

	PAGE
1	
2	
3	
4	
5	
6	
7	
8	
9	
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	

TABLE OF CONTENTS

PROCEEDINGS, TUESDAY, AUGUST 25, 2015	4
AGENDA ITEM NO. 1	4
CHAIRMAN ALCANTAR	
AGENDA ITEM NO. 2	4
SHERRI MILLER AND DOUG CARNES	
AGENDA ITEM NO. 3	4
DOUG CARNES	
AGENDA ITEM NO. 4	4
SHERRI MILLER	
AGENDA ITEM NO. 5	5
SHERRI MILLER	
AGENDA ITEM NO. 6	5
PAUL N. JONES	
AGENDA ITEM NO. 7	22
DAVID JOHNSON	
AGENDA ITEM NO. 8	NO UPDATE
ADAM LEONARD AND DAVID JOHNSON	
AGENDA ITEM NO. 9	24
ADAM LEONARD	
AGENDA ITEM NO. 10	26
PATRICIA GONZALEZ	
AGENDA ITEM NO. 11	30
DEBBIE CARLSON	
AGENDA ITEM NO. 12	NO UPDATE
DEBBIE CARLSON	
AGENDA ITEM NO. 13	32
JASON VADEN	

	PAGE
1	
	TABLE OF CONTENTS
2	
3	35
4	
5	37
6	39
7	
8	41
9	NOT HEARD
10	
11	NO UPDATE
12	43
13	
14	NOT HEARD
15	NOT HEARD
16	
17	47
18	48
19	
20	
21	
22	
23	
24	
25	

1 P R O C E E D I N G S

2 TUESDAY, AUGUST 25, 2015

3 (9:00 a.m.)

4 AGENDA ITEM NO. 1

5 CHAIRMAN ALCANTAR: Good morning,
6 everyone. This meeting will now be called to order.

7 AGENDA ITEM NO. 2

8 Discussion, Consideration and Possible
9 Action Regarding Whether to Assume Continuing
10 Jurisdiction on Unemployment Compensation Cases, Wage
11 Claim Cases, and/or Tax Liability Cases and
12 Reconsideration of Unemployment Compensation Cases, Wage
13 Claim Cases, and/or Tax Liability Cases, if Any.

14 The Commission agreed that a letter of
15 continuing jurisdiction to be sent regarding Case No.
16 1926021. The case will be heard on a later docket.

17 AGENDA ITEM NO. 3

18 Discussion, Consideration and Possible
19 Action Regarding Tax Liability Cases Listed on the Texas
20 Workforce Commission Docket 34.

21 The Commission considered and took action
22 on all tax liability cases listed on Docket 34.

23 AGENDA ITEM NO. 4

24 Discussion, Consideration and Possible
25 Action Regarding Higher Level Appeals in Wage Claim

1 Cases Listed on the Texas Workforce Commission Docket
2 34.

3 The Commission considered and took action
4 on all wage claim cases listed on Docket 34.

5 AGENDA ITEM NO. 5

6 Discussion, Consideration and Possible
7 Action Regarding Higher Level Appeals in Unemployment
8 Compensation Cases Listed on the Texas Workforce
9 Commission Docket 34.

10 The Commission considered and took action
11 on all unemployment compensation cases listed on Docket
12 34.

13 (Off the record: 9:00 a.m. to 9:47 a.m.)

14 CHAIRMAN ALCANTAR: Good morning,
15 everyone.

16 AGENDA ITEM NO. 6

17 CHAIRMAN ALCANTAR: Mr. Jones, has anyone
18 signed up for public comment?

19 MR. JONES: Good morning, Mr. Chairman and
20 Commissioners. We do have four individuals who signed
21 up for public comment this morning, and so we'd call Amy
22 Webre first.

23 CHAIRMAN ALCANTAR: Great. Good morning,
24 Amy.

25 MS. WEBRE: Good morning. How are you?

1 CHAIRMAN ALCANTAR: I'm fine. If you
2 would state your name for the record and who you
3 represent.

4 MS. WEBRE: Amy Webre and I represent
5 Providers of Texas for Early Child Care providers.

6 I wanted to first say that we just found
7 out about the recommendations at 5:00 last night.

8 So we've been kind of struggling to get
9 information together so that we could respond. So I
10 wanted to let you know that first.

11 We're excited that TWC is actually looking
12 into some recommendations, but what I'm going to speak
13 about is the lesson plans and also the CDA credential
14 that they're requiring all the teachers to get in order
15 to be a four star.

16 So the -- on the lesson plans we have had
17 a really hard time understanding what TWC wants as far
18 as content in their lesson plans, and I have a Master's
19 in Curriculum and Instruction and a Minor in Education.

20 So we've gone back and forth with our
21 lesson plans, and when we finally submitted them we did
22 receive a three, which is the highest you could receive
23 for lesson plans after several meetings and me having to
24 change a lot of items, but we still received a zero on
25 our health and well-being domain, and I had planned for

1 two weeks of sun safety and two weeks of water safety.

2 So I'm not sure why we're receiving a zero
3 in that domain, and I have sent out an email to the
4 person that did our scores and she is checking and
5 getting back to me.

6 So I think there's a lot of confusion
7 still with the lesson plans. I think there needs to be
8 someone in place that understands exactly how to write
9 them and also how to score them and grade them.

10 As far as the CDA credential, we were
11 trying to make it easy for our teachers. So we bought
12 all the books and we bought everything they needed.

13 We're not charging them at all, and we're
14 trying to help them get that on their lunch hour so they
15 don't have to go to ACC or they don't have to go to --
16 which is called "Tick Tock" training.

17 So I've been meeting with them on
18 Wednesdays on their lunch hour and helping them, and
19 they've been reading and doing their homework and
20 getting their portfolio together, and we submitted all
21 of our training and all of our CDA proposals back in
22 June, and we found out after our scoring that I was not
23 allowed to teach them their CDA courses.

