and who are motivated beyond self-interest to consider the good of all our children.
  - I do appreciate that in the legislation, the Entity will have three Co-Chairs: a parent, a private sector representative, and a public sector representative.
- **Coordination and Accountability:** The ECE coordinating Entity should not, and as currently written in the legislation, will not deliver programs and services. This fact, plus the independence and cross-sector participation mentioned above, are essential to the Entity serving its primary role – to provide a 360 view of the Early Care and Education system. The entity’s role should be to break down silos, to identify needs and solutions not currently being addressed by policy or providers and to create accountability tools to measure overall progress towards shared goals in a comprehensive shared agenda.
- **Inclusion and Community Engagement:** The Entity should also have a fully inclusive view and implement effective community engagement strategies to ensure community priorities are reflected in a common agenda. The entity needs to listen to what parents and providers say they need and combine that with what we know from science and research across diverse communities about supporting young children in order to create a common agenda. And this common agenda must align with the County’s racial equity and social justice

strategic plan. The goals developed must be realistic and actionable and the Entity must measure progress toward success.

From my perspective in philanthropy, the Entity will play an important role by providing a neutral, independent venue to receive funding and disseminate information. In philanthropy, we know that we are just intermediaries. We are not the providers on the ground doing the hard work. We are not government that controls the larger funding streams and sets policy. Yet, for strategic donors, we want to come alongside a master plan amplifying successful initiatives and funding the things that may be harder for government to fund. Foundations have this great resource of created wealth and in a number of cases (though not all) staff issue expertise and time that can be shared but we need a venue for investment. Today, if I want to invest in ECE in Montgomery County I can find an array of opportunities but no systematic coordination to tell me where funds can have the greatest impact.

Montgomery County has made considerable investment in strengthening our local ECE infrastructure over the past several years, including providing significant funding through the Early Care and Education Initiative. But we know an immense amount of work remains. And the pandemic exposed some of the gaps and weaknesses that exist and how those gaps had a disproportionate negative effect on those most vulnerable.

There are a myriad of ways that our foundation clients have supported ECE initiatives in various communities that compliment and leverage what is already being done:

- Funding valuable research that leads to evidence-based models for early learning practices in childcare centers, research on models that incorporate wrap around tiered mental- health support or two generation models of care, or what works in home visitation programs.
- Supporting high quality providers to expand their operations through grants or no interest, long terms loans for facility modifications.
- Supporting business planning for childcare owners, many of whom are women and often women of color.
- Supporting policy partners and government agencies by mapping what kinds of services exist and where to ensure that no early learning deserts exist and that culturally sensitive and effective programs are available to all communities not just those who know the system.
- Funding outreach coordinators at nonprofits serving families to educate families on the childcare system so that they can access all services related to ECE and wrap around supports.
- Testing and scaling innovative technology based supports accessible via mobile device to give parents and caregivers who choose not to place their very young children in childcare centers tools, language development tips, and information on games to play with their children or parenting advice to support the caregivers in their role.

In short, we know that Montgomery County has an amazing HHS, MCPS and other complementary public and private programs but we also know it takes a village. The leadership of this County Council and the leadership of our various agencies has been essential. Philanthropy doesn't want to take your place. We know we can't. But we do want to come along with you. So, we urge you to use all the resources found within this village – all of the talent and perspective and resources available across

sectors to pursue bold solutions for the County. For this reason the Bender Foundation, Inc. has stepped forward with a \$50,000 matching grant to encourage investment and support for the Entity described in Bill 42-21. We want to see every child in this county reach their potential. We don't want to wait while the snowball continues to roll down the hill before pushing it back up. We are eager to invest now in the County's bold vision and to support the excellent execution of a shared plan to bring this vision to reality for Montgomery County.

I ask that you vote in support of Bill 42-21 and am grateful for this opportunity to submit written testimony.

Respectfully,  
Holli Rivera  
President, Intentional Philanthropy



County Council Bill 42 – 21: Early Care and Education Coordinating Entity – Established  
Montgomery County Community Action Board Testimony  
Erika Conner, Executive Committee Member At-Large  
November 30, 2021

Good afternoon, Council President Hucker, Vice President Albornoz, and members of the County Council. My name is Erika Conner and I am here today on behalf of the Montgomery County Community Action Board, the County's federally designated anti-poverty group. Our Board supports this bill and the establishment of an early care and education coordinating entity. However, we also have some recommended amendments that I would like to share with Council for your consideration.

As the governing body for Head Start in the County, along with the Head Start Parents Policy Council, the Community Action Board has a special interest in early care and education. We have been longtime advocates for a mixed delivery system that supports family child care providers, child care centers, nonprofit partners, as well as public child care options. This bill can help the County achieve this goal by establishing an entity to coordinate the County's complicated system of public and private child care providers. The new entity must work in full collaboration with DHHS though, which will continue to be responsible for many aspects of the early care and education system, as well as other critical services and programs that families rely on.

We applaud the bill's requirement that the entity's Board of Directors include public and private representatives, including DHHS representatives, parents, center-based providers, and family child care providers. Due to the complex nature of the early care and education system, it is incredibly important to ensure that diverse voices representing the wide array of child care

options in the County be included in the decision-making process. We encourage the Council to consider adding language to this bill that requires representation on the Board of Directors from low-income parents or guardians. Low-income families face some of the greatest challenges obtaining high-quality care for their children. According to the Self-Sufficiency Standard, a family of four with two adults, one infant, and one preschooler will spend \$2,773 each month on child care costs alone.<sup>1</sup> These numbers present extreme challenges for many in our community, especially given the fact that the Self-Sufficiency Standard for this same family is an annual income of \$105,925, but the household would only earn \$63,630 annually at the current Montgomery County minimum wage. We therefore believe that the voices of low-income community members must be heard on any entity that will oversee early care and education in the County.

While this bill states that the coordinating entity must develop recommendations for increasing the availability of early care and education for several populations, including low-income children, we strongly encourage the Council to consider making this a primary focus of the entity's work. Participants in our board's advocacy training program for low-income residents, the Community Advocacy Institute, tell us that child care costs place huge burdens on their families and often stand in the way of obtaining employment. Therefore, we believe that the new coordinating entity must focus on expanding child care subsidies for families and increasing affordable and no cost child care options. The coordinating entity must explore innovative options for low-income families since the current system does not do enough to meet their needs.

The proposed bill requires the new entity to report on its progress, including outcomes data related to the early care and education system. Our board believes that reporting and oversight of the new entity are critical to its success. We must understand the full picture of

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<sup>1</sup> [https://www.montgomerycountymd.gov/HHS-Program/Resources/Files/SSS%20Report%20for%20MC\\_2017\\_FINAL.pdf](https://www.montgomerycountymd.gov/HHS-Program/Resources/Files/SSS%20Report%20for%20MC_2017_FINAL.pdf)



the early care and education system in our County in order to know what barriers remain and what policies and programs should be explored to address these obstacles.

The Community Action Board applauds the Council's ongoing efforts to expand and improve early care and education in Montgomery County. We stand ready to support the Council and the new coordinating entity by sharing our Board's and our agency's expertise in this area. Thank you for the opportunity to share our recommendations with you this afternoon.

**Remarks in support of Montgomery County Council Bill 42-21 Early Care  
and Education Coordinating Entity, public hearing  
Nov. 30, 1:30 pm.**

Good afternoon, Council President Hucker, Vice President Alborno, and members of the County Council. I want to start by saying thank you Council Vice President Alborno, and Councilmembers Navarro and Rice for taking the lead on this groundbreaking legislation, and thanks to Councilmembers Friedson, Glass, Hucker, Jawando, Katz and Riemer for their enthusiastic support. My name is Tiffany Jones and I am here as an Early Care and Education Leader/Advocate, experienced family childcare provider and small business owner as well a mother of three who has navigated the ECE system. I support this bill and the establishment of an early care and education coordinating entity. I have been a longtime advocate for a mixed delivery system that supports family childcare providers, childcare centers, nonprofit partners, as well as other public childcare options.

