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OFFICE OF THE COUNTY EXECUTIVE
ROCKVILLE, MARYLAND 20850

MEMORANDUM

May 11, 2015

RECEIVED
MONTGOMERY COUNTY
COUNCIL

Isiah Leggett
County Executive

TO: George Leventhal, President
County Council

FROM: Isiah Leggett, County Executive

SUBJECT: Bill 11-15, Child Care Expansion and Quality Enhancement Initiative - Veto

After careful consideration of Bill 11-15, Child Care Expansion and Quality Enhancement Initiative, I have reluctantly decided to veto the bill, and I am returning the bill to you with this memorandum.

I urge the Council to immediately introduce and pass as an expedited bill the version of Bill 11-15 as recommended by the Joint HHS/ED Committee. I will proudly sign that bill as soon as it reaches my desk.

I acknowledge the tremendous importance of passing the Child Care Expansion and Quality Enhancement legislation. Councilmembers and their staff worked on this bill with members of my staff, and the provisions were much improved to the point where I, as the County Executive, extended my support to this bill. The provisions aimed at adding a Child Care and Early Education Policy Officer and formally instituting the Early Childhood Coordinating Council are both provisions I support. In addition, the quality enhancements proposed add value to the existing programming menu and will continue to make improvements in our program offerings.

At the last minute, however, an amendment was offered which is included in Section 10 A-1 2 (A). The added language would require the Child Care and Early Education Officer to "administer the selection of providers in public space, after consulting with the Montgomery County Board of Education where school facilities are to be used to the extent authorized by State law."

First, I do not believe that this bill is the appropriate vehicle for addressing the Board of Education's authority to delegate management of space in public schools. Should the Board of Education decide to change its designee by resolution from the Interagency Coordinating Board with implementation through Community Use of Public Facilities (CUPF) to the Montgomery County Department of Health Human Services (MCDHHS), then state law would automatically enable MCDHHS to perform the required function of selecting and designating providers—without any change to the County Code. Moreover, the current



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delegation of this authority to CUPF involves a broader range of responsibilities than are enumerated in the provision adopted by Council. There simply is no need for legislative action on this matter.

Secondly, should the Board of Education choose to change its delegation to MCDHHS, the function would more properly be administered within the Early Care and Education Division of the Children, Youth and Families Service area—where all other child care facilities are managed by MCDHHS rather than the Child Care and Early Education Policy Officer. Thus, the bill as adopted would still need to be amended.

It is for these reasons that I am sending what is fundamentally a good bill back for amendment. I also wanted to assure you that I have asked my leadership team to continue to work with CUPF to improve performance and examine and address the concerns that are being raised. I believe that CUPF is still the entity that should administer all public space needs. I remain deeply committed to good government and will continue to expect my administration to do all that is necessary to execute my expectations with fidelity.

For all of the reasons discussed above, I am vetoing Bill 11-15 and urging Council to reconsider provision 10 A-1 2 (A), and resubmit and pass the bill as recommended by the Joint HHS/ED Committee.

Bill No. 11-15
Concerning: Child Care Expansion and
Quality Enhancement Initiative
Revised: 5/5/2015 Draft No. 5
Introduced: March 3, 2015
Enacted: May 5, 2015
Executive: Vetoed
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsors: Councilmembers Navarro and Riemer
Co-Sponsors: Council Vice President Floreen, Councilmember Elrich, Council President Leventhal,
and Councilmembers Berliner, Katz, Rice, and Hucker

AN ACT to:

- (1) require the Executive to designate an employee in the Department of Health and Human Services as a Child Care and Early Education Officer and specify the duties of the Child Care and Early Education Officer;
- (2) create a Child Care Expansion and Quality Enhancement Initiative in the Department of Health and Human Services;
- [(2)] (3) specify the duties to implement the Initiative; [[and]]
- [(3)] (4) establish an Early Childhood Coordinating Council and specify the duties of the Coordinating Council; and
- (5) generally amend County law regarding child care, human rights, and administration.