24 So we're not sure why that is. I
25 contacted Washington, and they said that that comes back

1 on the state of Texas, that the states decide now who's
2 able to teach that credential. So I'm still waiting to
3 hear on that. Thank you.

4 CHAIRMAN ALCANTAR: Okay. Thank you, Amy.

5 Laura Rainey. Good morning, Laura.

6 MS. RAINEY: Good morning.

7 CHAIRMAN ALCANTAR: Again, if you could
8 state your name for the record and who you represent.

9 MS. RAINEY: Hello. My name is Laura
10 Rainey and I'm representing Little Dudes Learning Center
11 No. 3.

12 The comments that I'd like to make today
13 are in regards to my experience having recently gone
14 through the Texas Rising Star Assessment as a brand-new
15 director.

16 I had been in my position beginning July
17 6th as the Director at Little Dudes Learning Center No.
18 3 and had experienced quite a bit of staff changes.
19 Jumped right in and started submitting the required
20 documents to meet TRS standards in regards to director
21 qualifications.

22 My facility assessment was submitted to my
23 child development specialist on July 31st with
24 supporting documents showing my education and my
25 credentialing that meet licensing requirements.

1 It was during this time that I was also
2 submitting for my director certification. I had left
3 the field as a teacher for many, many years and was
4 stepping into administration.

5 So my CDS had received that. Our
6 assessment was scheduled for August 14th. On
7 August 13th I was again asked to provide supporting
8 documents showing my education and credentials, which I
9 promptly did so.

10 We went through our assessment on
11 August 14th and received our supporting documents and
12 our star rating which resulted in a two star rating
13 on August 21st.

14 Upon reviewing the document, I immediately
15 noticed in Category 1 that we had received a zero on my
16 formal education. I was quite confused about this and
17 sent an email to my child development specialist.

18 She had indicated to me at that time that
19 my credentials did not show any business courses, which
20 is, of course, a licensing requirement.

21 I pointed out to her that my transcripts
22 did show that I had received my Minor in Business
23 Administration.

24 I then faxed my documents to her for the
25 third time underlining my business courses. She then

1 contacted my licensing rep and together they came to the
2 decision that they would consider my education, and my
3 assessment was reevaluated and ended up resulting in our
4 certification changing to a three star level.

5 That was the only category that we had
6 received a two star in. So I knew that that component
7 was an important component to the way that the measure
8 was evaluated and star rating was determined.

9 It was very frustrating for me to go
10 through this experience as a new director, and it made
11 me feel that I didn't have the credibility that I felt
12 should have been present in the child development
13 specialist that was representing and assessing my
14 center.

15 So I was pleased, however, to receive the
16 three star rating and did continue to review the
17 document which I felt was not representative of the
18 experience that I had at the time of the assessment.

19 In my after-school program I had a teacher
20 in that program who was in the summer program and had a
21 number of children in her program that day, and she was
22 reviewed for about a two-hour period of time.

23 She had amazing care-giver interactions
24 with her children. She had opportunities to provide
25 positive behavior guidance, and it was a stellar

1 performance speaking from a person of experience. She
2 received zeros in these categories.

3 My curriculum director, Amy Webre, who
4 just spoke was also present during her assessment and
5 also observed the same type of high-quality, care-giver
6 child interaction.

7 It speaks to me in terms of the validity
8 of assessment. What is the training that the CDSs are
9 receiving to provide a professional evaluation, a
10 professional communication to providers?

11 I was not spoken to at all during the
12 assessment which left me feeling disappointed and
13 ignored, to be honest. These are some of my
14 frustrations, and as a new director I feel like I have
15 fresh eyes in the process.

16 I've gone through it many times as a
17 teacher. So I think I have an interesting perspective.
18 One remaining quick point is that being at Little Dudes
19 is a new venue for me, a new community that I'm serving.

20 We work very hard to serve low-income
21 children. I previously taught in one of the premiere
22 schools in Austin with the highest tuition in Travis
23 County.

24 It is frustrating to me that I see
25 providers that meet the criteria of this document that

1 they only have to have a contract to serve low-income
2 children; where at my center at any given time
3 supporting 95 to 98 percent low-income families and
4 children.

5 I feel there's an inapplicability of
6 centers that have an incredible amount of resources from
7 the parents and the income that they receive to also
8 receive benefits from Texas Rising Star Certification.

9 It goes against the entire focus of why we
10 developed this program for children in Texas. It's a
11 disparity.

12 Those are my remaining comments. Thank
13 you.

14 CHAIRMAN ALCANTAR: Thank you, Laura.
15 Next I would like to invite Pat Smith. Good morning,
16 Pat.

17 MS. SMITH: Good morning. Thank you.

18 CHAIRMAN ALCANTAR: Your name and who you
19 represent for the record.

20 MS. SMITH: My name is Pat Smith, and I'm
21 the Executive Director of Little Dudes Learning Centers,
22 and we are a nonprofit program serving low-income
23 children in South Austin since 1961, and I have a long
24 history of advocacy with House Bill 376.

25 I advocated for it by testimony. I was

1 the only provider in Texas over two legislative sessions
2 to testify on its behalf.

3 I participated in a work group while it
4 was -- the bill was being drafted, and I was fortunate
5 enough to be a work group member representing providers
6 during the work that we did to create the current
7 program.

8 It was some of the most demanding work
9 I've ever done. The work span was over eight months.
10 There were dozens of meetings lasting eight hours or
11 longer -- many lasting eight hours or longer.

12 I chaired a subcommittee. I participated
13 in sub-subcommittees, and all that time doing research
14 and study as well as running my programs.

15 It was like nothing I've ever done
16 before -- very rewarding but very challenging. I had
17 concerns during the process that the scope of the work
18 that we were directed to complete exceeded the amount of
19 time that we had to get it done.

20 I was concerned with the costs that
21 providers were going to incur to meet the three and four
22 star criteria. I brought the topic up during work group
23 meetings and providers also made testimony to this
24 effect, and it was -- the cost burden to providers was
25 never discussed in the work group.