Having an independent Early Care and Education Coordinating Entity is an important step towards ensuring that all children in Montgomery County have access to high quality early care, giving them a solid foundation for academic and economic success later in life. Montgomery County needs a comprehensive system of early care and education, to build back the ECE sector and improve access for all. The independent public-private coordinating entity proposed in this legislation will help build a system of early care and education that will foster coordination, collaboration and cooperation.

The entity can facilitate a sustainable economic recovery and future growth by helping to identify needs and coordinate resources across the entire ECE system. The framework for this entity is based on extensive research in best practices and knowledge of other models around the country.

The elements of inclusion, independence, cross-sector representation, accountability and guardianship outlined in the legislation, will be key to the Entity's success:

- **Inclusion:** The Entity will develop clear, realistic, actionable, and measurable inclusion and racial equity goals that align with the County's racial equity and social justice strategic plan.
  - Parents and providers will have authentic voice and authority on the governing board. It is incredibly important to ensure that diverse voices representing the wide array of childcare options in the County be included in the decision-making process. It is very important that the voices of low-income community members must be heard and valued by any entity that will oversee early care and education in the County as low-income families face some of the greatest challenges obtaining high-quality care for their children. This presents very exciting possibilities for both parents of young children and family childcare providers to be an integral part of the strategic governance that has not been offered before in this space.
  - The Entity will implement effective community engagement strategies to ensure community priorities are reflected in a common agenda that all those engaged in ECE in Montgomery County will subscribe to.
- **Independence:** The Entity will have the independence necessary to leverage cross sector participation, act as a neutral convener, and actively seek and be guided by community engagement. This will enable it to have a 360 view of the Early Care and Education system.

- Cross sector representation: The Entity will have a public-private board whose members spans the system including employers, philanthropy, government, providers, and parents.
- As noted in the legislation, the Entity will have three Co-Chairs: a parent, a private sector representative, and a public sector representative.
- Accountability: The Entity will focus on the systems level and will not deliver programs or services. It will work to break down silos and create accountability tools to measure the overall success of the shared agenda and progress towards shared goals.
  - I believe that reporting and oversight of the new entity are critical to its success. The full picture of the early care and education system in our County must be seen in order to know what barriers remain and what policies and programs should be explored to address these obstacles
- Guardianship: The entity will provide accounting and transparency to meet all fiduciary responsibilities in service of a common agenda.
  - It will establish a robust process for tracking, managing, and reporting on all funds.
  - It will report on the management and allocation of funds directly to the County Council and at public board meetings.

From my perspective, the Entity will play an important role in working to ensure a baseline of quality, affordable, early care and education, so that all Montgomery County children have a strong foundation that will help us build a talent pipeline for the workforce of tomorrow. Providers will have more influence over decisions affecting ECE in Montgomery County through their role on the board of the Entity and the Entity will be able to advocate for policy positions that are important to providers and parents. With a 360 view of the ECE landscape, the entity will be able to address gaps in high quality, affordable ECE in certain communities based on historically biased systems and racial discrimination.

The pandemic exposed ongoing gaps in the ECE system and exacerbated existing inequities, highlighting wide disparities in the availability and quality of care available to families depending on where they live in the county, their race and cultural/national background, and their income level. Providers, many of whom are women of color, struggled with the additional burdens imposed by the pandemic and many providers closed and have remained closed, others are barely hanging on. This is a moment to pursue bold solutions and audacious results to transform ECE in Montgomery County! Thank you for the opportunity to share how important this Early Care and Education Coordinating Entity will be for providers and family in our County. I ask that you vote in support of Bill 42-21 and support a bright future for Montgomery County's children!

Respectfully Submitted,  
 Tiffany Jones  
 Owner/Family Childcare Provider  
 Precious Moments Family Childcare



November 29, 2021

Council President Tom Hucker  
Montgomery County Council  
100 Maryland Ave  
Rockville, MD 20850

Dear Council President Hucker:

I am writing in favor of Montgomery County Council Bill 42-21 Early Care and Education Coordinating Entity. As a small business owner in Montgomery County, I believe a well-functioning ECE system is important to the workforce of today (parents) and the workforce of tomorrow (children).

Our company has been supporting the State of Maryland Governor's Office for Children and all 24 Local Management Boards for close to a decade to measurably improve the percent of children entering school ready to learn. The creation of an ECE coordinating entity could be the single most innovative strategy by any jurisdiction to date.

I am also excited about the plans to create a unified data system for all ECE partners to share their performance and aligned strategies for improvement. This will include the sharing of data that is broken down by race to support racial equity goals for the County.

Please contact me at 301-775-2979 with any questions.

Best regards,

A handwritten signature in blue ink that reads "Adam Luecking".

Adam Luecking  
CEO

My name is Amy Turner-Thole, and I am a resident of Grand Rapids, Michigan (Kent County). I am writing to testify in support of Bill 42-21 on the Early Care and Education Coordinating Entity.

I have been heavily involved with First Steps Kent, the ECE coordinating entity in Kent County, since its inception in 2009 and helped develop the framework to create the independent 501(c)3 non-profit. First Steps Kent is a public-private partnership that provides structure, oversight, and accountability for a coordinated system of policies, programs, and services that support and empower families with young children in our community. The work of First Steps Kent involves:

- Convening stakeholders to focus and align collective work and resources.
- Using data to measure collective progress; identify the community's most pressing needs; and ensure that services and programs advance racial equity.
- Building public will for investing in young children and advocating for policies that support children and families.
- Bringing resources to the community to support the health, development, and school readiness of young children.

I began working with Montgomery Moving Forward (MMF) in September 2020, after a nationwide review of effective ECE coordinating entities identified First Steps Kent as the model most aligned with the priorities for Montgomery County. I served as a consultant to MMF's ECE Coordinating Entity project, sharing the perspective and lessons learned from Kent County and helping apply them to the unique needs of Montgomery County. I worked with MMF staff and volunteer leadership to develop the report and recommendations presented to the Montgomery County Council in January 2021.

At the start of my consultancy, it was immediately evident that MMF had done extensive research into the challenges and barriers faced by both families and providers in Montgomery County, as well as best practices to address those challenges systemically and long term. Throughout the process, a diverse collaborative of stakeholders expressed unwavering commitment to the following criteria that are included in the final legislation:

- Buy-in, leadership, and financial commitment from both the public and private sectors.
- Meaningful engagement of parents and families that provides them with decision-making authority and ensures their authentic voice shapes the work of the entity.
- Development of actionable and measurable goals to advance equity and alignment with Montgomery County's racial equity and social justice strategic plan.
- Independence and neutrality so that the entity is guided only by what is best for children, families, and the community, not what benefits any individual organization.
- A 360-degree view of the ECE system so that decisions are made using data and with consideration of the impact on all components of the system.

- Accountability for advancing a shared community agenda and assessing progress toward common goals.

I have seen firsthand the benefits of an effective coordinating entity in Kent County. Over the last decade, we have brought significant additional investment to the ECE system, including funding from local and national philanthropy. We passed a ballot measure for a modest property tax increase to sustain early childhood programs and services. We have better aligned services, improving efficiencies and maximizing resources. We have identified gaps and redirected resources to historically marginalized communities and those with the most urgent needs. We have influenced state policy changes to the benefit of both families and ECE providers. We have built a diverse coalition of dedicated early childhood advocates – including employers, philanthropy, elected officials, educators in the K-12 and higher education systems, and business groups. Parents, families, and ECE providers have been central to all this work.

