

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

<b>ID/No:</b>	WD 04-19
<b>Date:</b>	February 28, 2019
<b>Keyword:</b>	Child Care; TWIST
<b>Effective:</b>	Immediately

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

**From:**  Courtney Arbour, Deputy Director, Workforce Solutions

**Subject:** **Implementation of Amendments to Chapter 809 Child Care Services Rules Regarding the Texas Rising Star Guidelines**

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**PURPOSE:**

The purpose of this WD Letter is to provide information and guidance to Local Workforce Development Boards (Boards) on implementing amendments to the Texas Workforce Commission's (TWC) Chapter 809 Child Care Services rules regarding the Texas Rising Star (TRS) Guidelines.

**BACKGROUND:**

Texas Government Code §2308.3155(b)(2), regarding the TRS program, requires TWC's three-member Commission (Commission) to adopt a timeline and process for regularly reviewing and updating the TRS quality standards. The statute requires Commission consideration of input from interested parties on the quality standards. In 2018, a work group composed of workforce system and community stakeholders convened on two occasions to review TRS quality standards and make recommendations for amendments to TWC's Chapter 809 rules.

On December 18, 2018, the Commission adopted amendments to the Chapter 809 Child Care Services rules to align with the work group's recommendations.

The following amended rule provisions became effective January 9, 2019:

- Section 809.132(b)—TRS providers with any of the critical licensing deficiencies listed in the TRS guidelines during the most recent 12-month Child Care Licensing (CCL) history shall have the following consequences:
  - (1) reduction of one star level, so a 4-Star Program Provider is reduced to a 3-Star Program Provider, a 3-Star Program Provider is reduced to a 2-Star

Program Provider; or  
(2) a 2-Star Program Provider loses certification.

- Section 809.132(f)—Providers losing TRS certification shall be eligible to reapply for certification after six months following the loss of the certification, as long as no current deficiencies are re-cited and no additional licensing deficiencies are cited during the disqualification period.

**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” or “shall.”

**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.”

**TRS Screening Form and Impact of Consequences**

**NLF:** Boards must ensure that TRS assessors use the most current TRS Provider Certification Screening Form, available on the TRS website at <https://texasrisingstar.org/twc-staff/>.

**NLF:** Boards must ensure that any deficiencies or actions on the TRS Provider Certification Screening Form applied before January 9, 2019, are not repeated. For example, if a provider lost TRS certification on November 1, 2018, due to a critical deficiency, the provider is eligible to reapply for TRS certification on May 1, 2019. Boards must ensure that consequences are not imposed for a critical deficiency that caused a previous loss of certification.

**NLF:** Boards must ensure that any provider that lost TRS certification before the January 9, 2019, effective date is allowed to reapply if the lapse in certification has exceeded six months. This includes providers whose six months ended before or after January 9, 2019.

**Providers Reduced from a 4-Star Level to a 2-Star Level before Rule Changes**

**NLF:** Boards must ensure that if a 4-star provider’s star level was reduced to 2 stars due to licensing deficiencies before January 9, 2019, the provider’s star level is increased to 3 stars in alignment with the Chapter 809 rule amendments.

**NLF:** Boards must ensure that the star level is revised in The Workforce Information System of Texas (TWIST) by April 1, 2019, and that the 3-star rating remains in effect for the duration of the provider’s six-month reduction.

**TRS Minimum Qualifications for TRS Assessors and Mentors**

**NLF:** Per §809.134(e), Boards must ensure that TRS assessors and mentors complete annual professional development and continuing education consistent with the TRS annual minimum training hours requirement for a TRS-certified child care center director.

**INQUIRIES:**

Send inquiries regarding this WD Letter to [wfpolicy.clarifications@twc.state.tx.us](mailto:wfpolicy.clarifications@twc.state.tx.us).

**RESCISSIONS:**

None

**REFERENCES:**

Texas Government Code §2308.3155(b)(2)

TWC's Child Care Services Rules §§809.132(b), 809.132(f), and 809.134(e)