1 In good faith my staff and I worked
2 incredibly hard to meet the necessary requirements for
3 four star criteria under the new program.

4 I even went so far as to hire a part-time
5 curriculum director with her Master's degree because I
6 knew that I did not have the time to devote to my staff
7 to meet the new four star criteria.

8 It is costing us thousands of dollars more
9 to implement the new TRS standards than we will receive
10 in reimbursement under three star or even four star, and
11 this was not the intention of the bill.

12 The new TRS was a complete rewrite from
13 the original. It does not have any similarity at all
14 with the original with the exception of the name. Work
15 group members were asked to pilot the program before the
16 rollout because the changes were so extensive and there
17 was not enough time.

18 Now that providers have been assessed
19 under the TRS, providers across the state have expressed
20 their frustration and dismay with many facets of the
21 program: Issues with boards giving providers
22 conflicting information, frustration by boards of the
23 complexity of the new TRS, the ambiguity of the
24 measures, the short timeline for training, lack of
25 provider training, the mysterious and unfair scoring,

1 the inability for providers to conduct a test score
2 which is a common practice for national accreditations
3 as well as the original TRS.

4 Let's see -- providers were not given
5 samples of the new TRS assessment form so they could
6 have a full understanding of the program expectations.

7 Some did not know of its existence and
8 others asked for copies but never heard back. The new
9 requirement that providers have in their perfect
10 licensing histories when there are 2,000 standards to be
11 in compliance with has prevented a significant number of
12 excellent providers from participating.

13 Lack of consideration for how the new TRS
14 would be received in rural areas, the alignment of new
15 TRS with the most expensive national accreditation while
16 reimbursements rates are less than half of what those
17 private programs command, there's ambiguity in many
18 measures with little distinction between the highest two
19 ratings.

20 To me, lesson plan requirements, hours of
21 preparation each week per teacher are necessary with
22 rates that do not compensate for that time that must be
23 devoted to lesson plan writing.

24 While the new TRS has a good framework it
25 is riddled with problems. Since TRS providers have now

1 been assessed under the new measures, newly enrolled
2 programs will be mentored over the next year before
3 they're assessed.

4 I would like to see a work group convened
5 with a high level of provider representation to review
6 provider and Board feedback, review participation and
7 star ratings and Board areas since the rollout and
8 recommend edits to address the program's flaws.

9 Opportunities like House Bill 376 has
10 provided come along every few decades. Please do the
11 right thing for the children enrolled in CCS and address
12 the identified challenges to TRS now so it can be a
13 respected and effective program for improving early
14 learning programs and serve more young children in Texas
15 who need it the most.

16 Thank you so much.

17 CHAIRMAN ALCANTAR: Thank you, Pat.
18 Debbie Parker.

19 Good morning, Debbie.

20 MS. PARKER: Good morning. I'm Debbie
21 Parker. I'm Executive Director and owner of Kids Campus
22 Learning Center, and I'm here to represent the
23 providers, as well as Kids Campus teachers.

24 Just a little background: We had our
25 assessment on August 4th and found out that we needed to

1 have a reassessment at the end of April. We had to turn
2 in all of our paperwork by the end of May. We did it.
3 We formed teams. We worked long, long hours to try and
4 understand what we were going to be assessed on, because
5 we didn't have that training that our board had, and I
6 know that one of the previous comments was, you know,
7 "How are they trained?"

8 Well, they were trained. We weren't. We
9 just had to take all this paperwork, role it out to our
10 21 staff and hoped for the best. Again, we did it.

11 We were rated four star in four out of the
12 five categories, and those were all the performance
13 categories. Category 1 is the training or the education
14 piece.

15 We got a two star. We have four teachers
16 that are enrolled at ACC, which is amazing because these
17 teachers are 15 years in the business and finally see --
18 or I shouldn't say "finally see," because I don't think
19 it was this tool that made them understand what
20 education is all about.

21 It's their life that -- they're single
22 moms. There's reasons why they haven't gone back after
23 their CDA, but they have met every training requirement
24 in the 15 years that they have been teachers.

25 It's gone up from 8 to 12 to 15 to 30

1 hours per year that they are required to get training,
2 and they've done it and we've done it as a team, and it
3 shows in their performance, not just by me saying that,
4 but by the assessors coming in and saying, "Your school
5 is operating on a four star level in four out of the
6 five categories."

7 That one category put us at a two star
8 after all those hours that they put in. I had three
9 teachers, and I even -- I'm embarrassed to say this: I
10 had three teachers walk off the job since August 4th.

11 I haven't had that since the first year
12 that I bought the center, and I've owned the center for
13 10 years. The reasons they walked off are because they
14 put their life into this and it's not enough.

15 It's not enough for them to -- the piece
16 of paper doesn't make that teacher. It's the time and
17 the effort and the dedication and the sincerity that
18 they put into the class.

19 They were not able to go back to school
20 and get this -- you know, one of them being 50 years old
21 and she was not able to go back and get her CDA.

22 So she just chose not to hurt Kids Campus
23 anymore -- her words. So, again, I don't want to harp
24 on that. The piece of paper having the weight that it
25 has I think is a disgrace to our industry and what we

1 do.

2 You-all can't afford for us to hire
3 degreed teachers. They have student loans that they
4 have to pay, and I say this -- this is very hard for me
5 to say because I just drove my daughter to college this
6 week and beat into her head, "This is important. This
7 degree is important. You need to do it now."

8 Then I'm going back to my staff saying,
9 "It's okay. Don't beat yourself up if you can't do
10 this. You are a good teacher. We're going to get you
11 the training that we need to get."

12 I hear that they -- Pat hiring the
13 curriculum coordinator. She was putting her staff
14 through the CDA program on lunch hours. How much time
15 and dedication does that take for that teacher to do
16 that and then to find out that that doesn't count.