By amending

Montgomery County Code
Chapter 2, Administration
Section 2-42A

By renaming and adding

Chapter 10A, Child Care
Article 1, Child Care
Sections 10A-1 and 10A-2

Article 2, Early Childhood Coordinating Council
Section 10A-3

By renumbering

Chapter 10A, Child Care
Sections 10A-1, 10A-2, 10A-3, 10A-4, 10A-5, and 10A-6

Chapter 27, Human Rights and Civil Liberties
Sections 27-62 and 27-62A

By amending and adding
Chapter 44, Schools and Camps
Sections 44-3, 44-4, and 44-4A

Boldface

Underlining

[Single boldface brackets]

Double underlining

[[Double boldface brackets]]

* * *

Heading or defined term.

Added to existing law by original bill.

Deleted from existing law by original bill.

Added by amendment.

Deleted from existing law or the bill by amendment.

Existing law unaffected by bill.

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

Sec. 1. Section 2-42A is amended as follows:

2-42A. Functions, powers, and duties.

* * *

(d) Duties of the Department.

* * *

(3) The Department provides staff support to:

* * *

**(M) the Advisory Board for the Montgomery Cares Program;
[[and]]**

(N) the Early Childhood Coordinating Council; and

**(O) any program created to achieve health equity among
County residents.**

**Sec. ~~[[1]]~~ 2. Chapter 10A is renamed and Article 1 of Chapter 10A
~~[[Section]]~~ Sections 10A-1 and 10A-2 is added as follows:**

Chapter 10A. [Child Day Care Facilities Loan Program] Child Care.

Article 1. Child Care [[Expansion and Quality Enhancement]].

10A-1. Child Care and Early Education Officer.

**(a) [[Definitions]] Definition. In this Section, Officer means the Child Care
and Early Education Officer.**

**(b) The County Executive must designate an employee in the Department
of Health and Human Services to serve as a Child Care and Early
Education Officer. Among other duties, the Officer must:**

**(1) promote coordination and collaboration among county agencies
and departments to expand child care opportunities throughout
the County;**

**(2) (A) administer the selection of providers in public space, after
consulting with the Montgomery County Board of**

Education where school facilities are to be used, to the extent authorized by State law; and

(B) to the extent not authorized by State law, monitor and support the coordination between the Department of Health and Human Services and the Office of Community Use of Public Facilities to administer the selection of providers in public space, including in Montgomery County Public School facilities[, to the extent authorized by State law]];

(3) monitor and support the implementation of the Child Care Expansion and Quality Enhancement Initiative described in Section 10A-2;

(4) provide staff support for the Early Childhood Coordinating Council established in Section 10A-3;

(5) monitor and support the implementation of the Early Childhood Initiative as developed by the Coordinating Council;

(6) serve as a liaison between County government and the public on child care-related issues; and

(7) prepare a Strategic Plan for Child Care by May 5, 2016 that includes:

(A) specific goals and implementation strategies for improving early childhood services and child care provider assistance and counseling;

(B) planning for new child care services in public space, including in public school projects;

(C) planning for expansion of child care space through public-private partnerships;

(D) research on the supply, demand, and affordability of child care throughout the County;

(E) a plan for a countywide universal child care and preschool program that provides every child an opportunity to participate in a high-quality preschool, early care, and education program; and

(F) a plan to improve readiness for children entering kindergarten through enhanced early care and education services.

(c) Annual report. By February 1 each year, the Officer must submit to the County Council and County Executive an annual report on:

(1) its activities, accomplishments, plans, and objectives;

(2) the implementation of the Child Care Expansion and Quality Enhancement Initiative, including the number of family child care providers serviced and types of services provided;

(3) steps taken to implement the Strategic Plan for Child Care, Early Care, and Education in the preceding year; and

(4) the activities, accomplishments, plans, and objectives of the Early Childhood Coordinating Council, including implementation of the Early Childhood Initiative.

10A-2. Child Care Expansion and Quality Enhancement Initiative.

(a) Definitions. In this Article, the following words have the meanings indicated:

Department means the Department of Health and Human Services.

Director means the Director of the Department or the Director's designee.

Family child care provider has the same meaning as in Section 5-550 of the Family Law Article of the Maryland Code or any successor provision.

