

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
Enacted: February 15, 2022
Executive: _____
Effective: _____
Sunset Date: _____
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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

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

Boldface	<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.*

- 28 (1) The Council must designate, by resolution approved by the
 29 Executive, a single nonprofit corporation which complies with all
 30 requirements and criteria of this Section as the County's Early
 31 Care and Education Coordinating Entity. If the Executive
 32 disapproves the resolution within 10 days after receiving it, the
 33 Council may readopt the resolution with at least 6 affirmative
 34 votes.
- 35 (2) To continue to qualify as the County's Early Care and Education
 36 Coordinating Entity, the Entity's articles of incorporation and
 37 bylaws must comply with all requirements of this Section.
- 38 (3) Any designation under this Section expires 3 years after the
 39 resolution is adopted unless the Council extends the designation by
 40 adopting another resolution under this Section.
- 41 (4) The Council at any time may suspend or revoke the designation of
 42 a corporation as the County's Early Care and Education
 43 Coordinating Entity by resolution, adopted after at least 15 days
 44 public notice that is approved by the Executive, or, if the Executive
 45 disapproves the resolution within 10 days after receiving it,
 46 readopted by a vote of at least 6 Councilmembers.
- 47 (c) Board of Directors. To qualify as the County's Early Care and Education
 48 Coordinating Entity, the Corporation's Board of Directors must have no
 49 more than [[13]] 9 ex-officio voting members and 12 other voting
 50 members appointed by the County Executive and confirmed by the
 51 County Council. Each member must reside or work in the County. Each
 52 member appointed from the public sector as an ex officio member
 53 represents the public interest and is not precluded from participating in a
 54 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.