17 My teachers went through the process of
18 signing up for the ACC TRAC program, which I commend
19 them for. I think it's amazing.

20 So all that said, I want your
21 recommendation, one, an existing TRS provider that is --
22 that is actively pursuing Texas Rising Star
23 certification under the new standards, working with the
24 Board and has either not been assessed or assessed but
25 did not meet standards will be grandfathered to a two

1 star.

2 What does that say for me and all of our
3 staff that worked 90 days to pull this off, four star in
4 all categories -- all categories except for the
5 training -- or except for the -- and they're going to be
6 grandfathered to a two star.

7 If I would have been bold enough and had
8 the backing from my teachers, I would have said, "Forget
9 this, guys. I can't do it. I can't do it in 90 days."
10 But can I do it by February if I was given this
11 information in April? Yeah, I could have. I could
12 have.

13 With three -- four people actually
14 enrolled in the CDA program I would have met a four
15 star. I would have had my 30 percent; so I would have
16 had a four star, but because that's so vital and so
17 important to this assessment, we didn't get that. We're
18 two star. We could have been grandfathered in.

19 Recommendation No. 2: Staff recommends
20 modifying the TRS scoring methodology described in the
21 Texas Rising Star guidelines to allow a provider that
22 achieved four star rating on four of the five
23 categories -- that's us -- but a two star rating in one
24 category, you're still looking at that piece of paper.

25 Performance measures are Categories 2

1 through 5. Those are the performance -- that shows what
2 the school does and the teachers do on a regular basis.

3 That's not me saying it. That's your CDSs
4 coming in and say, "Yeah, your school is performing on a
5 four star rate? How can it if that piece of paper is so
6 vital to their performance?

7 Recommendation No. 3: Reassessment of the
8 lowest-rated category within three months. It says,
9 "Staff also recommends that if a provider that requested
10 a reassessment of the lowest category or categories has
11 experienced a change in the director or staff within
12 three months, then the director or staff qualifications
13 must be reassessed."

14 Again, that goes back to your piece of
15 paper being very, very, very important and not looking
16 at what the teachers are able to perform by.

17 One more thing. The Wall Street Journal
18 had an article, Teacher Training Doesn't Make the Grade,
19 the study finds.

20 The state of New York did a study on
21 teachers and requiring teachers to go back to school and
22 get their Master's or go into more training.

23 They were finding that that's not what
24 made the teacher, and this is like a five-year study,
25 and this is the Wall Street Journal. So it's a national

1 journal -- or national article. It doesn't make the
2 teacher -- the passion and the dedication and the
3 training over the years. The years of experience,
4 that's what makes the teacher. So please keep that in
5 mind.

6 With Category 1, I get that you're going
7 to raise us to a three star based on these
8 recommendations if they get approved, but we're still --
9 you're still taking our performance level of a four and
10 you're lowering us to a three because they don't have
11 that piece of paper.

12 Thank you so much.

13 CHAIRMAN ALCANTAR: Thank you, Debbie. I
14 want to thank Debbie, Pat, Laura and Amy for your time
15 this morning and your thoughts on how we can improve the
16 program. Appreciate you being here.

17 AGENDA ITEM NO. 7

18 CHAIRMAN ALCANTAR: Item 7. Discussion,
19 Consideration and Possible Action Regarding Program Year
20 2015 Adult Education and Literacy Targets, David
21 Johnson.

22 Good morning, David.

23 MR. JOHNSON: Good morning, Mr. Chairman,
24 Commissioners, Mr. Temple. David Johnson with
25 Operational Insight.

1 On June 9th the Commission approved
2 performance targets for next year's Adult Education and
3 Literacy providers.

4 The base targets are set using the year's
5 allocation. There are also additional targets based on
6 carry-forward funds from the previous year.

7 We now believe that the performance-based
8 funding should be excluded from the average cost
9 calculation because, first, those funds are not
10 guaranteed to go to the provider, and, second, the
11 Commission may choose in the future to disassociate this
12 funding from enrollment.

13 As such, we're proposing a reduction in
14 the average cost figure from about \$621 to about 609,
15 again, as a result of excluding the performance-based
16 funding.

17 This adjustment is consistent with our
18 earlier exclusion of professional development funding
19 from the average cost analysis.

20 That concludes my prepared remarks. I'm
21 happy to answer any questions you might have.

22 CHAIRMAN ALCANTAR: Commissioner
23 Congleton.

24 COMM. CONGLETON: I move that we approve
25 the methodology for calculating the supplemental AEL

1 customer serve targets for Program Year 2015 using the
2 average cost of \$680.80.

3 COMM. HUGHS: Second that motion.

4 CHAIRMAN ALCANTAR: It's unanimous. Item
5 8 we have no update.

6 AGENDA ITEM NO. 9

7 CHAIRMAN ALCANTAR: Item 9. Discussion,
8 Consideration and Possible Action Regarding Board
9 Contract Year 2016 Local Board Performance Measure
10 Targets, Adam Leonard.

11 Good morning, Adam.

12 MR. LEONARD: Good morning, Commissioners.
13 I'm here today to present recommendations for the
14 average number of children served per day in child care
15 program by the Boards.

16 As you know, this year presents a certain
17 number of challenges that we haven't had in previous
18 years because of -- it's the first year that all the
19 provisions of House Bill 376 are in effect and, of
20 course, there have been some questions about what the
21 long-term case mix is going to look like as a result of
22 the changes.

23 We don't know for certain exactly what the
24 average rating, if you will, is going to be to be to two
25 star, three star, four star -- that kind of thing.

1 So in developing these targets we wanted
2 to make sure that we were fairly conservative in our
3 estimates of the case mix in such a way that we wouldn't
4 put the Boards in a position where we set expectations
5 that they likely could not meet simply because we had
6 assumed that the case mixes might be less expensive than
7 they actually turned out to be.

