

**Texas Rising Star Four-Year Review:  
Final Changes to the Texas Rising Star Guidelines  
Discussion Paper**

**Background**

The Texas Workforce Commission’s (TWC) Child Care & Early Learning Division (CC&EL) conducted the Texas Rising Star Four-Year Review pursuant to §2308.3155(b) of the Texas Government Code, which requires a regular review of the Texas Rising Star program with stakeholder input, and §809.130(e) of the Ch. 809 Child Care Services rules, requiring a review every four years.

The Four-Year Review Workgroup met from July 2023 through January 2024. TWC has posted information about the Workgroup, and the Workgroup’s meetings on TWC’s website: [Texas Rising Star Workgroup - 2023 - Texas Workforce Commission](#). CC&EL conducted five regional stakeholder meetings, and one virtual stakeholder meeting in February 2024 to review the proposed changes.

Based upon the stakeholder input received, CC&EL presented Texas Rising Star changes to both the Ch. 809 Child Care Services rules, as well as the Texas Rising Star Guidelines to the Texas Workforce Commission’s three-member Commission (Commission) at the [April 30, 2024 Commission Meeting](#). The Commission approved the following proposed changes to the Texas Rising Star Guidelines:

- [Texas Rising Star Four-Year Review, Proposed Guidelines Amendments Discussion Paper](#)
- [Texas Rising Star Certification Guidelines](#)

**Comments on the Proposed Texas Rising Star Guideline Changes**

TWC received comments from three entities (Attachment 1). The comments are outlined in Attachment 1. Several of the issues raised were already addressed in the Texas Rising Star Four-Year Review Workgroup’s recommendations to TWC. TWC did not make any revisions to the Guidelines based on the comments received.

**Next Steps**

The Texas Rising Star changes will go into effect on September 1, 2024, including:

- Initial Screening Forms (ex. [Draft Initial Screening Form Revised 4.2024 – Centers](#))
- Certified Screening Form (ex. [Draft Certified Screening Form Revised 4.2024 – Centers](#))
- Changing the review period for Child Care Regulation licensing history from 12 months to 6 months
- Changes to the process for facility changes

Changes to the Texas Rising Star assessment measures (which are contained in the [Revised Facility Assessment Record Form](#) and the [Revised Classroom Assessment Record Form](#)) will be implemented with assessments beginning on October 1, 2024. This will ensure that child care programs have time to learn about the specific changes to the measures.

**Decision Point**

Staff recommends that the Commission adopt the proposed changes to the Texas Rising Star Guidelines (Attachment 2), as described above.

Comment #	Commenter and Affiliation	Summary of Comments	Response
1.1.	Jessica Van Hoose, Child Development Schools (a member of ECEC)	The current TRS point system does not do enough to distinguish between serious violations that impact the health and safety of children and administrative matters that are frequently corrected without risk to our programs. There should be a way to minimize the cumulative effect of minor infractions. The ability to quickly resolve and account for low-level corrective actions is essential.	<p>In 2021, TWC modified the Texas Rising Star program to create new probationary periods for certified programs. This allows a child care program a time period to show compliance with Child Care Regulation (CCR) before its Texas Rising Star certification level is impacted. TWC's proposed changes further modify the Texas Rising Star eligibility criteria to reduce the list of specified CCR deficiencies that would prevent certification eligibility from 12 to four. The four CCR deficiencies focus on the highest risk to children involving background checks and abuse/neglect. This change will ensure that child care programs are not specifically impacted for certification eligibility as long as they comply with the additional points threshold requirement.</p> <p>TWC's proposed changes also reduce the timeline that a child care program's licensing history will be reviewed from 12 months to six months. This change was proposed based upon input from child care stakeholders. This proposed change allows a child care program to have its most recent licensing history reviewed and potentially be eligible for Texas Rising Star certification more quickly.</p> <p>The Texas Rising Star program also allows for graduated impacts for certified programs, following a probationary period. This allows a certified program to remain at its certified star level despite having some CCR deficiencies before its star level is impacted from further noncompliance. If a certified child care program is unable to show continued compliance with CCR, it is ultimately placed in suspension status for up to 15 months. During this suspension status period, a child care program can be eligible for recertification if it can demonstrate six months of CCR licensing compliance.</p> <p>Through these probationary periods and graduated impacts, TWC intends to allow child care programs the time to demonstrate compliance with CCR minimum standards before being determined ineligible to participate in the Child Care Services program.</p> <p>No changes to the Guidelines were made in response to this comment.</p>

