

TEXAS WORKFORCE COMMISSION
Workforce Development Letter

| | |
|-------------------|-------------------|
| ID/No: | WD 12-24 |
| Date: | August 13, 2024 |
| Keywords: | Child Care |
| Effective: | September 1, 2024 |

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 Entry Level Designation Implementation**

PURPOSE:

The purpose of this WD Letter is to provide Local Workforce Development Boards (Boards) and the Texas Rising Star Centralized Assessment Entity (CAE) with guidance on implementing the required Entry Level designation for child care programs participating in Texas Workforce Commission's (TWC) Child Care Services (CCS) program.

RESCISSIONS:

WD Letter 23-22, Change 2

BACKGROUND:

House Bill (HB) 2607, 87th Texas Legislature, Regular Session (2021), amended Texas Government Code §2308.3155 to require that all regulated, TWC-funded CCS providers participate in the Texas Rising Star program. HB 2607 also required the creation of the Entry Level designation and a maximum length of time that a child care program may participate at the Entry Level designation.

Additionally, HB 2607 required TWC to develop a process that allows a child care program to request a waiver to extend the length of time that the provider may participate at the Entry Level designation, which may not exceed 36 additional months.

On September 13, 2022, TWC's three-member Commission (Commission) approved amendments to TWC Chapter 809 Child Care Services rules to implement the §2308.3155 requirement. The amended rules regarding the Entry Level designation took effect on October 3, 2022.

On July 9, 2024, the Commission approved additional amendments to TWC Chapter 809 Child Care Services rules. These amendments revised the screening requirements for all child care programs participating in the Texas Rising Star program.

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 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.”

Entry Level Eligibility and Timelines

NLF: Boards must be aware that TWC Chapter 809 Child Care Services rule §809.131(d) establishes a maximum time of 24 months that a CCS provider may remain at the Entry Level designation. The CCS provider must achieve or be eligible for Texas Rising Star certification of at least the Two-Star level within the 24-month period. There are limited waivers of up to 36 additional months for Entry Level–designated providers that do not attain certification or are not deemed eligible for certification by the end of the Entry Level period.

NLF: Boards must be aware that an Entry Level–designated CCS provider is not eligible for the enhanced payment rates available to Two-, Three-, and Four-Star–certified child care programs.

NLF: Boards must ensure that all CCS providers located within the Board’s local workforce development area (workforce area) meet the minimum qualifications and basic requirements for Entry Level designation as described in §809.131(b) before signing a CCS Provider Agreement, and specifically, that the providers:

- are not on a corrective or adverse action plan with the Texas Health and Human Services Child Care Regulation (CCR) department; and
- do not exceed the minimum points threshold for high- and medium-high–weighted CCR deficiencies, per the Texas Rising Star Guidelines.

NLF: Boards must ensure that any provider interested in participating in CCS completes the Texas Rising Star Interest Form and establishes a provider account in the Children’s Learning Institute’s (CLI) Engage system before signing a CCS Provider Agreement. Additionally, as required by [WD Letter 14-22, Change 2](#), issued April 29, 2024, and titled “Child Care Provider Data and Board Agreements—Update” and its subsequent issuances, Boards must ensure timely data entry for interested providers.

NLF: Every six months, Boards must review Entry Level–designated CCS providers within their workforce areas to ensure that the providers do not exceed the Entry Level points threshold. Boards must do this by reviewing the Entry Level Designation Report on the Texas Rising Star report dashboard within CLI Engage, per the CLI Engage User Guide. The first six-month review began on October 1, 2023, and occurs subsequently in April and October.

NLF: If an Entry Level–designated CCS provider exceeds the points threshold at the six-month review, the managing Board must inform the provider that the CCS Provider Agreement will be terminated within 30 calendar days of the review. To ensure statewide consistency during the six-month review process, Boards must not terminate the CCS Provider Agreement for an Entry Level–designated CCS provider before the scheduled six-month review.