8 So, methodology-wise, the process is
9 largely the same as it has been in prior years where we
10 look at admin off set-asides, pulling that out of the
11 total allocation minus the 2 percent for quality and
12 then applying the case mix to determine how much -- how
13 many units of care the Boards can afford.

14 So with that in mind, I'm happy to answer
15 any questions you may have. I simply need to mention
16 one last little thing, which is that on the last page of
17 the packet there's a footnote in there that referenced
18 the wrong year that the case mixes that we used were
19 based on April 14 through March of '15, not April 13
20 through March of '14.

21 So that was a typo in the document but it
22 didn't affect -- doesn't affect the actual analysis of
23 the recommendations.

24 CHAIRMAN ALCANTAR: Commissioner
25 Congleton.

1 COMM. CONGLETON: I move that we approve
2 the Board Contract Year 2016 child care measures and
3 targets as discussed.

4 COMM. HUGHS: I second the motion.

5 CHAIRMAN ALCANTAR: It is unanimous.

6 Thank you.

7 AGENDA ITEM NO. 10

8 CHAIRMAN ALCANTAR: Item 10. Discussion,
9 Consideration and Possible Action Regarding Texas Rising
10 Star Implementation Extension and Guidance on
11 Assessments, Patricia Gonzalez.

12 Good morning.

13 MS. GONZALEZ: Good morning. Good
14 morning, Commissioners, Mr. Temple. Patricia Gonzalez,
15 for the record, Workforce Development Division.

16 For your consideration today is a
17 discussion paper on Texas Rising Start implementation,
18 extension and guidance on assessments and scoring.

19 Excuse me.

20 The Commission adopted amendments to rules
21 and TRS guidelines on January 27, 2015. TRS guidelines
22 and graduated reimbursement rates go into effect
23 September 1st of 2015.

24 Boards have been conducting assessments of
25 all current TRS providers since April. Providers and

1 Board stakeholders have provided feedback on the process
2 and implementation of the new standards.

3 The time to implement standards or
4 measures has presented challenges for some providers.
5 Based on that feedback, staff is recommending the
6 following: Recommendation No. 1, a timeline extension
7 for implementing graduated reimbursement rates for Texas
8 Rising Star providers.

9 To address concerns regarding the
10 accelerated time frame for implementation of the new
11 quality standards staff recommends allowing existing TRS
12 providers who are actively pursuing TRS certification
13 under the new standards and working with the Board to
14 have an additional six months to come into compliance
15 with the new TRS standards.

16 The extension as presented would apply to
17 the TRS standards and not apply to the application of
18 any licensing deficiencies.

19 An existing TRS provider that is actively
20 pursuing TRS certification under the new standards
21 working with a Board and has either not been assessed or
22 assessed but did not meet the standards will be
23 grandfathered in as a two star provider beginning
24 September 1st of 2015 through the end of February and
25 will receive February 2016 -- and will receive the

1 Board's reimbursement rate for a two star TRS certified
2 provider.

3 During the extension, grandfathered two
4 star providers will be assessed and will have time to
5 address the areas needing improvement to attain their
6 ultimate TRS certification that will be effective March
7 1, 2016 when the extension period ends.

8 Recommendation 2, modifications to the
9 scoring methodology: Under current TRS guidelines the
10 overall rating is determined by the rating of the lowest
11 star category.

12 For example, if four of the five
13 categories receive a four star rating but one category
14 scored a two star rating, the final provider rating
15 would be a two star.

16 To recognize the effort and resources
17 expended by providers to achieve the highest levels for
18 the significant majority of the quality categories staff
19 recommends modifying the TRS scoring methodology to
20 allow a provider that achieved a four star rating on
21 four of the five categories but a two star rating in one
22 category to be certified as a three star provider.

23 Recommendation 3, reassessment of the
24 lowest rated category within three months: Staff also
25 recommends modifying the TRS guidelines to include the

1 option for providers to request that a reassessment not
2 more than two of the facility's lowest-rated categories
3 be conducted within three months of the full TRS
4 assessment without requiring a reassessment of the other
5 categories; however, if a provider requesting
6 reassessment has experienced a change of director or
7 staff within three months, then Category 1, director and
8 staff qualifications, must also be reassessed.

9 To provide this option for existing TRS
10 providers assessed between April and August 31st of 2015
11 staff recommends that a request for review be made no
12 later than November 30, 2015.

13 New providers certified on or after
14 September 1st of 2015 must make a request for review
15 under this recommendation within three months from
16 certification.

17 This concludes my presentation and I'm
18 prepared to answer questions, if any.

19 CHAIRMAN ALCANTAR: Commissioner, do you
20 have questions?

21 COMM. HUGHS: No.

22 CHAIRMAN ALCANTAR: Patricia, Larry, I
23 think that we certainly need to -- and I know we're
24 doing some work here -- really focus on accelerating
25 some of our efforts for professional development that we

1 have ongoing.

2 I would like for us to really focus in on
3 some of the curriculum development issues that are out
4 there for our providers out there.

5 Certainly think that we -- I would be
6 interested in examining what sort of work-based models
7 we could come up with given some of the realities of
8 this workforce and some of the issues that have been
9 highlighted this morning.

10 Let's see what we can do to bring some of
11 our other lessons and some of -- that we've experienced
12 with some of our other initiatives with accelerated
13 programs and distance learning models to apply to the --
14 in support of the rollout of this system.

15 So, Commissioner Congleton.

16 COMM. CONGLETON: Move that we approve
17 the -- that we modify the Texas Rising Star standards
18 and guidelines as discussed.

19 COMM. HUGHS: Second.

20 CHAIRMAN ALCANTAR: It is unanimous.

21 Thank you.

22 MS. GONZALEZ: Thank you.

23 AGENDA ITEM NO. 11

24 CHAIRMAN ALCANTAR: Item 11. Discussion,
25 Consideration and Possible Action Regarding Fiscal Year

1 2016 Trade Adjustment Assistance Distributions, Debbie
2 Carlson.

