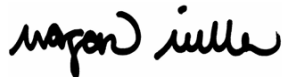


TEXAS WORKFORCE COMMISSION
Workforce Development Letter

ID/No:	WD 29-23
Date:	December 14, 2023
Keyword:	Child Care
Effective:	Immediately

To: Local Workforce Development Board Executive Directors
Commission Executive Offices
Integrated Service Area Managers



From: Reagan Miller, Director, Child Care & Early Learning Division

Subject: **Texas Rising Star Child Care Rule Waivers**

PURPOSE:

The purpose of this WD Letter is to provide Local Workforce Development Boards (Boards) and the centralized assessor entity (CAE) with guidance on implementing two waivers to Texas Workforce Commission (TWC) Chapter 809 Subchapter G Child Care Services rules and the Texas Rising Star Certification Guidelines. The two waivers address the following:

- Annual on-site assessment of certified Texas Rising Star providers
- Certified child care homes that have a facility change moving from a registered home to a licensed home

RESCISSIONS:

None

BACKGROUND:

On November 7, 2023, per §809.3, TWC's three-member Commission (Commission) waived [§809.133\(d\)\(1\)](#), which requires that the CAE conduct an unannounced, annual on-site assessment of certified Texas Rising Star providers. The waiver will help the CAE prioritize completing the initial assessments of approximately 4,300 Entry Level–designated providers that the CAE must assess before September 30, 2024.

Additionally, the Commission waived [§809.131\(a\)\(1–2\)](#) for only certified child care homes. Section [809.131\(a\)\(1–2\)](#) requires child care providers to have a permanent license/registration (full permit) from Child Care Regulation (CCR) and 12 months of licensing history. Therefore, the waiver will specifically help child care homes that experience a facility change (from being registered to licensed) expand their capacity to serve children at their existing location.

PROCEDURES:

No Local Flexibility (NLF): This rating indicates that Boards must comply with the federal and state laws, rules, policies, and required procedures set forth in this WD Letter and have no local flexibility in determining whether and/or how to comply. All information with an NLF rating is indicated by “must.”

Local Flexibility (LF): This rating indicates that Boards have local flexibility in determining whether and/or how to implement guidance or recommended practices set forth in this WD Letter. All information with an LF rating is indicated by “may” or “recommend.”

Texas Rising Star Annual Monitoring Visits

NLF: The CAE must waive any annual monitoring visits due, and not yet completed, before the effective date of this WD Letter through September 30, 2024.

NLF: The CAE must enter a “General Status Update” in the Engage Event Log for each child care program’s waived annual monitoring visit. For example, “Annual monitoring visit due by [date] is waived due to WD Letter 29-23.”

NLF: The CAE must, in writing, inform the child care program and its assigned mentor and/or Board of the annual monitoring visit waiver.

NLF: The CAE must continue to complete quarterly screenings of each certified Texas Rising Star provider per the Texas Rising Star Guidelines.

NLF: The Boards must provide mentoring per the Texas Rising Star Guidelines to support certified Texas Rising Star programs during this time frame.

High-Quality Child Care Home Expansion

NLF: Per the Commission-approved waiver of §809.131(a)(1–2), if a registered and Texas Rising Star–certified child care home becomes a licensed child care home at the same location, it will retain its certification for up to six months. Once the child care home has changed its permit status, the CAE must ensure that:

- the provider is reassessed for continued certification within three months of the change in permit status; and
- their Texas Rising Star certification is suspended if the provider fails to obtain a full (permanent) permit within six months of the change.

NLF: Boards must ensure that Texas Rising Star staff communicates facility changes for Texas Rising Star–certified child care providers to the CAE per the Engage User Guide.

NLF: The CAE must enter a “General Status Update” in the Engage Event Log for each child care provider that was granted a waiver. For example, “Full permit requirement for the facility change of certified registered home to licensed home is waived due to WD Letter 29-23.” The CAE must also inform the Board in writing when the waiver has been granted.

INQUIRIES:

Send inquiries regarding this WD Letter to childcare.programassistance@twc.texas.gov.

ATTACHMENTS:

None

REFERENCES:

Texas Workforce Commission, Chapter 809, Child Care Services Rules

Texas Workforce Commission Texas Rising Star Certification Guidelines

Texas Rising Star Engage User Guide