

**TEXAS WORKFORCE COMMISSION**  
**Workforce Development Letter**

<b>ID/No:</b>	WD 21-23, Change 1
<b>Date:</b>	November 20, 2023
<b>Keyword:</b>	Administration; Child Care; WIOA
<b>Effective:</b>	Immediately

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



**From:** Courtney Arbour, Director, Workforce Development Division

**Subject:** **Local Workforce Development Board Membership—Update**

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**PURPOSE:**

The purpose of this updated WD Letter is to provide Local Workforce Development Boards (Boards) with guidance on Board member composition relating to the new requirement for representation from the child care workforce.

This updated WD Letter:

- clarifies the repeal of Texas Government Code §2308.256(g); and
- adds a link to a Board membership FAQ document.

**RESCISSIONS:**

WD Letter 21-23

**BACKGROUND:**

House Bill (HB) 1615, passed during the 88th Texas Legislature, Regular Session (2023), amended Texas Government Code §2308.256 to require that each Board expand its membership to include a representative of the child care workforce. Prior to the passing of HB 1615, a Board member who was appointed to represent one of the required categories was required to also have expertise in child care or early childhood education. The requirement, as set forth in Texas Government Code §2308.256(g), was repealed with the passing of HB 1615.

On August 15, 2023, the Texas Workforce Commission’s three-member Commission adopted the definition of “child care workforce representative.”

**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.”

**NLF:** Boards must be aware of the following:

- HB 1615 repealed Texas Government Code §2308.256(g), which stated that at least one Board member, in addition to representing a required category, must have expertise in child care or early childhood education.
- Board composition requirements now include a stand-alone representative of the child care workforce.
- A Board representative of the child care workforce must be a current owner or director of a child care provider that is licensed by or registered with the Texas Health and Human Services Commission’s Child Care Regulation department.
- The child care workforce representative must be selected from individuals recommended by interested organizations, as set forth in Texas Government Code §2308.256(e).
- The addition of the child care workforce representative may result in an increase to the minimum number of members needed to meet requirements for private-sector businesses and organized labor or community-based organizations (CBOs).

**NLF:** Boards must be composed of a minimum of 27 members, including the following representatives:

- Fourteen from private-sector businesses
- Four from organized labor and CBOs
- Two from educational agencies
- One from a vocational rehabilitation agency
- One from a public assistance agency
- One from an economic development agency
- One from the public employment service
- One from a local literacy council
- One from an adult basic and continuing education organization
- One from the child care workforce

**NLF:** Boards must be aware that if, as of the date of this WD Letter, a current Board member who represents one of the other required categories (such as a private-sector business or a CBO) also meets the criteria for a representative of the child care workforce:

- the Board member may serve in both roles until the expiration of the Board member’s current term; and
- the Board must appoint any new Board members necessary to meet the requirements of this WD Letter within 90 days of the expiration of the Board member’s current term.

**NLF:** If no current Board members meet the criteria for a representative of the child care workforce, the Board must appoint the child care workforce representative, along with any other new members necessary to meet the requirements of this WD Letter, by November 30, 2023.

**NLF**: Boards must be aware that the veterans special requirement, as set forth in Texas Government Code §2308.256(h), remains the same.

**NLF**: Additionally, Boards must be aware that TWC will maintain a [Board membership FAQ](#) document.

**INQUIRIES:**

Send inquiries regarding this WD Letter to [wfpolicy.clarifications@twc.texas.gov](mailto:wfpolicy.clarifications@twc.texas.gov).

**ATTACHMENTS:**

Attachment 1: Revisions to WD Letter 21-23 Shown in Track Changes

**REFERENCES:**

20 CFR §679.320

Texas Government Code §2308.256

House Bill 1615, 88th Texas Legislature, Regular Session (2023)

Chief Elected Official's Membership Guide for Local Workforce Development Boards