I am confident an ECE coordinating entity will have a similar impact in Montgomery County. A commitment to an independent and neutral entity that brings together the public and private sectors will ensure Montgomery County has an ECE system that meets the needs of all young children and families as well as employers. Early care and education is vital to the economy of today, as it allows parents to fully engage in the workforce, and tomorrow, as it is key to developing the talent pipeline by preparing young children for school and life success.

Never has the need for a strong ECE system been more apparent than during the COVID-19 pandemic. It has exposed long-standing gaps, including a lack of quality care that disproportionately disadvantages Black and Brown families, children in economically disadvantaged households, and families in under-resourced neighborhoods. The pandemic has exacerbated inequities for families as well as ECE providers, many of whom are women of color.

This is a unique opportunity for Montgomery County to pursue bold and innovative solutions. The years of research, community engagement, and thoughtful consideration that have informed this legislation position an ECE coordinating entity to have both an immediate and lasting impact on families and the entire community.

Thank you to the Montgomery County Council for your consideration of this legislation, particularly those members who have taken the lead on advancing and championing it. I urge you to vote yes in support of Bill 42-21 and appreciate the opportunity to testify.

Testimony in Support of Bill 42-21  
Submitted by: Annice Cody, President, Holy Cross Health Network

I am writing to express my strong support for Bill 42-21 to establish an Early Care and Education Coordinating Entity. I greatly appreciate the attention County Executive Elrich and all of the County Councilmembers have brought to improving early care and education. I am particularly grateful to Council Vice-President Alborno and Councilmembers Navarro and Rice for developing the proposed legislation, and to Council President Hucker and Councilmembers Friedson, Glass, Jawando, Katz and Riemer in supporting it.

At Holy Cross Health, I focus on improving health and well-being to enable all people in our community to thrive. As a member of the Montgomery Moving Forward leadership group, I have been working over the past five years to understand early care and education in our community, identify best practices, and help develop recommendations that would coordinate resources more effectively. I believe an independent, public-private coordinating entity is key to achieving the goal of improving quality, accessibility and affordability for all families.

The Covid-19 pandemic has highlighted both the importance and the fragility of our community's early care and education system. A coordinating entity can examine the early care and education eco-system holistically, not just from the perspective of single component. The proposed legislation ensures that the entity will have broad cross-sector participation to shape a stronger, more equitable and more coordinated early care and education system.

This work is important to Holy Cross Health as a health care provider and as the employer of approximately 4,000 people, many of whom rely on an effective childcare system in order to work. In fact, childcare is the most frequent reason our colleagues reach out to our Employee Assistance Program, and for too many, it is the reason they leave the workforce.

As the board chair of Nexus Montgomery Regional Partnership (NMRP), a collaboration of Montgomery County's health systems working with community partners, I have a clear view of the value a coordinating entity can bring. NMRP does not replace the independent governance, management, budgeting, or strategies of our participating organizations. Rather, it creates a forum for identifying and prioritizing shared challenges and opportunities and collectively determining the best ways to respond. Our work focuses on initiatives in which we can be more efficient or effective together. For example, we have provided start-up funds to increase behavioral health capacity, streamlined communication among hospitals and skilled nursing facilities, supported process improvement efforts that were shared as best practices, and better coordinated care for patients treated across multiple hospitals, all in ways we could not have done individually. A coordinating entity will provide similar benefits to the early care and education system in our community.

Thank you for your support of bill 42-21.



**Caring For Maryland's Most  
Important Natural Resource™**

## Maryland State Child Care Association

2810 Carrollton Road  
Annapolis, Md. 21403  
Phone: (410) 820-9196  
Email: [info@mscca.org](mailto:info@mscca.org)  
[www.mscca.org](http://www.mscca.org)

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*The Maryland State Child Care Association (MSCCA) is a non-profit, statewide, professional association incorporated in 1984 to promote the growth and development of child care and learning centers in Maryland. MSCCA has over 4500 members working in the field of early childhood. We believe children are our most important natural resources and work hard to advocate for children, families and for professionalism within the early childhood community.*

November 28, 2021

Bill 42-21

Position: Favorable

The Maryland State Child Care Association fully supports Bill 42-21 to create the independent public-private coordinating entity which will help identify real needs and resources in the community. The entity will also work to build a better system of early care and education with an emphasis on a sustainable economic recovery.

Why is this legislation necessary?

The COVID pandemic has reinforced the essential role of child care and early learning for children, working families, and the economy. Millions of emergency federal relief funds have provided critical support for stabilizing child care programs and preventing more widespread permanent program closures, but they do not address the systemic challenges that have plagued the child care market, parents and providers alike for decades. In the best of times, Maryland's Child Care industry operates on razor thin margins.

Due to COVID 19 Pandemic , providers face devastating losses and challenges. 44% of programs that have reopened are operating under 50 % capacity of the children they served prior to pandemic. Yet the fixed costs remain and other expenses have skyrocketed. MSDE reports over 700 child care programs have closed since March 2020. Maryland is suffering critical workforce shortages in child care and early childhood education. Even before the pandemic, many providers struggled to [meet basic needs](#). Child care workers make, on average, [less than \\$14 an hour](#), according to the Economic Policy Institute, far less than they can earn working at Target, Starbucks or in many fast food restaurants. Workers also tend to [lack benefits](#) like health insurance.

We need a sustainable child care system to ensure affordable options for families and long-term survival for businesses. Many providers are women of color, struggling with the additional burdens imposed by the pandemic. Many women are being forced out of the workforce due to lack of consistent, quality child care choices.

This coordinated entity ensures stakeholders and experts will work to address the many issues through a lens of equity, efficiency and advocacy for stronger early care and education system that benefits children, families, providers and businesses.

Bill 41-21 is the beginning of what is needed to recover and rebuild better using accountability and transparency for efficient and effective systems using collaboration and coordination. MSCCA appreciates the necessary inclusion of important authentic voices on the governing board.

MSCCA asks for support for Bill 42-21 as this bill supports children, families and essential child care/early childhood programs.



November 24, 2021

Montgomery County Council  
Stella Werner Council Office Building  
100 Maryland Avenue  
Rockville, MD 20850

Dear Montgomery County Council,

I am writing to express Kaiser Permanente's support for Bill 42-21 on the Early Care and Education (ECE) Coordinating Entity.

At Kaiser Permanente, we have a deep and abiding commitment to our local community's health and wellbeing. We seek to be a leader in total health not just by providing exceptional high quality, affordable care to our members, but by also working in partnership with the local community to address health and social disparities in the areas of food insecurity, housing, access to care, economic opportunity, and education. That is why we are in support of Bill 42-21 which will establish an Early Care and Education coordinating entity for Montgomery County's most vulnerable families.

At Kaiser Permanente, we believe that a coordinating Early Care and Education Coordinating Entity will make a difference in the lives of Montgomery County children and families by making high quality, affordable, and equitable childcare more accessible to all.

As a business leader in the Washington Metropolitan region, Kaiser Permanente understands the importance of a strong, sustainable, and equitable ECE sector to supporting and helping develop a strong foundation for the local workforce. The COVID-19 crisis has deeply impacted the ECE sector, and the effects are still being felt as ECE providers struggle to reopen and/or stay open pre and post pandemic. The ECE coordinating entity that would be created by this legislation would help address these multi-pronged issues and help close the ongoing gap in early childhood education. Thank you for your support of Bill 42-21.

Sincerely,

*Tonga Turner*

Tonga Y. Turner  
Kaiser Permanente  
Interim Director, Community Health  
Senior Director, Community Relations & Stakeholder Engagement

**My name is Crystal Townsend, and I represent the Healthcare Initiative Foundation. I am writing to testify in support of Bill 42-21 on the Early Care and Education (ECE) Coordinating Entity**

Thank you, Council Vice President Albornoz, and Councilmembers Navarro and Rice for taking the lead on this groundbreaking legislation, and thanks to Council President Hucker, and Councilmembers Friedson, Glass, Jawando, Katz and Riemer for their enthusiastic support. This is an important step towards ensuring that all children in Montgomery County have access to high quality early care, giving them a solid foundation for academic and economic success later in life.