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2.1	Kathlyn McHenry, Early Care & Education Consortium	<p>Focus on High Violations within TRS history and point totals. We recommend any violation that is not a high deficiency and that can be corrected during a visit or shortly thereafter not be included in the TRS licensing lookback.</p> <p>This change would promote continuous quality improvement and partnership efforts between TWC, HHSC, and providers, and ensure that providers who do self-report to licensing and/or commit to implementing changes to their program are not unnecessarily penalized. Furthermore, a focus on high deficiencies is needed due to two changes in the draft rules:</p> <ul style="list-style-type: none"> <li>• CCR Point Total – Under the draft rules, a facility cannot exceed 40 CCR points before their CCS subsidy contract is terminated. Forty points can add up quickly, especially with high-medium deficiencies.</li> <li>• Any Med-High or High Violation Extends Probation – For a provider on Probation B, any High and/or Medium-High violation within a 6-month time frame will be placed on suspension. This effectively means that one Medium-High violation (e.g.: loose fill, chipped paint, missing paperwork) will downgrade a facility from probation to suspension. ECEC recommends that TWC not count any Medium-High violation, especially if it is addressed at the point of infraction, to count towards their TRS point total. Instead, focusing attention on the most critical High deficiencies related to child health and safety should be the primary focus and goal of TRS.</li> </ul>	<p>The 4-Year Review Workgroup reviewed the high and medium-high CCR deficiencies, to better understand if both high and medium-high deficiencies should be included in the points total. Based on their review, they provided input to TWC that they felt that these both high and medium-high licensing standards were critical and should continue to be included.</p> <p>No changes to the Guidelines were made in response to this comment.</p>
2.2	Kathlyn McHenry, Early Care & Education Consortium	<p>Increase point total for when CCS agreements are terminated. Building off our previous recommendation, again, we are grateful for the change made to the draft rules shortening the licensing lookback period from 12 to 6 months. However, as referenced above, once a center reaches 40 CCR points their TRS certification—and therefore their CCS agreement—can be terminated. While the shorter lookback period is critical, the lower point threshold is enough that a single licensing visit can easily cause a center who is typically compliant to lose their contract. This inconsistency between licensing and quality causes confusion for providers and families alike, which is particularly true if TWC does not make the change recommended above, to consider only high violations.</p>	<p>Currently, there is a 75-point threshold that child care programs must meet in order to be receive their Entry Level Designation and be eligible to participate in TWC’s CCS program; the 75 points is based upon a 12-month review of CCR deficiencies.</p> <p>Under these proposed amendments, the review period is shortened from 12 to six months, and the points threshold is lowered to 40. The change from 75 to 40, rather than to 35, provides child care programs with additional latitude in the number of high or medium-high deficiencies they may have, as compared to what is currently in place.</p>