NLF: Boards must ensure that Entry Level–designated CCS providers placed on CCR Probationary Corrective Action may remain designated as long as they do not exceed the Entry Level compliance points threshold at the time of the six-month review. Boards must not refer new CCS families to a provider that is on CCR Probationary Corrective Action.

NLF: Boards must ensure that Entry Level–designated providers placed on CCR adverse action are not eligible to serve any children participating in the CCS program. If this occurs, the managing Board must close the provider’s intake and any currently referred families must be transferred, per the Child Care Services Guide.

LF: Boards may allow providers on CCR adverse action to maintain their CCS Provider Agreements while the program is appealing the adverse action. If the CCS Provider Agreement remains in effect, the provider’s Entry Level designation timeline to attain Texas Rising Star certification also remains in effect. In contrast, ending the CCS Provider Agreement will pause the provider’s Entry Level designation timeline for attaining Texas Rising Star certification.

NLF: Boards must ensure that any provider that loses its Entry Level designation and returns as an Entry Level–designated CCS provider will have a modified timeline to achieve certification based on the difference of the 24-month time frame and the Entry Level designation time previously provided. Providers with fully elapsed Entry Level designation timelines may not receive additional time to achieve certification unless a waiver is granted and must enter CCS as at least a Two-Star–certified provider.

Example: A provider was designated as Entry Level on December 1, 2022, and exceeded the points threshold on October 1, 2023, thus using 10 months of the 24-month designation time frame. If the provider is designated as Entry Level on January 1, 2024, it will be allowed the remaining 14 months, until March 31, 2025, to become Texas Rising Star–certified.

NLF: Boards must ensure that any Entry Level–designated provider that notifies the Board it will temporarily close its operation longer than 30 consecutive calendar days (for example, closing for summer) also pauses their Entry Level designation time frame. CCS Provider Agreements may remain in place during a temporary pause of the Entry Level designation period.

NLF: Boards must ensure that all Entry Level–designated CCS providers located within a Board’s workforce area are screened for initial Texas Rising Star certification (per the

Texas Rising Star Guidelines) before or by the end of the first 12 months of the Entry Level designation time frame to determine eligibility to begin the initial Texas Rising Star certification assessment process.

NLF: Upon the 18th month of the 24-month designation time frame, Boards must not refer new CCS families to any Entry Level–designated CCS provider that does not meet the initial certification screening requirements for Texas Rising Star (per the Texas Rising Star Guidelines) by the end of its 24-month designation time frame, unless TWC grants a CCS referral exception, which Boards must request (see page 8 for additional information on CCS Referral Exception Requests). Boards may request exceptions for providers located in child care deserts or serving underserved populations. TWC defines “serving an underserved population” as offering care for infants and children with disabilities and offering care during nontraditional hours.

Note: Boards may refer siblings of children who are currently enrolled in the program during this period.

NLF: Boards must ensure that Entry Level–designated CCS providers are screened monthly for initial certification eligibility during months 18–24 of their Entry Level designation time frame. If a provider will not meet the initial certification screening requirements for Texas Rising Star per the Texas Rising Star Guidelines by the end of its 24-month designation time frame, Boards may not refer new CCS families to the provider unless TWC grants a CCS referral exception, which Boards must request (see page 8 for additional information on CCS Referral Exception Requests). Boards may request exceptions if a provider is located in a child care desert or serves an underserved population.

Note: Boards may refer siblings of children who are currently enrolled in the program during this period.

NLF: Boards must open intake during months 19–24 of the provider’s Entry Level designation time frame for new CCS family referrals once the provider is compliant with the initial certification screening requirements for Texas Rising Star.

NLF: Boards must ensure that staff members document all Entry Level screening activities in the CLI Engage platform under “Event Log.”

NLF: Boards must make mentoring services available to all Entry Level–designated CCS providers located within a Board’s workforce area, per the Texas Rising Star Guidelines. Providers may opt out of mentoring services; however, Boards must still provide regular supports as outlined in the Texas Rising Star Staff Handbook.