Montgomery County needs a plan to build back the ECE sector and improve access for ALL children. The independent public-private coordinating entity proposed in this legislation will help build a system of early care and education that will foster coordination, collaboration, and cooperation across sectors. The new entity will help facilitate a sustainable economic recovery and future growth by helping to identify needs and coordinate resources across the entire public/private ECE system. The framework for this entity is based on extensive research, best practices, and knowledge of other models around the country.

The Healthcare Initiative Foundation (HIF) is a private foundation that invests only in Montgomery County supporting innovative solutions for health and wellness. To this end, we invest in access to health and wellness services; initiatives that impact the social determinants of health (race, equity and inclusion, education, employment, housing, food security, etc.), systems building (i.e., Food Council, Nonprofit Montgomery- Montgomery Moving Forward, Thriving Germantown, Vaccine Providers Network, etc.) and the healthcare workforce.

HIF support the creation of an independent public-private coordinating entity that will build a high quality and affordable early childcare and education because it is an essential to the well-being and future of the children and families of Montgomery County. It is also critical to employers, who rely on their employees having reliable childcare so they can come to work every day and know that their children are in safe and nurturing environments. We know that education and employment greatly impact the life expectancy and wellness of our community's residents and ensuring that we as a community have the vital infrastructure in place for high quality, affordable, and safe ECE options for ALL is paramount for a healthy and thriving community.

Further, HIF prioritizes investments that center race, equity, and inclusion. This new public private entity will develop clear, realistic, actionable, and measurable inclusion and racial equity goals that align with the County's racial equity and social justice strategic plan. Parents/caregivers and providers will have an authentic voice and authority on the governing board. The Entity will also implement effective community engagement strategies to ensure community priorities are reflected in a common agenda that all those engaged in ECE in Montgomery County will subscribe to.

This collaborative work also builds upon lessons that we have learned repeatedly throughout the pandemic -no one can do it alone and the impact is far greater through cross sector representation, investment, and decision-making. The newly proposed entity will have a public-private board whose members span the system including employers, philanthropy, government, providers, and parents. As noted in the legislation, the Entity will have three Co-Chairs: a parent, a private sector representative, and a public sector representative.

The pandemic exposed ongoing gaps in the ECE system and exacerbated existing inequities with wide disparities in the availability and quality of care available to families depending on where they live in the county, their race and cultural/national background, and their income level. Also, providers, many of whom are women of color, struggled with the additional burdens imposed by the pandemic and were forced to close and remain closed.

This is a moment to pursue bold solutions to transform ECE in Montgomery County that will lay the foundation for better educational, health, and economic outcomes for All of community's children. High quality and affordable early childcare and education (ECE) is an essential service for the well-being and future of the children and families of Montgomery County.

I ask that you vote in support of Bill 42-21 and support a bright future for Montgomery County's children! Thank you for this opportunity to testify.

SUBMITTED ELECTRONICALLY

November 27, 2021

Montgomery County Council  
100 Maryland Avenue  
4<sup>th</sup> Floor  
Rockville, Maryland 20850

Re: Bill 41-21  
ECE Coordinating Entity

Dear Councilmembers:

Please accept this letter in support of Bill 42-21 and, moreover, the accelerated creation of a robust system and culture of early child care and education in Montgomery County by way of a public/private coordinating entity. I am writing to you as the President & CEO of Rodgers Consulting and on behalf of all of our employees. Further, as a member of the Montgomery Moving Forward Leadership Group, and chair of the Business Advisory Group, like so many others, I have invested heavily in the advancement of this important initiative. Our business, like so many others tied to the well-being of Montgomery County, knows that an outstanding education system is critical for the County's well-being.

It is rewarding to see the entire Council signed on as sponsors of this Bill and it will be even more rewarding when Montgomery County has a national reputation as a community with outstanding resources for young families. This Bill is an important step in that direction and I know we can get there.

The framework for this Bill is rooted in significant research of best practices and models from other parts of the Country. It is based on the robust feedback and insights of local experts, providers, parents, employers, and employees. The inclusive, independent and accountable public-private entity will ensure the creation of a robust system of early care and education that is accessible, affordable and of the highest-quality.

This is important for many reasons. First, we know that the first 5 years of a child's life is a critical time in their development and from a public policy perspective, resources invested at that stage are returned by orders of magnitude later on. Second, the current state of inadequate child care and education is holding back our economy and the economic well-being of families. Too many parents are unable to participate in the economy due to not having child care / education options. Finally, this can be a critical differentiator that helps to attract and retain professionals in Montgomery County – particularly for our burgeoning life sciences industry, where many research and development professionals need to do their work in a lab, and can't work from home.

In closing, thank you for your collective leadership in advancing this legislation and ensuring the establishment of the entity. If I can be of any assistance, please do not hesitate to contact me at [droad@rodgers.com](mailto:droad@rodgers.com).

Best wishes for a safe and enjoyable holiday season.

Sincerely,  
Rodgers Consulting, Inc.

*Dusty Rood*

Dusty Rood  
President & Chief Executive Officer

Elaine Kotell Binder  
Chevy Chase, MD 20815

Members of the County Council  
Council Office Building  
100 Maryland Ave  
4th Floor  
Rockville MD 20850

November 18, 2021

Subject: Bill 42-21 Early Care and Education Coordinating Entity

As a private citizen interested in the issue of early childhood education, I would like to weigh in on Bill 42-21 Early Care and Education Coordinating Entity.

I applaud the Council for having the foresight to create this coordinating entity whose intent is to “expand access to high quality early care and education programs for children from birth to 5 years old - especially children in low-income families, those with special needs and those learning English as a second language.” However, I am very concerned about the composition of the Board. Having a 25-person board, consisting of 13 government officials and 12 from the private sector could easily lead to dysfunction.

Having considerable experience with not-for-profit organizations, I take the position that this entity is not being programmed for success. In my opinion, the primary concerns of the governmental officials will be the effect on their own area of responsibility, which may or may not coincide with the overall goal of the entity. In addition, I question the need for multiples from various groups in the private sector. The tri-partite leadership envisioned further complicates the ability of such a board to function.

While I understand the need to engage different constituencies, there are a variety of strategic planning techniques that enable organizations to include the input and views of various groups and reach consensus. A more nimble operational Board can integrate diverse perspectives and reach decisions far more effectively than what is proposed.

Therefore, I respectfully suggest that further attention be given to the composition of the Board, the members of which will have a fiduciary responsibility to operate in the best interests of its constituencies.

Sincerely,

Elaine Kotell Binder



early learning + extended day

November 23, 2021

Montgomery County Council  
100 Maryland Avenue, 4th Floor  
Rockville, MD 20850

Dear Councilmembers,

I am writing in support of Bill 42-21, the Early Care and Education Coordinating Entity. Thank you for your attention to and consideration of recommendations that led to the creation of this Bill, which will strengthen the early care and education system in Montgomery County. For too long, our early care and education sector has worked in silos that undermine collaboration and innovation. As we rebuild after the initial impact of the pandemic, it is time to implement new ideas that harness the creativity and vision of what can be, rather than rely on what has always been.

It is incredibly gratifying that the Bill has the support of the entire Council. Thank you, Council Vice President Alborno, and Councilmembers Rice and Navarro for taking the lead on this incredibly important legislation. Thanks to all Council members for your commitment to the importance of this legislation.

I am the Executive Director of Wonders Early Learning + Extended Day, a nonprofit organization of NAEYC accredited early learning programs and high quality extended day programs. We have served the community for 45 years. Our mission is to create and advance high quality diverse educational communities that teach children the foundations of lifelong learning and social responsibility.