3 Good morning, Debbie.

4 MS. CARLSON: Good morning. Debbie
5 Carlson with the Workforce Division.

6 For your consideration this morning we
7 have Board Contract Year 2016 trade funds distributions
8 for the local workforce areas.

9 Behind Tab 11 in your notebooks are the
10 proposed distributions for each area. Staff's
11 recommendations are consistent with the methodology used
12 over the last several years.

13 Staff is recommending an initial
14 distribution for each Board based on the estimated
15 expenditures, estimated numbers of trade-affected
16 workers and the estimated average cost of training.

17 Staff is recommending an initial
18 distribution of 90 percent of the estimated expenditure
19 amount for Boards with trade activity or a minimum of
20 \$10,000 for Boards who currently have no trade activity.

21 The recommended distributions also include
22 operating grants to support trade-funded merit staff.
23 Staff also recommends that we allow Boards to request
24 additional trade funds as needed and that you continue
25 to authorize Workforce Development Division staff to

1 monitor expenditures and coordinate with the Boards and
2 facilitate any changes to funds as needed, and I'll be
3 happy to answer any questions.

4 CHAIRMAN ALCANTAR: Commissioner
5 Congleton.

6 COMM. CONGLETON: Move that we approve the
7 staff recommendations that establish the initial trade
8 adjustment distributions with the Boards for Fiscal Year
9 2016 as discussed.

10 COMM. HUGHS: I second the motion.

11 CHAIRMAN ALCANTAR: It's unanimous. Item
12 12, we have no update on WIOA.

13 AGENDA ITEM NO. 13

14 CHAIRMAN ALCANTAR: Item 13. Discussion,
15 Consideration and Possible Action Regarding the Vision
16 and Goals of the Texas Workforce System Under the WIOA.

17 MR. VADEN: Good morning, Commissioners.
18 Jason Vaden, Workforce Development Division.

19 The Workforce Innovation and Opportunity
20 Act requires states to submit a unified or combined
21 state plan to the U.S. Department of Labor in order to
22 receive funding for the core WIOA programs.

23 WIOA requires that at a minimum states
24 submit a unified state plan that encompasses those core
25 Workforce programs.

1 States also have the option to go above
2 and beyond and submit a combined plan that includes at
3 least one optional federal Workforce education or social
4 service program.

5 In addition, the plan provides the
6 framework for Texas to formulate and communicate a
7 strategic vision of and goals for how the state
8 Workforce Development System will achieve the purposes
9 of WIOA.

10 This morning staff recommends proceeding
11 with the development of a combined state plan covering
12 the following core and optional programs: Adult
13 Dislocated Worker and Youth Formula programs under Title
14 I of WIOA, the Adult Education and Family Literacy Act
15 program under Title II of WIOA, the Wagner-Peyser Act
16 Employment Service program under Title III, the
17 Vocational Rehabilitation program under Title IV, as
18 well as the Senior Community Service Employment program
19 and the Migrant and Seasonal Farmworker program.

20 In addition, staff recommends the
21 following mission, vision and goals to be included in
22 the WIOA state plan: The mission to promote and improve
23 a Workforce system that creates value by offering
24 employers, individuals and communities the opportunity
25 to achieve and sustain economic prosperity. The vision:

1 A Workforce system that challenges the Texas Workforce
2 Commission and its Texas Workforce solutions partners to
3 maximize the power of innovation and collaboration to
4 boost superior business outcomes and realize a
5 competitive advantage for all Texans in the global
6 economy, and four strategic goals that align with that
7 vision statement, the first to foster a dynamic,
8 integrated and ever-improving Workforce development
9 system --

10 CHAIRMAN ALCANTAR: Jason, I think we can
11 stop there. Commissioners, what I would like to do
12 is -- I actually have some edits on the goals, and if
13 you have any I would love to hear what those are.

14 I don't have those with me right now. So
15 I would like to bring this back up at the -- or
16 Recommendation 2 back up and we can work through what
17 the goal language should look like, but I'm comfortable
18 moving forward with Recommendation 1.

19 Commissioner, if you want to offer a
20 motion on Recommendation 1...

21 COMM. CONGLETON: Move that we proceed
22 with the development of the combined state plan under
23 WIOA as discussed.

24 COMM. HUGHS: Second the motion.

25 CHAIRMAN ALCANTAR: And it's -- we are

1 unanimous.

2 And so if you'd just bring that back at
3 the next docket we'll cover the goals part of this.

4 AGENDA ITEM NO. 14

5 CHAIRMAN ALCANTAR: Item 14. Discussion,
6 Consideration and Possible Action Regarding Policy
7 Concepts on Amendments to the General Administration
8 Rules on the Reimbursement of Training and Education
9 Costs Pursuant to House Bill 3337, Jason.

10 MR. VADEN: Again, for the record, Jason
11 Vaden. Workforce Division.

12 The 84th Texas Legislature enacted House
13 Bill 3337 which amends Texas Government Code Section
14 656.043 relating to training and education for state
15 agency administrators and employees by establishing
16 additional requirements related to eligible institutions
17 and conditions under which reimbursement may be made.

18 House Bill 3337 provides that
19 reimbursement for a training or education program may
20 only be paid for a course that was successfully
21 completed at an accredited institution of higher
22 education.

23 Current TWC rules at Chapter 800.5 address
24 training and education for state agency administrators
25 and employees.

1 Additionally, TWC has an existing policy
2 pertaining to training and education for employees.

3 Staff recommends amending TWC Rule
4 800.5(b) to be consistent with House Bill 3337 and
5 specify that the training or education program must be
6 at an accredited institution of higher education.

7 Staff further recommends amending TWC Rule
8 800.5(c) to clarify that payments for training and
9 education may only be reimbursed on successful
10 completion of the training or education course and when
11 authorized by TWC's Executive Director.

12 Additionally, TWC's existing policy
13 regarding training and education for employees will be
14 amended effective September 1, 2015.