LF: Boards may provide mentoring for providers that are no longer participating in the CCS program and are working toward returning as an Entry Level provider or a certified provider (if they are no longer eligible for Entry Level designation). If a Board provides

this type of mentoring, it should enter only into a Mentoring Agreement with the provider until the provider is eligible to return to CCS.

NLF: Boards must communicate any impacts placed on a CCS provider to any neighboring Board that has a current CCS Provider Agreement with that provider within five business days. Said impacts include the termination of any CCS Provider Agreement or closing of intake.

NLF: Boards must not enter into a CCS Provider Agreement with a provider that is not located within the Board's workforce area until the managing Board has determined the provider eligible for CCS and has entered into its own CCS Provider Agreement.

NLF: Boards must ensure that if a provider is still ineligible for certification 30 days before the end of the Entry Level designation time frame, the provider and all currently referred families are notified that the provider is at risk of losing its CCS Provider Agreement.

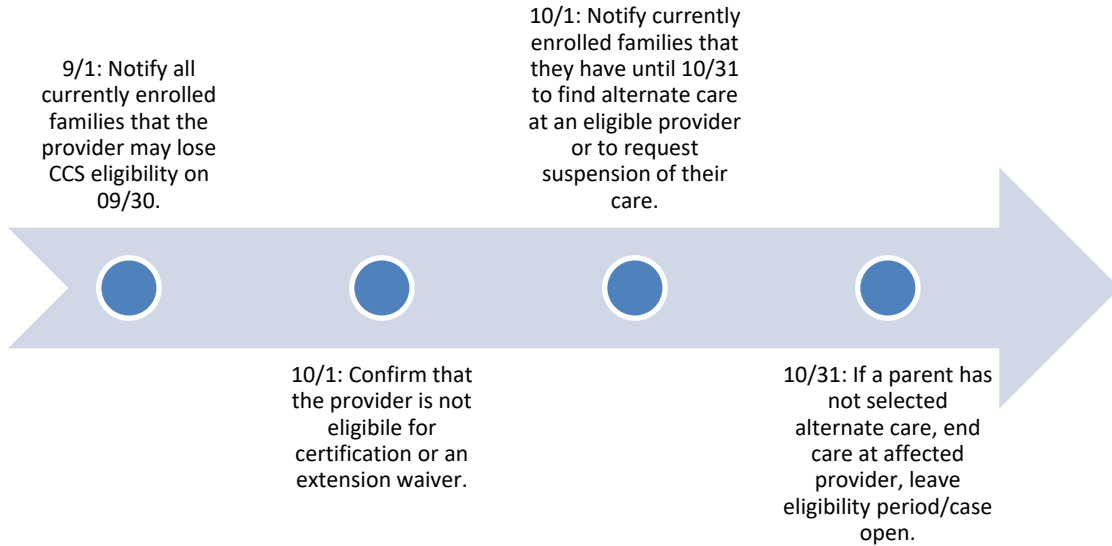
Example: A provider's Entry Level designation ends March 31, 2025. On February 28, 2025, an initial screening for certification eligibility indicates the provider will not be eligible by March 31, 2025. By March 1, 2025, the provider and all currently enrolled CCS families are notified that the provider may lose its CCS Provider Agreement on March 31.

Note: The Board may consider requesting an Entry Level designation extension waiver if the provider is eligible.

NLF: If a provider loses CCS eligibility at the end of its Entry Level time frame, Boards must notify affected families 30 days before their care will be terminated. If a family has not selected a new provider within this 30-day time frame, care at the affected provider must still be terminated. The family may request to suspend care in lieu of selecting a new provider.

The 30-day notice period after a provider loses CCS eligibility is in addition to the 30-day notice to parents that a provider is at risk of losing its CCS Provider Agreement; therefore, families will have a total of 60 days after initial notification to find alternative child care.