At Wonders, we believe in the value of nonprofit leadership in our community. We are excited by the proposed cross sector public/private coordinating entity and see the value in its creation. The proposed entity is based on extensive research in best practices and working knowledge of models across the country - there are proven methods for making this model a success.

Wonders strongly believes in the key elements of the legislation:

- Parents will have a strong voice and authority on the governing board.
- Providers' expertise and experience will be incorporated and providers will be valued partners in governance.
- Community engagement will help shape a common agenda - many voices will be heard and integrated in planning.
- Equity will be a guiding principle that aligns with the County's racial equity and social justice goals.

**NON-PROFIT SINCE 1976**

**main office**

5272 river road, suite 530, bethesda, maryland 20816 • (301) 654-5339 • fax (301) 652-9533 • [wonderslearning.org](http://wonderslearning.org)

**To create and advance high quality, diverse educational communities that teach children the foundation of life-long learning and social responsibility.**

(52)

The county's business community has come to realize that access to high quality early care and education is an economic imperative. Business leaders in the county have been able to articulate what early care and education providers had not been able to do alone: the economy will not thrive if the business of early care and education does not thrive. A coordinated effort, led by a public/private entity will further elevate the value and importance of our work. As a leader of a nonprofit early education and extended day business, I welcome this milestone shift in understanding the impact we have in the community.

Accountability will be the foundation of an independent cross sector coordinating entity. The 360 view of the Early Care and Education system will ensure that resources are invested in ways that increase children's access to early care and education.

Now more than ever, we need a coordinated effort to strengthen early care and education. This fall, we have faced more challenges than ever before in hiring qualified educators for our programs. This is a crisis for our sector. Because of this staffing shortage, classrooms and programs are unable to open to meet the needs of families. A coordinated public/private entity will have the ability to address this challenge with a holistic approach. It will take expanded coordination between MCPS, Montgomery College, and individual providers to build a pipeline of early educators who see our field as a viable and worthy career. A public/private coordinating entity will be able to leverage its cross-sector approach to address critical issues now and in the future.

I strongly encourage you to vote in support of Bill 42-21. This is an opportunity to truly demonstrate our commitment to the young children in our county.

Best,

A handwritten signature in black ink that reads "Joanne Hurt". The signature is written in a cursive, flowing style.

Joanne Hurt  
Executive Director

To: Montgomery County Council  
From: Joan Schaffer  
Date: 11/15/2021

Subject: Bill 42-21 Early Care and Education (ECE) Coordinating Entity

Congratulations to the Council for initiating this legislation. I am gratified by the unanimous support for its introduction

I have been a significant contributor to the Children's Opportunity Fund (COF) since Kimberly Rusnak took the helm, and an active member of its Steering Committee. I believe that under Kimberly's direction, COF has already made a significant impact on our community. We are fortunate to have a leader of her qualification and commitment in our community. I am writing today, not on behalf of COF, but as a private, passionately interested resident of our County.

As you recognize, too many of our children are not kindergarten ready, and too many are not meeting the critical literacy standards needed by third grade. Clearly, as you point out, systemic racism has created additional barriers for our vulnerable racially and ethnically diverse population.

I have carefully read the proposed legislation; I find much that is commendable. While the purpose of the new entity is not clearly spelled out in every case, I think your goals are to have it ensure that our County provides high quality ECE to prepare all of our children for kindergarten and beyond. It might be helpful to clearly spell out the Council's interests in having this new organization. As I understand it, the goals include doing the following:

- 1) Convene and consider the views of all participants in our ECE systems in the County
- 2) Provide input and specific recommendations to the County on the organization of Child Care and Education coordination, and policies to govern its practice
- 3) Engage in system- and capacity-building with the ECE providers in the County
- 4) Help implement the recommendations of the Kirwin Commission in the County
- 5) Collect outcomes data on various programs
- 6) Pilot new and innovative approaches in the county (with private dollars)
- 7) Ensure that the above goals all work to remove barriers and increase benefit for our vulnerable children

Importantly, the Council wishes to attract private and business sector dollars to support much of the work of the new Entity.

**I believe that the Council has opportunity to fine-tune its recommendations to set the new organization up for success.**



My **biggest concern** is related to the Board of Directors so carefully delineated in the proposal.

Its 25 members include 13 government officials and 12 private sector members. Of the 12 private sector members, only 3 come from the business or philanthropic community. I am concerned about this for three reasons.

- Getting a quorum with so many government officials, who have many competing demands will be very difficult. We know this from our experience with COF. While the Steering Committee meets regularly, it has been extraordinarily difficult to pull together the members of our Government-selected Policy Committee.
- I believe that County officials will appropriately feel the need to get input and approval for various actions from their chain of command. As a result, the organization's ability to nimbly adapt to changing circumstances could be significantly hindered. For example, had COF needed to get approval from such a large group to stand up Equity Hubs during the worst of COVID, delays would have been inevitable and unacceptable. I fully acknowledge that Equity Hubs were not perfect, but COF and its involved colleagues responded quickly and improved as the effort continued.
- Experience indicates that private sector donors are leery of contributing to large bureaucratic organizations that are perceived to be government led. We have indications of this with PCC, the Collaboration Council and others. It was precisely the nimble rapid response to a need that enabled COF to rapidly raise over \$1/2 million for Equity Hubs. More representation from donors would increase philanthropic giving.

I would respectfully suggest that the Council Consider include only limited government-official representation on the Board and include others on a larger policy or advisory council.

Additionally, I would recommend the new entity's Board have the freedom to select the non-government Board members, without needing appointment by the executive and approval by the Council. Further, while parents, academics and other nonprofits MUST have seats at the table, in many cases, they can do that more effectively in an advisory or committee capacity rather than as voting Board members who are required for a quorum. I would suggest that the Council consider MCAEL as a model as they deliberate on this topic. A smaller Board (15-17 individuals) with more private participation that receives needed advice from government and educational experts would enable the entity to nimbly respond to the community needs and get more private funding.

Given that the legislation says "any designation under this Section expires 3 years after the resolution is adopted....." the Council has ample opportunity to change directions if they are displeased by the actions of a more independent Board.

Finally, I believe the legislation would be strengthened by clearly delineating all the purposes of the new entity including capacity building and innovation if such activities are intended.

I will be happy to make more specific suggestions on Committee and Board structure prior to Committee meetings.

Thanks for your consideration.



# primary care coalition

making  
health care  
happen

8757 Georgia Ave.  
10th Floor  
Silver Spring, MD  
20910

T: 301.628.3405  
F: 301.608.2384

November 29, 2021

Montgomery County Council  
C/O Council President Tom Hucker  
Stella B. Werner Council Office Building  
100 Maryland Avenue  
Rockville, MD 20850

## **SUPPORT: Bill 42-21 Early Care and Education Coordinating Entity - Established**

Dear Council President Hucker and Councilmembers:

The Primary Care Coalition (PCC) strongly supports the goal of a coordinated, comprehensive system of early care and education that will attract and retain a talented workforce of today by supporting families of young children and ensure the skilled workforce of tomorrow by addressing the growing opportunity gap. The PCC further supports the establishment of a public-private coordinating entity as described in Bill 42-21.

For more than 25 years, the PCC has served as a neutral coordinating entity for public-private transformation of the healthcare system for Montgomery County residents most affected by health inequities. At our founding, the need for the PCC was championed by community advocates, members of the County Council and DHHS staff. With large scale programs such as Montgomery Cares and Care for Kids administered centrally through PCC, the County has built a system for healthcare for the uninsured unparalleled in the State and most of the nation and has quality data to show the impact on individual lives as well as significant return on County investment.<sup>1</sup>

Employing a systems view to facilitate collaboration across public, nonprofit, and private sectors is at the core of PCC's mission to improve the health and lives of people experiencing vulnerability. We believe the same principles can be applied to the critical questions of improving access to early care and education.