(b) Initiative. The Department must:

(1) at least quarterly, hold an information session:

(A) for prospective family child care providers, on the steps necessary to become registered or licensed by the State; and

(B) for licensed family child care providers, on the steps necessary to achieve State, regional, or national accreditation;

(2) provide technical assistance and coordinate business training to family child care providers;

(3) [[if requested, conduct a site-visit for potential family child care providers to provide feedback and assistance to obtain state licensing]] if a potential family child care provider is pursuing registration or licensing and has submitted an application to the State Office of Child Care, provide technical assistance and general program support to the provider; and

(4) provide services in Spanish, and other languages as requested, in a culturally competent manner[[;

(5) conduct an annual assessment of child care needs in the County; and

(6) prepare an annual report, as required in subsection (c)].

(c) Regulations. The Executive may adopt regulations under Method (2) to administer the Initiative.

107 [(d) *Annual report.* By February 1 each year, the Department must submit to
 108 the County Council an annual report on:
 109 (1) its activities, accomplishments, plans, and objectives;
 110 (2) the results of the annual child care needs assessment; and
 111 (3) the number of family child care providers serviced and types of
 112 services provided.]]

113 **Sec. 3. Article 2 (Section 10A-3) of Chapter 10A is added as follows:**

114 **Article 2. Early Childhood Coordinating Council.**

115 **10A-3. Early Childhood Coordinating Council.**

116 (a) *Definitions.* In this Section, the following words have the meanings
 117 indicated:

118 *Coordinating Council* means the Early Childhood Coordinating
 119 Council.

120 *Department* means the Department of Health and Human Services.

121 *Director* means the Director of the Department or the Director's
 122 designee.

123 (b) *Established.* The Executive must appoint, subject to confirmation by the
 124 Council, an Early Childhood Coordinating Council.

125 (c) *Composition and terms of members.*

126 (1) The Coordinating Council has up to 33 members.

127 (2) The Executive must appoint up to 15 public members. The public
 128 members should include:

129 (A) up to 4 representatives of local providers of early
 130 childhood education and development services;

131 (B) one representative of the Montgomery County Council
 132 Parent Teacher Associations;

- (C) one representative of the Montgomery County Commission on Child Care;
 - (D) one representative of the Organization of Child Care Directors;
 - (E) one representative of the Family Child Care Association of Montgomery County;
 - (F) one representative of the Maryland Association for the Education of Young Children;
 - (G) one representative of the business community with demonstrated leadership in early childhood care and education;
 - (H) one representative of the local pediatrician community;
 - (I) one representative of the local philanthropic community;
 - (J) one representative of the local interfaith community; and
 - (K) up to 2 parent representatives.
- (3) The Executive must appoint the following to serve as an ex officio member:
- (A) the Director of the Department;
 - (B) one representative of the Department's Division of Early Childhood Services;
 - (C) one representative of the Department's Community Health Services;
 - (D) one representative of the Department's School Health Services;
 - (E) one representative of the Department's Infants and Toddlers Program;

- 159 (F) one representative of the Montgomery County
 160 Collaboration Council for Children, Youth and Families;
- 161 (G) one representative of the Montgomery County Child Care
 162 Resource and Referral Center;
- 163 (H) one representative of the Montgomery County Community
 164 Action Agency, the administrator of public Head Start
 165 programs in Montgomery County;
- 166 (I) one representative of Montgomery County Department of
 167 Public Libraries; and
- 168 (J) one representative of the Montgomery County Council;
- 169 (4) The Executive must invite the following to serve as an ex officio
 170 member:
- 171 (A) the Montgomery County Public Schools Superintendent or
 172 the Superintendent's designee;
- 173 (B) one representative of the Montgomery County Public
 174 School's Division of Early Childhood Programs and
 175 Services;
- 176 (C) one representative of the School's Division of
 177 Prekindergarten, Special Programs and Related Services;
- 178 (D) one representative of the Office of Child Care Region 5,
 179 Maryland State Department of Education;
- 180 (E) up to 2 representatives of public institutions of higher
 181 education in the County;
- 182 (F) one elementary school principal in Montgomery County
 183 Public Schools; and
- 184 (G) one prekindergarten teacher in Montgomery County Public
 185 Schools.

(5) The term of each member is 4 years. If a member is appointed to fill a vacancy before a term expires, the successor serves the rest of the unexpired term.

(d) Voting, officers, chairs, meetings, and compensation.