15 This morning staff are seeking approval of
16 the policy concepts for posting to TWC's website for a
17 three-week public comment period, and I'll be happy to
18 answer any questions you may have.

19 CHAIRMAN ALCANTAR: The one thing that I
20 would add to this is, Larry, I would like a report to
21 the Commissioners every quarter on these expenditures.

22 Commissioner Congleton.

23 COMM. CONGLETON: I move that we amend our
24 Rule 800.5 to specify that the TWC will only reimburse
25 employees for tuition if it's authorized by the

1 Executive Director and if it's for training or education
2 and has been successfully completed at an accredited
3 institution of higher education.

4 COMM. HUGHS: I second the motion.

5 CHAIRMAN ALCANTAR: It's unanimous. Thank
6 you.

7 AGENDA ITEM NO. 15

8 CHAIRMAN ALCANTAR: Item 15. Discussion,
9 Consideration and Possible Action Regarding Policy
10 Concepts on Amendments to the General Admin Rules on
11 Petitions for the Adoption of Rules, Jason.

12 MR. VADEN: Again, for the record, Jason
13 Vaden, Workforce Division. The 84th Texas Legislature
14 enacted House Bill 763 which amends Texas Government
15 Code Section 2001.021 relating to petition for adoption
16 of rules by providing an expanded definition of
17 "interested person" and establishing requirements
18 regarding required signatures for a petition for
19 adoption of rules.

20 House Bill 763 defines an "interested
21 person" as being a resident of Texas, a business entity
22 located in Texas, a governmental subdivision located in
23 Texas or a public/private organization located in Texas
24 that is not a state agency.

25 TWC's Chapter 800 rules at Subchapter G

1 establish the Commission's long-standing procedures for
2 the submission, consideration and disposition of a
3 rulemaking petition.

4 TWC's existing rules addressing signature
5 requirements as directed by House Bill 763 do not need
6 modification; however, rules pertaining to the
7 definition of an "interested person" will require
8 modification.

9 Staff recommends amending TWC Rule 800.252
10 by adding a definition of "interested person" that will
11 correspond to the definition set forth in House Bill
12 763.

13 This morning staff are seeking approval of
14 the policy concept for posting to TWC's website for a
15 three-week public comment period. I'll be happy to
16 answer any questions you may have.

17 CHAIRMAN ALCANTAR: Just to clarify,
18 Jason, on the second recommendation, these provisions do
19 apply to TWC.

20 I'm looking at the second part after the
21 comma, but since we define -- since we offer the
22 definition in the first part that's what that's intended
23 to convey?

24 MR. VADEN: Correct.

25 CHAIRMAN ALCANTAR: So we could end it

1 with the recommendation with a period after
2 "signatures." Correct?

3 MR. VADEN: Correct.

4 CHAIRMAN ALCANTAR: All right.
5 Commissioner Congleton.

6 COMM. CONGLETON: As discussed, I move we
7 approve the policy concept for amending our Chapter 800
8 rules to clarify the procedure for filing a petition for
9 the adoption of rules.

10 COMM. HUGHS: And I second the motion.

11 CHAIRMAN ALCANTAR: It is unanimous.

12 Thank you.

13 AGENDA ITEM NO. 16

14 CHAIRMAN ALCANTAR: Item 16, Discussion,
15 Consideration and Possible Action Regarding Policy
16 Concepts and Amendments to General Admin Rules on
17 Contracts that Require and has Contract or Performance
18 Monitoring, Jason.

19 MR. VADEN: Again, for the record, Jason
20 Vaden, Workforce Division. The 84th Texas Legislature
21 enacted Senate Bill 20 effective September 1, 2015.

22 Senate Bill 20 relates to state
23 contracting and amends numerous sections within the
24 Texas Government Code. In particular, new Section
25 2261.253 requires that each state agency by rule

1 establish a procedure to identify contracts that require
2 enhanced contract or performance monitoring, submit
3 information on these contracts to the agency's
4 multimember governing body, and, in addition, the
5 agency's contract management office or procurement
6 director to immediately notify the agency's governing
7 body of any serious issues or risks that is identified
8 in respect to such a contract monitored under Section
9 2261.253.

10 TWC procedures related to contract
11 management functions are found in Chapter 802 rules,
12 Subchapter B; however, these rules do not establish a
13 procedure for identifying contracts that require
14 enhanced contract or performance monitoring.

15 Staff recommends adding new TWC Rule
16 802.23 to address the requirements of Senate Bill 20,
17 including establishing the following standards and
18 procedures: The agency will complete a risk assessment
19 to identify contracts that require enhanced contract or
20 performance monitoring and information on these
21 contracts will be reported to the Commission on at least
22 a quarterly basis during performance briefings.

23 The Commission will be notified
24 immediately of any serious issue or risk that is
25 identified with respect to such a contract.

1 This morning staff is seeking approval of
2 the policy concept for posting the TWC's website for a
3 three-week public comment period.

4 I'll be happy to answer any questions you
5 may have.

6 CHAIRMAN ALCANTAR: I guess the one
7 amendment I would make is that it will be reported to
8 the Commission at least once a month and we'll still
9 have the regular quarterly work sessions.

10 Commissioner Congleton.

11 COMM. CONGLETON: As discussed, I move we
12 approve the policy concept on amending our rules to
13 establish procedures to ensure proper and accountable
14 contracting and increased transparency.

15 MR. HUGHES: Second the motion.

16 CHAIRMAN ALCANTAR: It is unanimous.

17 AGENDA ITEM NO. 17

18 CHAIRMAN ALCANTAR: Item 17. Discussion,
19 Consideration and Possible Action Regarding Policy
20 Concepts on Amendments to Job Matching Service Rules on
21 the Requirement that State Agencies Register and
22 participate in E-Verify, Susanna.

23 Good morning.

24 MS. CUTRONE: Good morning.

25 CHAIRMAN ALCANTAR: I want to star by

1 thanking you for all the work you've done to date on
2 this issue. I really appreciate your leadership on
3 this, and I'll let you lay it out.