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<sup>1</sup> FY19 Montgomery Cares Clinical Measures

[https://www.primarycarecoalition.org/uploads/1/1/8/3/118354866/q\\_clinical\\_measures\\_annual\\_report\\_fy\\_2019\\_2-4-20.pdf](https://www.primarycarecoalition.org/uploads/1/1/8/3/118354866/q_clinical_measures_annual_report_fy_2019_2-4-20.pdf)

FY20 PCC Annual Report

[https://www.primarycarecoalition.org/uploads/1/1/8/3/118354866/pcc\\_annual\\_report\\_for\\_2020.pdf](https://www.primarycarecoalition.org/uploads/1/1/8/3/118354866/pcc_annual_report_for_2020.pdf)

Through our work in the healthcare space, we strongly endorse the public-private coordinating entity approach as effective in achieving a collective systems-level view, creating measures that monitor and drive desired results, addressing inequities, leveraging investment from multiple sectors, and producing return on investment over the long term. We support a similar independent public-private collaborating entity approach for the ECE sector and look forward to collaborating with the entity in the future.

Sincerely,

A handwritten signature in black ink, appearing to read "Leslie Graham", with a long horizontal flourish extending to the right.

Leslie Graham  
President and CEO  
Primary Care Coalition

**Montgomery Child Care Association, Inc. (MCCA) supports Bill 42-21 which will transform Montgomery County's Early Care and Education (ECE) system through the establishment of a stand-alone public-private ECE Coordinating Entity that can facilitate economic recovery and address inequities in access, affordability, and quality of ECE in the County.**

The pandemic exposed the fault lines in the ECE sector, particularly in preschool and school age child care, and has created an opportunity for the County to take bold steps to address the longstanding challenges in providing equitable, sustainable, and affordable ECE to Montgomery County's children and families.

A strong and effective licensed child care system is an integral part of ECE and is essential to the County's recovery from the economic fall out of the pandemic. Early in the pandemic, the County Council established grants to stabilize child care providers, however, more needs to be done on an on-going basis to address the structural damage created by COVID-19. A public-private coordinating entity will facilitate that recovery by helping to identify needs, coordinate policy and allocate resources across the entire ECE sector; including licensed child care providers.

This Entity would ensure a 360-degree view of the entire ECE landscape. An example of the need for this type of comprehensive view occurred two weeks ago when Montgomery County Public Schools (MCPS) announced the addition of an extra holiday on November 24<sup>th</sup>. This announcement came with no prior notice to child care providers using public school space for preschool and school age programming. Understandably, MCPS facilities personnel sought to participate in the extra holiday instead of being on duty to open buildings for child care. DHHS' Child Care in Public Space (CCIPS) and the Community Use of Public Facilities (CUPF) tried to identify alternate personnel to cover these openings. With no staffing guarantee for that day and short notice, many child care providers had to consolidate their operations or make the difficult decision to close leaving working parents without child care one day ahead of the Thanksgiving holiday.

An ECE public-private Coordinating Entity could have been helpful in identifying the implementation impact of this type of decision and ensuring the planning, coordination and implementation occurred for all stakeholders in advance of the public announcement. Montgomery County needs a systematic approach to effectively pursue its ECE agenda, build coordination and eliminate silos.

To accomplish this important mission, the ECE public-private Coordinating Entity must be properly funded so that it can attract the level of leadership that will be required for the Entity to fulfill its potential. We understand that the private sector may provide complementary funding but urge the Council to allocate sufficient base funding to set the foundation up for success.

We encourage the County Council to adopt Bill 42-21 and allocate the funding required to establish an independent ECE public-private Coordinating Entity with a robust budget and governing board.

We extend our thanks to Council Vice President Albornoz and Councilmembers Navarro and Rice for taking the lead on this groundbreaking legislation, as well as to Council President Hucker and Councilmembers Friedson, Glass, Jawando, Katz and Riemer for their strong support.

Thank you for your consideration.

Michelle Martineau Green, Executive Director

Montgomery Child Care Association, Inc.

**Testimony**  
***Kevin Beverly, Susan Madden and Kathy Stevens***  
**Leadership Group Co-chairs**  
**Montgomery Moving Forward**  
***Support Council Bill 42-21***  
**Child Care—Early Care and Education Coordinating Entity—Established**  
**November 30, 2021**

The Leadership Group of Montgomery Moving Forward (MMF) is grateful for the introduction of Council Bill 42-21 Child Care—Early Care and Education Coordinating Entity—Established.

MMF learned as we deliberated—employers, educators, philanthropists, nonprofit leaders, parents, providers and more—that it truly takes a village to raise a child, drive a thriving economy and build the workforce of tomorrow.

That is why our Call to Action recommended the creation of a public private coordinating entity to harness the power of the village to change the trajectory of the lives of our children and our economy.

There is no doubt our leaders and county staff have worked tirelessly to advance access to high quality affordable early care and education (ECE) for all if only evidenced by the Early Care and Education Initiative.

Now is the time to build on that commitment.

Now is the time for all of us to sit at the table—from parents to employers—and roll up our sleeves and put the village literally to work. Yet, every well-meaning village needs a problem solving process, a plan and a system to succeed. The public private entity will do just that.

Now is the time to embrace the power of [collective impact](#)—a well-established systemic process to solve complex problems—to ensure every child from *birth to five* is ready for kindergarten, and ultimately fuels our knowledge economy.

Successful implementation of [collective impact](#) requires a common agenda, shared accountability, mutually reinforcing activities, and constant communication—across all stakeholder groups or sectors. To accomplish these tasks, we need a board of cross-sector stakeholders and a backbone organization. The public-private entity as defined in the bill will do just that.

All stakeholders must not only be at the table but also in the same boat rowing in the same direction. Today, we work in well-meaning silos—parents, employers, philanthropists, providers all struggle apart when we could work together better to achieve shared goals.

To do this, it is imperative to look across the ECE landscape with a 360-degree view and systematically identify strengths, opportunities and challenges. With this analysis and a shared understanding of the road ahead, the creation of a common agenda for collective action is the next step to build an aligned system. Such an agenda will be a shared playbook that moves ECE forward as each sector leverages it to fulfill their role in a true ECE system. The entity can do this work.

Now is the time to maximize the county's generous investments in ECE and build a real system of care—a system that leverages, maximizes and aligns the strengths and resources of all the stakeholders, both public and private, and advances access through synchronized collective action. A public private entity can do just that.

Now is the time to act. The need for the entity was clear on January 4, 2018, the date of the MMF's Early Care and Education [Call to Action](#) publication. Today, as you know, the pandemic has crushed the ECE sector, wreaked havoc on families and made workforce shortages worse. Such an entity in 2021 is even more necessary to move our county forward.

A public private entity is the tool our well-meaning village needs to rebound from the pandemic and continue to advance access to ECE so both our families and our economy can flourish.

With the use of the collective impact problem solving approach, this entity can create and lead an inclusive common agenda—a plan that bust silos, marshals the strengths, talents and resources of the entire village and speed the progress to a fully aligned ECE system.

The shared goal that will undergird the common agenda is an ECE system that will serve all children no matter their zip code, enable all workers to work knowing their child is safe and learning, and build the homegrown talent our county needs to thrive now and in the days ahead. With this entity, we can do this.

Now is the time to put the village to work to move Montgomery Forward. Please adopt Council Bill 42-21 as drafted.

Thank you again for your deep and longstanding commitment to ECE.





## Testimony Concerning BILL 42-21- Child Care- Early Submitted to Montgomery County Council

November 28, 2021

### Position- Support

My name is Ruby Daniels, a family child care provider for over 28 years and the President of Maryland State Family Child Care Association representing over 4,500 family child care providers in the state of Maryland. Our members include Family Child Care Association of Montgomery County and Latino Child Care Association of Maryland.