Example: Below is a timeline for providers whose CCS eligibility will end on September 30.



NLF: Boards must comply with the following deadlines and timeline for new CCS providers designated as Entry Level.

Entry Level Designation Timeline—New CCS Providers

| Deadline | Action |
|--------------------------|---|
| CCS Agreement Start Date | The provider meets Entry Level designation and the managing Board and provider sign a CCS Provider Agreement. |
| 12 Months | Boards must screen providers for initial Texas Rising Star certification. Effective September 1, 2024, the revised screening form will be used to determine eligibility. |
| 18 Months | Boards may not make new family referrals to a provider that will not meet Texas Rising Star certification criteria by the end of the Entry Level designation time frame. This is reviewed monthly for the remainder of the Entry Level designation timeline. Boards may submit exception requests to TWC if the provider is located in a child care desert or serves an underserved population (see page 8 for additional information on CCS Referral Exception Requests). |
| 23 Months | If the provider will not meet Texas Rising Star certification requirements by the end of the Entry Level designation timeline, Boards must notify the provider and enrolled families that the provider is at risk of losing CCS eligibility and provide options for continuation of CCS. |

| | |
|-----------|--|
| | Boards may submit an extension request to TWC for determination if the provider is eligible. |
| 24 Months | The provider must achieve Texas Rising Star certification or have notified the CAE of its assessment-ready status to continue serving as a CCS provider. If the provider neither meets Texas Rising Star certification requirements by the last day of the 24th month nor qualifies for an Entry Level extension waiver, Boards must notify enrolled families of the termination of the provider’s CCS Provider Agreement and requirement to transfer or suspend the families’ care within 30 days. |

Certified Provider Suspension Status

NLF: The CAE must place any Texas Rising Star–certified provider that drops below Two-Star certification level on suspension status, per the Texas Rising Star Guidelines. Suspension may last for a minimum of six months to a maximum of 15 months.

NLF: Boards must ensure that, because a provider on suspension status is not eligible for Entry Level designation, the provider is accurately displaying a Below Two-Star rating in the child care case management system. Boards must indicate suspension status in the “Provider Notes” section, including start and end dates.

Note: The CAE will indicate this status in CLI Engage as “Below Two-Star,” per the CLI Engage User Guide.

NLF: Boards must ensure that there is an internal process for supporting providers that are placed on suspension status and for monitoring providers’ continued compliance with the Entry Level points threshold and certification eligibility. Although a provider on suspension is not eligible to receive Entry Level designation status, it must still not exceed the Entry Level points threshold while it is in suspension status.

NLF: Boards must ensure that if a provider is not eligible to request a certification reassessment or is not at least Two-Star–certified by the ninth month of the suspension period, Boards do not refer new CCS families during the remainder of the suspension period unless the provider is located in a child care desert or serves an underserved population and is approved by TWC to accept new family referrals. Boards may request CCS referral exceptions (see page 8 for additional information on CCS Referral Exception Requests).

Note: Boards may refer siblings of children who are currently enrolled in the program during this period.

NLF: Boards and the CAE must be aware that providers on suspension status that meet certification eligibility and screening requirements may request a certification reassessment at any time after the initial six months of suspension status by completing

the online assessment request form and uploading required documents into CLI Engage per the CLI Engage User Guide. Boards must notify providers on suspension status of this option.

- NLF**: Boards must ensure that any Texas Rising Star–certified provider placed on suspension status that does not achieve Texas Rising Star recertification or is not determined eligible for certification by the end of the 15-month suspension period is:
- not eligible to provide child care services;
 - receives a written Notice of Termination at the beginning of the 15th month; and
 - not eligible for Entry Level designation.

This determination ends the provider’s CCS Provider Agreement and any children in care must be transferred or suspended within 30 calendar days. Subsequently, the provider may return to the CCS program once it meets Texas Rising Star–certification eligibility and screening requirements and the CAE assesses the provider at least at a Two-Star certification level.