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		For these reasons, ECEC recommends TWC change the termination threshold to 50 points.	No changes to the Guidelines were made in response to this comment.
2.3	Kathlyn McHenry, Early Care & Education Consortium	<p>Provide hold harmless provision for all CCS agreements until new rules are effective on October 1, 2024.</p> <p>We appreciate TWC’s ongoing commitment to improving quality in child care facilities throughout the state including through the TRS 4-year review process. With new rules set to take effect on October 1, we highly recommend TWC institute a hold harmless to all providers until the new rules are implemented.</p> <p>As shared, we believe the changes—including those recommend in this letter—will support quality improvement for providers and the families they serve. However, there is evidence that some programs might fail to qualify for an initial TRS certification, or who would be placed on probation, suspension, or termination under existing rules would not once the new rules are in effect. This causes confusion about the need to continue working within an existing system that is not effectively identifying levels of quality for providers or CCS families, particularly with the rules changing in the very near future.</p> <p>Therefore, we highly recommend that TWC extend a hold harmless provision to all providers for their TRS and CCS contracts until the new rules take effect.</p> <p>This action would also ensure that Workforce Boards, providers, assessors, mentors, and parents alike could all become accustomed to the changes within TRS and how those impact the CCS program. Having ample time for TWC to conduct training and share resources on these new rules is critical to ensure they are implemented effectively.</p>	<p>TWC has modified the timeline for the adoption of the rules and the Guidelines. The Texas Workforce Commission’s three-member Commission (Commission) will take action at the July 9, 2024 Commission Meeting. The rules will take effect on September 1, 2024. And TWC, through the Centralized Assessment Entity will begin implementing the new classroom and facility assessment tools on October 1, 2024.</p> <p>TWC will provide Boards and child care providers with information on the new changes during July and August.</p> <p>Providers that have a 9/30/24 deadline to become Texas Rising Star certified will be measured for Texas Rising Star eligibility under the new rules. TWC’s Centralized Assessment Entity will not conduct a Texas Rising Star Assessment until the provider indicates it is “assessment ready.” Therefore, it will be up to the provider to determine when to notify their Board that they are assessment ready. Providers may make this determination after September 1<sup>st</sup>, when the new rules become effective.</p> <p>Probation A proposed changes were very minimal, with one licensing standard being added (746.1601 Child/Caregiver Ratios).</p> <p>Probation B proposed changes were not significant. Currently TWC looks at the total number of CCR deficiencies and providers with 10-14 high or medium-high weighted deficiencies are placed on Probation B. Under the proposed changes, TWC will assign points, with high weighted deficiencies receiving 5 points, and medium-high weighed deficiencies receiving 3 points.</p> <p>No changes to the Guidelines were made in response to this comment.</p>
2.4	Kathlyn McHenry, Early Care &	Enhance and extend communication of TRS status and updates. Our multi-site provider member companies, with almost 700 locations collectively across the state, experience communication challenges between TWC and Local Workforce Boards regarding CCS, TRS, and	Texas Rising Star information is communicated with the designated entity at each certified child care program. Technology changes will have to be made in order to automatically share information with more than the designated individual. TWC will also need

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	Education Consortium	<p>licensing. Many of our members have quality support teams in place to help promptly address any quality concerns as they arise and bolster the work of center directors. Regional support staff often have difficulty accessing information about TRS and experience delays in receiving timely updates or notifications. As more providers participate in the TRS system, a concerted effort to improve and streamline communication and access to up-to-date data must be made available to all parties. Our recommendations are as follows:</p> <ol style="list-style-type: none"> <li>1. Make all pertinent TRS data (star level, date of last assessment, licensing points, date of last licensing inspection, probation/ suspension status, waiver status, etc.) part of the TX3C site, which TWC, the workforce boards, and the centers can all access.</li> <li>2. Ensure the proper individuals can access to such data and information on TX3C. Ensuring notifications can be directed to and accessed by all of the necessary individuals will help promote immediate action and reduce time delays—all ultimately improving services for children and families. TWC should ensure that centers and/or their designee are able to access information regarding TRS (and potentially other information) on the TX3C site.</li> </ol>	<p>to establish procedures to ensure that both designated entity at the child care program and at the corporate structure jointly agree to who will be receiving detailed communications.</p> <p>For child care programs that are part of a larger corporate structure, TWC strongly recommends that the corporate parameters require their programs to share relevant information, pending any possible technology changes that TWC can implement.</p> <p>No changes to the Guidelines were made in response to this comment. TWC will examine opportunities to modify procedures and technology systems to allow Texas Rising Star certified program to designate more than one individual associated with the site to receive program correspondence.</p>
2.5	Kathlyn McHenry, Early Care & Education Consortium	<p>Promote closer alignment of Texas Rising Star with National Accreditation program standards.</p> <p>While we appreciate that TWC recognizes National Accreditation within TRS, we believe that more alignment could benefit the system. Currently, nationally accredited providers (as recognized by TWC) receive an automatic average score of 3.0 for both Director and Staff Qualifications and Training and Program Administration, which together account for less than half of a program’s score in TRS. Many providers have historically retained national accreditation status as a method to promote the quality of their programming. Now that providers participating in CCS are required to obtain a TRS certification, TWC could make strides to better align certain aspects of TRS with nationally recognized accreditations that many providers already adhere to.</p>	<p>TWC and the Children’s Learning Institute conducted a review of Texas Rising Star, and in 2019 the “Strengthening Texas Rising Star” report was issued. One of the areas that was reviewed was national accreditation related to Texas Rising Star Scores.</p> <p>The study found that “None of these providers scored at the Four-Star level on points-based items. Scores for accredited providers were slightly higher than non-accredited providers for categories 2, 4, and 5, but these differences were not substantial enough to change overall star ratings. Based on this sample of providers, we did not find evidence to support automatic Four-Star ratings for nationally accredited providers.”</p> <p>No changes to the Guidelines were made in response to this comment.</p>