Family childcare has been and continues an integral part of the Early Care and Education system in Maryland, especially during the COVID 19 pandemic. Family child care were instrumental in caring for a large portion of children of essential personnel. The pandemic has opened new possibilities but at the same time revealed deep rooted problems in Early Care and Education System. It has been almost 2 years and childcare providers have continued to decline.

For years, family childcare providers who oftentimes work alone in our homes, have been isolated and during the pandemic we are even more isolated. A lot struggled to fill application for grants and other financial relief and most of the time we do not know where to turn. Even if we find the resources, Providers who speak English as a Second Language do not fully understand the resources available to them or remain in silence about their difficulties. Often under resourced, underrepresented and silent, the Entity

can be the strong advocate to enable the child care sector and its workforce to thrive and be sustainable into the future.

The Early Care and Education Coordinating Entity will also give the family child care providers an authentic and strategic voice on the Entity's Board of Directors. A strategic governance role that has not been offered before in this space. The entity will allow a clear understanding of what family child care providers need and how we can work together to improve the early care and education system. Currently most groups work in silos, oftentimes unaware of what the other is doing. This can change with the Entity.

The Entity can view the Early care and Education sector where we can be connected and have a clear view of how each segment of the early care and education system can work in harmony without bias and with clear transparency.

As we continue to decline in numbers, there are 609 fewer family child care programs in Maryland as of November 2021. The Entity can be a place where we can fully understand the situation that affects family child care providers, child care centers, families and the children of Montgomery county and provide a place where we can create innovative and creative solutions to the problems plaguing the family child care programs, from Child Care scholarships, staffing shortages, pre K expansion and soon to be universal pre K. With the current pre-K expansion, we are included in the mixed delivery system in theory, but in reality, there are only a few that can qualify. Even if we qualify, to create an effective learning environment, our classroom will solely be made

up of pre k students, giving up our infant and toddlers further exacerbating the infant and toddler shortage. The State Coordinating Entity can be a place where we can put our collective ideas in order to stop the decline of family child care programs.

I urge you to give Bill 42-21 a favorable vote, the Early Care and Education Coordinating Entity can provide a better working relationship and understanding of the Early Care and Education system that ultimately benefits the children, families, and the economy of Montgomery County and beyond. Thank you.

Montgomery County Council Bill 42-21, Child Care – Early Care and Coordinating Entity

Dear Montgomery County Council:

My name is Saba Ahmed and I am a long time resident, parent of three young children and an active community member and volunteer in Montgomery County Public Schools.

Thank you Council Vice President Albornoz, and Councilmembers Navarro and Rice for taking the lead on this groundbreaking legislation, and thanks to Council President Hucker, and Councilmembers Friedson, Glass, Jawando, Katz and Riemer for their enthusiastic support.

I am writing to ask for your vote in support of Bill 42- 21 on the Early Care and Education Coordinating Entity. The Montgomery County Councils investment in creating and sustaining an early care and education system in our county will lead to long-term benefits for our economy and residents.

Research tells us that birth through age five are the most critical years in human brain development with more learning happening in this age range than at any other time in a person's life. Without access to quality early learning programs, children are losing out on a literal once in a lifetime opportunity to maximize on their brain development.

As a parent to elementary aged children, I have been fortunate enough to see first hand the positive and long lasting effects of quality early childhood education. Because of the time spent in high quality programs, my children were not only academically prepared for kindergarten, they were socially and emotionally ready. Because of the quality of the teachers in their programs, great care was given to creating supportive learning environments that support the whole child. They saw themselves as part of their learning community and their identities were represented in their classrooms. As minority children, the confidence that this gave them in their own sense of "self" is immeasurable.

As we know, there are major issues around accessibility to high quality programs across our county. When comparing areas of Montgomery County with large child-care deserts and the poverty rates for those areas, it is clear that there are inequities that must be addressed.

I am a firm believer in the saying "it takes a village". None of us are free from the responsibility of doing what is equitable and just for all children and families in our communities. It is not just our responsibility as a community, it is every child's right to have quality learning opportunities made available to them.

In conclusion, I ask that you vote in support of Bill 42-21 and support what will hopefully be a trailblazing effort across our state to provide a level playing field for ALL of our children to succeed.

Thank you for this opportunity to testify.

Sincerely,

Saba Ahmed  
skhan02@gmail.com  
12717 War Admiral Way  
North Potomac, MD 20878

November 24, 2012

Dear County Council Members,

I write to strongly support the legislation before you to establish a stand-alone, public private Early Care and Education entity based in large part on the report presented by Montgomery Moving Forward (MMF). I applaud the leadership taken by Councilmembers Albornoz, Navarro and Rice for introducing the legislation and thank Councilmembers Huckler, Friedson, Glass, Jawando, Katz and Riemer for their enthusiastic support.

As the former Executive Director of the Universities at Shady Grove, I had the opportunity to work closely with leaders in MCPS and Montgomery College, and I understand the challenges in insuring that all children have the opportunity to succeed in their education and life goals. I believe that all youth have nascent talents and are naturally curious when they enter our school system. But there are striking differences in preparation and readiness, particularly for students of color and whose families have limited resources to support their early development. And I learned from my work on MMF how critical these early years are for the cognitive, social and emotional development which lay the foundation for education and life success. I know you recognize these challenges and understand how important it is to level the playing field so all children can realize their potential and enjoy a higher quality of life.

I am a founding member of MMF. And through its analyses, convenings, examination of best practices, and stakeholder discussions, I saw the deep commitment across our community to invest further in early child care and education. I also learned about the complexity of the tasks, the diversified funding streams and programs and the many different stakeholders. I came to understand that an inclusive approach was required to effect systemic changes in how we planned and coordinated our efforts and linked these to community developed outcomes and deliverables. This is why I am convinced that a public private entity, taking into account all of these interests and complexities, and focused

exclusively on creating a systemwide framework for early childcare in our community is the best approach.

I have had the great pleasure to work with all of you over the years and participated in your efforts to strengthen our county's education system and take bold and progressive steps in equity and social justice. The actions you take now will have profound impact on the lives of young children. I appreciate so much your dedication and focus on early child care and education through the establishment a public private entity to systemically address delivery and outcomes and transform our county,

Very respectfully and with great admiration,



Stewart Edelstein, Ph.D.

115 Sherman Avenue  
Takoma Park, Maryland, 20912

**board of  
directors**

**Dana Pauley**

*Leadership Montgomery  
Board Chair;  
Executive Committee*

**Rose Garvin Aquilino**

*Montgomery College  
Board Vice Chair;  
Chair, Grants Committee*

**Ryan Lorey**

*EDENS  
Chair, Finance Committee,  
Board Treasurer,  
Public Arts Trust  
Steering Committee*

**Elaine Robnett Moore**

*Elaine Robnett Moore Collection  
Board Secretary  
Grants Committee*

**Alan Heymann, Esq., ACC**

*Founder, Peaceful Direction  
Governance Chair;  
Audit Committee*

**Regina Oldak**

*Audit Chair*

**Eleanor Park Choi**

*Bell Architects  
Chair, Public Arts Trust  
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**Ruby Lopez Harper**

*Americans for the Arts  
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*Project Design Manager  
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**Eric L. Siegel, Esq.**

*Kalbian Hagerty LLP  
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**Mamie Bittner**

*Executive Coach  
Communications Strategist  
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*Visual Artist  
Public Arts Trust*

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*American Gene Technologies  
Advocacy Committee*

**Suraya Mohamed**

*NPR Music  
Grants Committee*

**ex officio**

**Suzan E. Jenkins, MBA**

*Chief Executive Officer*

**Kenneth A. Lechter, Esq.**

*Legal Counsel*

November 29, 2021

Montgomery County Council

100 Maryland Ave,  
Rockville, MD 20850

Dear Councilmembers -

Good afternoon. I hope this message finds you and your families well. I'm writing today in my capacity as a member of the board of Nonprofit Montgomery, and in my capacity as a member of the Leadership Group of Montgomery Moving Forward. I am writing today to ask for your explicit support of Bill 42-21 in support of Nonprofit Montgomery/Montgomery Moving Forward's proposal for a Public-Private ECE Coordinating Entity.