(1) Each member of the Coordinating Council is a voting member.

(2) The Executive must designate the Chair and Vice-Chair.

(3) The Coordinating Council meets at the call of the Chair. The Coordinating Council must meet as often as necessary to perform its duties, but not less than 9 times each year.

(4) A member serves without compensation. However, a member may request reimbursement for mileage and dependent care costs at rates established by the County.

(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, [[pre-kindergarten]] 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, [[Pre-kindergarten]] 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.

~~[[e)]~~ (f) Advocacy. The Coordinating Council must not engage in any legislative advocacy at the State or federal levels unless that activity is approved by the Office of Intergovernmental Relations.

~~[[f)]~~ (g) Staff. The Department of Health and Human Services must provide appropriate staff to the Coordinating Council.

Sec. ~~[[3]]~~ 4. Article VIII of Chapter 27 (Sections 27-62 and 27-62A) is renumbered and moved to Chapter 10A, and Articles 3 and 4 of Chapter 10A (Sections 10A-4 and 10A-5) are added as follows:

Article VIII. [Commission on Child Care.] Reserved.

* * *

Article 3. Commission on Child Care.

[27-62] ~~[[10A-8]]~~ 10A-4. Commission on child care.

* * *

Article 4. Child Care Facilities Impact Statements.

[27-62A] ~~[[10A-9]]~~ 10A-5. Child Care facilities impact statements.

* * *

Sec. ~~[[2]]~~ 5. Article ~~[[2]]~~ 5 of Chapter 10A is added and Sections 10A-1, 10A-2, 10A-3, 10A-4, 10A-5, and 10A-6 are renumbered as follows:

Article ~~[[2]]~~ 5. Child Day Care Facilities Loan Program.

[10A-1] ~~[[10A-2]]~~ 10A-6. Purpose and objectives.

* * *

[10A-2] ~~[[10A-3]]~~ 10A-7. Eligibility.

* * *

265 [10A-3] ~~[[10A-4]]~~ 10A-8. Uses of funds.

266 * * *

267 [10A-4] ~~[[10A-5]]~~ 10A-9. Loan amounts and rates.

268 * * *

269 [10A-5] ~~[[10A-6]]~~ 10A-10. Loan procedures.

270 * * *

271 [10A-6] ~~[[10A-7]]~~ 10A-11. Revolving loan fund.

272 * * *

273 **Sec. 6. Sections 44-3 and 44-4 are amended and Section 44-4A is added as**
 274 **follows:**

275 **44-3. Interagency Coordinating Board.**

276 (a) *Establishment and responsibilities.* ~~[[The]]~~ Except as provided in
 277 Section 44-4A, the Interagency Coordinating Board for Community Use
 278 of Public Facilities must review and coordinate the activities conducted
 279 under this Article. The Board must:

280 * * *

281 **44-4. Director of Community Use of Public Facilities.**

282 ~~[[The]]~~ Except as provided in Section 44-4A, the Director must:

283 * * *

284 **44-4A. Child Care in Public Spaces.**

285 The Child Care and Early Education Officer designated in Section 10A-1
 286 must:

287 (a) administer the selection of providers in public space, after consulting
 288 with the Montgomery County Board of Education where school
 289 facilities are to be used, to the extent authorized by state law; and
 290 (b) to the extent not authorized by State law, monitor and support the
 291 coordination between the Department of Health and Human Services
 292 and the Office of Community Use of Public Facilities to administer the

292 selection of providers in public space, including in Montgomery County
 293 Public School facilities [[to the extent authorized by State law]].

294 **Sec. 7. Transition of the Early Childhood Coordinating Council.**

295 The County Executive must stagger the terms of the public members initially
 296 appointed to the Early Childhood Coordinating Council under Section 10A-3 as
 297 added by Section 3 of this Act so that approximately one-fourth of the terms of the
 298 public members expire each year.

299 *Approved:*

300 *George Leventhal*
 George Leventhal, President, County Council

5/7/2015
 Date

301 *Approved:*

302 Vetoed
Isiah Leggett
 Isiah Leggett, County Executive
 303 *This is a correct copy of Council action.*

5/14/15
 Date

304 *Linda M. Lauer*
 Linda M. Lauer, Clerk of the Council

5/12/15
 Date