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		<p>For example, TWC could conduct an analysis of which national accrediting bodies review Indoor and Outdoor Environments (TRS Certification Category 4) in their standards and assessments. For example, National Association for the Education of Young Children (NAEYC) accreditation assesses Physical Environment—including facilities, equipment, materials, and well-maintained indoor and outdoor physical environments—as one of their 10 standards. The National Early Childhood Program Accreditation (NECPA) system also includes extensive Facility and Environment standards. Considering an automated average score of 3.0 for those nationally accredited programs found to meet TWC’s Indoor and Outdoor Environments standards would further streamline the TRS certification process for providers and the Commission alike.</p> <p>Additionally, certain standards within TRS could be reviewed for compatibility. As an example, the revised guidelines recommend 36 hours of professional development for primary staff. We recommend aligning this with national accreditation standards of 25 – 35 hours of training, depending on the position. This should include training in curriculum, early child development and meeting developmental milestones, care for specific age groups, working with children with special needs, etc. Aligning these two critical quality improvement programs and providing flexibility with professional development hours would support program improvement, streamline program compliance, and encourage the accessible, continuing education of teachers.</p>	
3.1	Margot Gould KinderCare Learning Companies	Focus on High deficiency violations to count toward TRS point totals – KinderCare is committed to addressing licensing violations in a timely manner and to providing the safest environment for all children. Many violations can be addressed at the time of the licensing visit. Non-critical violations, such as small facilities violations (e.g.: stain on carpet, broken tricycle, etc.) or paperwork errors) can be remedied quickly often during the inspection. Any violation lower than a high deficiency that can be	See Response to Comment 2.1

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		<p>corrected during a visit or shortly thereafter does not warrant CCR points in TRS.</p> <p>Further, such focus on high violations is needed given two changes to the draft rules:</p> <ul style="list-style-type: none"> <li>• Lower CCR point total – Under the draft rules, a facility cannot exceed 40 CCR points before their CCS subsidy contract is terminated. Forty points can add up quickly, especially with high-medium deficiencies. The 40-point threshold must either be increased or focus on high deficiency violations only.</li> <li>• Any Med-High or high violation extends probation -- For Probation B, any high and/or medium-high violation within a 6-month time frame will be placed on suspension. This effectively means that one medium-high violation (e.g.: loose fill, chipped paint, missing paperwork) will downgrade a facility from probation to suspension.</li> </ul> <p>Instead, focusing on high deficiency violations would promote continuous quality improvement and partnership efforts between TWC, HHSC, and providers, and ensure that providers who do self-report to licensing and/or commit to implementing changes to their program are not unnecessarily penalized. Again, we appreciate the shortened lookback period, but paired with a lower points threshold, several minor violations could result in a program’s TRS and CCS contracts being terminated, even if the provider remains in good standing with licensing.</p> <p>KinderCare strongly recommends that any Medium-High violation, especially if addressed at the point of infraction, not count towards the point total. Instead, focusing attention on the most critical high deficiencies related to child health and safety should be the primary focus and goal.</p>	
3.2	Margot Gould KinderCare Learning Companies	Continue to prioritize disqualifying and automatic probationary CCR violations to focus on those most critical to child health and safety. CCR violations should be rooted in the most critical aspects of child health and safety. As such, KinderCare recommends updates to the current list of violations that lead to disqualification.	The proposed Texas Rising Star changes remove “746.1201(1) Responsibilities and Employees and Caregivers” and “746.1003 Director Responsibilities” from the Initial Eligibility Screening Form. Child care programs who have been cited by CCR for this standard will no longer be automatically ineligible for Texas Rising Star certification.