The pandemic exposed the vulnerability of the existing child-care business model, exposing an already untenable situation. And as I am certain you know all too well; Montgomery County's recovery will require strategic investments in real and lasting systems changes that address and resolve existing inequities intersectionally and county-wide. As we design our recovery, we have a historic opportunity to choose bold change which, at its core, must include a focus on early childhood education and workforce development in all sectors. It is here, at this critical inflection point, that I ask for your support of a ECE Coordinating Entity.

As the CEO of the Arts and Humanities Council of Montgomery County -- the county's coordinating entity for the arts and humanities sector -- I support the transformation of Montgomery County's ECE system through the establishment of a stand-alone public-private ECE Coordinating Entity. I can personally attest to the power of coordinating entities in addressing inequities in access, affordability, and quality which in turn can address and influence economic recovery.

I'm writing today to humbly ask for your support of Bill 42-21 as we forge our future together and am hopeful that we can count on you for your support.

In peace and progress,

Suzan Jenkins

801 ellsworth drive  
silver spring, md 20910-4438  
301.565.3805  
fax: 301.565.3809  
[www.creativemoco.com](http://www.creativemoco.com)






OFFICE OF THE COUNTY ATTORNEY

Marc Elrich  
County Executive

Marc P. Hansen  
County Attorney

MEMORANDUM

TO: Dr. Raymond L. Crowel, Director  
Department of Health and Human Services

FROM: Edward B. Lattner, Chief   
Division of Government Operations

DATE: November 23, 2021

RE: Bill 42-21, Child Care - Early Care and Education Coordinating Entity -  
Established

Bill 42-21 would require the Council to designate, by resolution approved by the Executive, a single nonprofit corporation as the County's Early Care and Education Coordinating Entity. I have identified a few issues below.

As an initial matter, the duties of the Early Care and Education Coordinating Entity proposed by Bill 42-21 are largely duplicative of the duties assigned to the existing Early Childhood Coordinating Council established in Montgomery County Code (MCC) § 10A-3. This duplication should be addressed and resolved in the Bill.

Second, in order to avoid a possible conflict of interest under the County's ethics law, the Council should amend the Bill to clarify that the public sector members appointed to the Entity's board of directors do not owe a fiduciary duty to the Entity. Although the Bill provides that an Entity board member is not subject to the County's ethics law by virtue of service on the board,<sup>1</sup> the public sector appointed members of the Entity's board include County employees who will remain subject to the County's ethics law. The ethics law would ordinarily prohibit a County employee from participating in a matter (as a County employee) if party to that matter is an entity in which the employee serves as a board member. § 19A-11(a)(2)(A). This prohibition does not apply to a County employee appointed as a board member by the County Executive or the County Council "to represent the public interest." § 19A-11(b)(4). The Bill should include language to make clear that the Council is invoking this exception. The Council has done this before. For example, § 2-120(b) states that a public employee appointed to serve on the board of the corporation designated as the County's local management board "represents the public

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<sup>1</sup> The Entity's bylaws must include provisions protecting against conflict of interest and self-dealing.

interest, and is not precluded from participating in a matter as a board member if that member's government employer is a party to the matter."<sup>2</sup> Similar language would be helpful in the Bill.

Finally, some editing clarifications:

Instead of listing the 13 ex-officio and 12 other voting members together in subsection (c), it would be better if these two groups were identified in separate paragraphs (i.e., the ex-officio public members listed in paragraphs (1) through (9) should be listed under paragraph (1) and the other voting members listed in paragraphs (1) through (6) should be listed under paragraph (2).

It might be easier to identify the County Executive, the County Council's Lead for Early care and Education, and the President of the Montgomery County Board of Education (or their designees) as ex-officio non-voting members of the Entity's board, rather than providing that these individuals can attend and participate in each board meeting without voting.

I believe the word "specific" in line 106 should be "specified."

cc:

Robert H. Drummer, Senior Legislative Attorney

Dale Tibbitts, Special Assistant to the County Executive

Ken Hartman, Director of the Strategic Partnerships

Marc P. Hansen, County Attorney

Leslie Frey, Office of Intergovernmental Relations

Barbara Andrews, Administrator, Early Childhood Services and Interim Policy Officer, HHS

21-011778

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<sup>2</sup> The same result can be achieved by making public employees ex-officio members of the Entity's board. "A membership made ex-officio by virtue of a principal office does not constitute the holding of separate offices but rather is the appending of additional duties upon the first office." 23 Md. Att'y Gen. Op. 23, 33 (2016) (the state constitutional prohibition against holding dual offices of profit and the common law prohibition against holding incompatible offices do not apply when the individual is holding office ex officio. But "true ex-officio service arises solely and automatically by virtue of a person's holding of a particular office, not by the mechanism of a discretionary appointment." 99 Md. Att'y Gen. Op. 242, 248 n.6 (2014). Some of the County employee appointees identified in the Bill are not true ex-officio (e.g. § 10A-12(c) "4 representatives of the County Department of Health and Human Services").




OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich  
*County Executive*

MEMORANDUM

December 2, 2021

TO: Tom Hucker, President  
County Council

FROM: Marc Elrich, County Executive 

SUBJECT: Bill 42 – 21, Child Care – Early Care and Education Coordinating Entity –  
Established

Given the significant changes in Early Childhood that could be impacted by the Build Back Better Act and the Kirwan Commission, I agree we need a strong, independent entity to serve several functions including: advocacy at the state level to ensure that county programs and providers receive adequate resources; identify regulatory barriers for providers and families; and provide research and data analysis that strengthens program delivery and supports a systems approach.

I offer the following recommendations to improve accountability and representation of the proposed Early Care and Education Coordinating Entity.

First, I propose adding additional representation of parents and providers on the Early Care and Education Coordinating Entity to increase access to voices across the County and enable a greater focus on racial equity and representation.

The board of directors of the proposed entity includes very few providers. Out of 1,260 licensed childcare programs, there are only four providers on the board. While the majority of the providers are small, family-based providers, only two board seats are for family providers. If the goal is to create a more robust early care and education system, the voices of small providers should be given stronger representation in decision making.

Additionally, the childcare network serves 45,000 children, yet only three parents or guardians are proposed for representation. The same issues raised for providers are even more pronounced

for parents and guardians. Given that this group will make recommendations for the use of government funding, families that benefit from this funding should be given a stronger voice, one that represents the cultural diversity of the families.

Second, I recommend that Bill 42-21 delineate the roles and responsibilities of the new entity in relation to existing ECE agencies and governance structures. For example, Section 27-62 of the Montgomery County Code already provides authority for the Commission on Child Care to “advise the County Executive and County Council on developing policies, programs and services that enhance community support for high quality, affordable and accessible childcare. It should be clearly established that the new entity will not run programs or control the expenditure of county funds.

Finally, I recommend a clear, transparent process on how such an entity will be selected. If the entity is to be created, this needs to be done equitably through an RFP process that selects the most capable organization.

I am attaching a memo from the office of the County Attorney, which identifies additional issues for the Council to consider. Thank you for your attention to this important matter.

ME: rc

Enclosure: Review of Bill 42-21 by Office of the County Attorney




OFFICE OF THE COUNTY ATTORNEY

Marc Elrich  
County Executive

Marc P. Hansen  
County Attorney

MEMORANDUM

TO: Dr. Raymond L. Crowel, Director  
Department of Health and Human Services

FROM: Edward B. Lattner, Chief   
Division of Government Operations

DATE: November 23, 2021

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