Note: Providers in this situation are not eligible for an Entry Level designation extension waiver, as described below.

- NLF**: Boards must ensure any child care provider with a terminated CCS Provider Agreement due to the inability to move out of suspension status is provided information upon termination that includes the next steps for requesting assessment and returning to CCS, including if mentoring supports will be provided.

CCS Referral Exception Requests

- NLF**: Boards must submit a CCS referral exception request to TWC if a provider fails to meet initial certification screening requirements by the end of its 24-month designation time frame or 15-month suspension time frame and it wants to continue to receive new CCS family referrals, either at:
- the 18th month of the 24-month Entry-Level designation time frame; or
 - the ninth month of the 15-month suspension period.

The request must be submitted to TexasRisingStar@twc.texas.gov and include the provider’s name, CCR operation number, county, the current number of CCS children referred, current licensed capacity, screening citation and date cited that prevents certification eligibility, and reason for requesting an extension (based on exception criteria defined below).

- LF**: Boards may submit an exception request at any time before the end of the 24 months of Entry Level designation or 15 months of suspension based on monthly reviews of eligibility, as described earlier in this letter, to determine whether a provider may receive new CCS family referrals during this time frame.

- NLF**: Boards must be aware that TWC will review and approve any exception requests for providers that can demonstrate they are located in a child care desert, provide care to an

underserved population, or have a specific situation regarding providing continuity of care.

NLF: Boards must reopen intake for a provider once the provider can meet the initial certification screening requirements.

Entry Level Designation Extension Waivers

NLF: Boards must be aware that Texas Government Code §2308.3155 and TWC Chapter 809 Child Care Services rules provide for an Entry Level designation extension waiver based on specific TWC-established criteria for Entry-Level designated CCS providers that are unable to attain certification by the end of the 24 months. The waiver, which offers up to 36 months of extension, may be authorized if a provider:

- is located in a child care desert (as defined in Texas Labor Code §302.0461(b)(2)(A)(i) and §809.2);
- serves an underserved population as determined by TWC (such as infants, children with disabilities, or those needing care at nontraditional hours);
- is unable to meet the certification requirements due to a declared emergency or disaster; or
- is unable to meet the certification requirements due to conditions that are outside the provider's control.

NLF: Boards must submit any extension waiver requests at least 30 days before the end of the 24-month Entry Level designation time frame by sending an email to TexasRisingStar@twc.texas.gov for review and approval. The request must include the provider's name, CCR operation number, county, the current number of CCS children referred, current capacity, screening citation and date cited that prevents certification eligibility, date the provider would be eligible (pending no additional screening citations), and reason for requesting an extension (based on waiver criteria defined above).

Entry Level Designation Data Entry

NLF: Boards must indicate a provider's Entry Level designation within CLI Engage, per the CLI Engage User Guide. This includes creating an Event Log that indicates the child care program's applicable start and end dates. The end dates are as follows:

- For new CCS providers, the end date is 24 months from the start date (when the CCS Provider Agreement was signed).
- For providers that left CCS and returned, a modified start and end date will be entered to demonstrate the time remaining from their initial Entry Level designation timeline.

NLF: Boards must ensure that mentors or assigned staff members complete an Event Log within CLI Engage regarding Entry Level compliance reviews and their impacts, per the CLI Engage User Guide.

NLF: Boards must ensure that any changes to a CCS provider's Entry Level designation status are updated in CLI Engage, per the CLI Engage User Guide.

NLF: Boards must end a provider’s Entry Level designation in CLI Engage when the Board terminates the CCS Provider Agreement, per the CLI Engage User Guide.

INQUIRIES:

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

ATTACHMENTS:

None

REFERENCES:

[HB 2607](#), 87th Texas Legislature, Regular Session (2021)

[Texas Rising Star CLI Engage User Guide](#)

[Texas Rising Star Child Care Provider Certification Guidelines](#)