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		For example: removing 746.1201(1) Responsibilities and Employees and Caregivers and narrowing the focus of Director Responsibilities to only include 746.1003 (1).	For currently certified child care programs, if they are cited by CCR for either of these standards, their Texas Rising Star certification will not be immediately impacted. They will be placed on a 6-month probation (Probation A) and will retain their existing star level certification. If they are not cited for this deficiency again (or others specified in this section of the screening form) within those six months, their probationary period ends. No changes to the Guidelines were made in response to this comment.
3.3	Margot Gould KinderCare Learning Companies	Enhance and extend communication of TRS status and updates – Currently, there is mass confusion and communication challenges on TRS status between TWC, Regional Boards, and the provider. To improve and sustain quality across child care settings, streamlined communication and access to up-to-date data must be made available to all parties. KinderCare operates 100 centers across the state, working across 15 workforce boards, which further compounds the communication challenges. Our recommendations are as follows: <ul style="list-style-type: none"> <li>• Make all pertinent TRS data (star level, date of last assessment, licensing points, date of last licensing inspection, probation/ suspension status, waiver status, etc.) part of the TX3C site, which TWC, the workforce boards, and the centers can all access.</li> <li>• Ensure the correct individuals have access to such data and information.</li> </ul> Currently, letters and updates from TRS are directed only to our centers. KinderCare has a quality support team in place to help promptly address any quality concerns as they arise. Such notifications must be addressed to the correct individuals to expect immediate action. To support continuous quality improvement, we recommend TWC ensure that centers and/or appropriate designee can access all TRS data.	See response to 2.4
3.4	Margot Gould KinderCare Learning Companies	Provide hold harmless provision to all CCS Agreements until new rules are effective, October 1, 2024. We appreciate TWC and the ongoing commitment to TRS rulemaking. As shared, we believe this process— with additional enhancements—will support and sustain quality for families served through CCS.	See response to 2.3



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		<p>With the new rules anticipated to take effect on October 1, 2024, we highly recommend that TWC extend a hold harmless provision to all providers until the new rules are implemented. There is evidence that providers who face extended probation, suspension, or CCS terminations would not under the new rules after October 1. As such, we request that providers, and the families we serve, not be impacted while in the midst of significant rule changes.</p>	
3.5	Margot Gould KinderCare Learning Companies	<p>Promote closer alignment of Texas Rising Star with National Accreditation program standards. While we appreciate that TWC recognizes National Accreditation within TRS, we believe that more alignment could benefit the system. Currently, nationally accredited providers (as recognized by TWC) receive an automatic average score of 3.0 for both Director and Staff Qualifications and Training and Program Administration, which together account for less than half of a program’s score in TRS. Many providers have historically retained national accreditation status as a method to promote the quality of their programming. Now that providers participating in CCS are required to obtain a TRS certification, TWC could make strides to better align certain aspects of TRS with nationally recognized accreditations that many providers already adhere to.</p> <p>For example, TWC could conduct an analysis of which national accrediting bodies review Indoor and Outdoor Environments (TRS Certification Category 4) in their standards and assessments. For example, National Association for the Education of Young Children (NAEYC) accreditation assesses Physical Environment—including facilities, equipment, materials, and well-maintained indoor and outdoor physical environments—as one of their 10 standards. The National Early Childhood Program Accreditation (NECPA) system also includes extensive Facility and Environment standards. Considering an automated average score of 3.0 for those nationally accredited programs found to meet TWC’s Indoor and Outdoor Environments standards would further streamline the TRS certification process for providers and the Commission alike.</p>	See response to 2.5

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		<p>Additionally, certain standards within TRS could be reviewed for compatibility. As an example, the revised guidelines recommend 36 hours of professional development for primary staff. We recommend aligning this with national accreditation standards of 25 – 35 hours of training, depending on the position. This should include training in curriculum, early child development and meeting developmental milestones, care for specific age groups, working with children with special needs, etc. Aligning these two critical quality improvement programs and providing flexibility with PD hours would support program improvement, streamline program compliance, offer high-quality care to children, and encourage the accessible, continuing education of teachers.</p>	