4 MS. CUTRONE: Thank you. For the record,
5 Susanna Holt Cutrone, Director of Human Resources
6 Management.

7 During the 84th Texas legislative session
8 Senate Bill 374 was enacted that adds Chapter 673 to the
9 Texas Government Code, requiring state agencies and
10 institutions of higher education to use E-Verify for all
11 newly-hired employees effective September 1st.

12 TWC began using E-Verify on December 14,
13 2014 after issuance of Executive Order RP 80 that
14 directed state agencies to utilize E-Verify. Since that
15 time we have processed 259 new employees without issue.

16 Senate Bill 374 requires that TWC adopt
17 rules and prescribed forms to support implementation of
18 this chapter. On August 14th a memo entitled
19 "Implementation of E-Verify" was distributed to agency,
20 heads, university presidents and HR directors of state
21 agencies informing them of the legislation and providing
22 links to the Federal U.S. Citizenship and Immigration
23 Services' E-Verify system forms.

24 Staff recommends amending current Chapter
25 843 entitled "Job Matching Services" by adding Section

1 843.3 specifying that state agencies register and
2 participate in E-Verify consistent with Senate Bill 374
3 and as required by Texas Government Code Chapter 673.

4 Staff is seeking approval of the policy
5 concept for posting to TWC's website for a three-week
6 public comment period.

7 I'll be happy to answer any questions that
8 you may have.

9 CHAIRMAN ALCANTAR: Commissioner
10 Congleton.

11 COMM. CONGLETON: Move that we approve the
12 policy concept and move forward with adopting rules on
13 E-Verify.

14 COMM. HUGHS: I second the motion.

15 CHAIRMAN ALCANTAR: It is unanimous.
16 Thank you. Item 18, we have no local Board nominees.

17 Item 19, we have no legislative update.

18 AGENDA ITEM NO. 20

19 CHAIRMAN ALCANTAR: Item 20, Report and
20 Update by the Executive Director. What do you have for
21 us, Larry?

22 MR. TEMPLE: Well, there's one issue I
23 think that -- on child care. Laurie Biscoe, could you
24 go to the podium on this child care issue, if you don't
25 mind.

1 (Laughter)

2 MR. TEMPLE: You had a question, I think,
3 on child care?

4 CHAIRMAN ALCANTAR: I did. I did, Laurie.
5 I was looking at this report here and it says that
6 Laurie M. Biscoe ought to be congratulated and it reads
7 something along the lines of (As read) Congratulations
8 on your well-deserved retirement after 27 years of
9 service to the people of Texas, public services and
10 honor for its foundation is in the public trust.

11 Daily state employees earn this trust
12 demonstrating dependability, initiative and wise
13 stewardship of public resources, which you have
14 definitely done. Their endless dedication highlights
15 that this state's greatest asset lies with the people
16 who call it "home."

17 First Lady Cecilia Abbott joins me in
18 sending best wishes for an enjoyable and fulfilling
19 retirement. Sincerely, Greg Abbott, Governor of the
20 Great State of Texas.

21 Laurie, I certainly agree with these
22 sentiments. I think that it is an honor to serve. It's
23 an honor to serve with a level of responsibility that
24 you've had over the years.

25 You've delivered for us time and again. I

1 really appreciate your efforts to go out there and make
2 us an excellent leading organization. Your dedication
3 is something that I greatly have grown to appreciate.

4 I certainly respect your diligence to
5 giving me quality options and always giving it to me
6 straight up. I appreciate your development of the
7 people that you've worked with and your contributions
8 certainly to this agency.

9 The feedback from our Boards in terms of
10 the high quality of your work is something that is
11 warranted. They respect and admire your diligence and
12 all that you do to make life easier for them -- or that
13 you did do -- and I'm certainly sure that they're right,
14 that they're going to miss you and so am I.

15 Larry.

16 MR. TEMPLE: Commissioner Congleton.

17 COMM. CONGLETON: I have the pleasure of
18 presenting you with your Certificate of Retirement to
19 Laurie M. Biscoe for a dedicated employee with 27 years
20 of service to the State of Texas.

21 For your devotion and commitment you have
22 earned the respect of all associates and gratitude of
23 the Commission and the appreciation of the citizens of
24 Texas, and you have my appreciation for a job well done.
25 Thank you very much.

1 MR. TEMPLE: We have a flag that was flown
2 over the Capitol 72 years ago when you started
3 working --

4 (Laughter)

5 MR. TEMPLE: -- with the Workforce
6 Commission.

7 CHAIRMAN ALCANTAR: It's 27, Larry. You
8 got the numbers flipped.

9 (Laughter)

10 MR. TEMPLE: And if we could -- and,
11 Reagan, could you come up -- come down and get a picture
12 with us?

13 (Applause)

14 MR. TEMPLE: All your hard work on Red
15 White and You! --

16 MR. McCARTY: So, Laurie, while you-all
17 are setting up for a photo, obviously you know we have a
18 new PSA. Right?

19 So what I have here for you is an
20 autographed copy from Nate Boyer and Aaron Watson to go
21 with you to hang up on your wall, and I'm still calling
22 you to go visit some place.

23 (Laughter)

24 MS. BISCOE: We're on.

25 (Photographs taken)

1 MR. TEMPLE: And we have cake and cookies
2 and punch.

3 (Laughter)

4 (Applause)

5 AGENDA ITEM NO. 23

6 CHAIRMAN ALCANTAR: I believe we're ready
7 to adjourn.

8 Commissioner, do we have a motion to
9 adjourn?

10 COMM. CONGLETON: So made.

11 COMM. HUGHS: Second.

12 CHAIRMAN ALCANTAR: We're adjourned. Have
13 a good day.

14 (Proceedings concluded at 10:26 a.m.)

15

16

17

18

19

20

21

22

23

24

25

