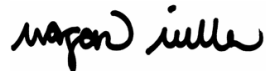


**TEXAS WORKFORCE COMMISSION**  
**Workforce Development Letter**

<b>ID/No:</b>	WD 29-23, Change 1
<b>Date:</b>	September 3, 2024
<b>Keyword:</b>	Child Care
<b>Effective:</b>	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 Child Care Rule Waivers—Update**

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**PURPOSE:**

The purpose of this WD Letter is to provide Local Workforce Development Boards (Boards) and the centralized assessor entity (CAE) with updated guidance on implementing three waivers to Texas Workforce Commission (TWC) Chapter 809 Subchapter G Child Care Services rules and the Texas Rising Star Certification Guidelines (Guidelines). The three waivers address the following:

- Annual on-site assessment of certified Texas Rising Star providers
- Required on-site assessment of Entry Level–designated providers seeking certification
- Extension of annual on-site assessment for specified child care providers

This update removes the guidance for waivers related to certified child care homes that have undergone a facility change, which is now addressed in the revised Guidelines. Additionally, it adds guidance for new waivers related to on-site assessments of Entry Level–designated providers.

**RESCISSIONS:**

WD Letter 29-23

**BACKGROUND:**

On November 7, 2023, per §809.3, TWC’s three-member Commission (Commission) waived [§809.133\(d\)\(1\)](#), which requires that the CAE conduct an unannounced, annual on-site assessment of certified Texas Rising Star providers. The waiver will help the CAE prioritize completing the initial assessments of approximately 4,300 Entry Level–designated providers that the CAE must assess before September 30, 2024.

Additionally, the Commission waived [§809.131\(a\)\(1–2\)](#) for only certified child care homes. Section [809.131\(a\)\(1–2\)](#) requires child care providers to have a permanent license/registration (full permit) from Child Care Regulation (CCR) and 12 months of

licensing history. Therefore, the waiver specifically helped child care homes that experience a facility change (from being registered to licensed) expand their capacity to serve children at their existing location. Following the Commission-approved amendments to Chapter 809 on July 9, 2024 (implementing changes because of the Texas Rising Star Four-Year Review), this waiver is no longer necessary, as the facility change provision has now been codified in the rule.

On July 30, 2024, the Commission extended the waiver for [§809.133\(d\)\(1\)](#) regarding annual announced monitoring assessments from September 30, 2024, to September 30, 2025. The Commission also approved a waiver of [§809.133\(c\)\(1\)](#) and the Guidelines, which require the CAE to conduct on-site initial assessments of all classrooms and measures when determining initial certification. This waiver will allow the CAE to conduct structural measure initial assessments (desk reviews) for Two-Star certification, which will allow for programs to quickly attain certification. Programs will still have the opportunity later for a full on-site assessment to determine whether they meet the criteria for a Three- or Four-Star rating.

The extended waiver, along with the new waiver, will assist the CAE in completing the initial assessments more quickly for Entry Level–designated programs that have an expiring designation deadline.

Additionally, the Commission waived [§809.133\(d\)\(1\)](#) to allow the CAE up to 18 months, instead of 12, to conduct the program’s annual monitoring visit for those programs that elected to receive a structural measure initial assessment. The waiver will assist the CAE in distributing the caseload of annual monitoring visits that are due.

## **PROCEDURES:**

**No Local Flexibility (NLF):** This rating indicates that Boards must comply with the federal and state laws, rules, policies, and required procedures set forth in this WD Letter and have no local flexibility in determining whether and/or how to comply. All information with an NLF rating is indicated by “must.”

**Local Flexibility (LF):** This rating indicates that Boards have local flexibility in determining whether and/or how to implement guidance or recommended practices set forth in this WD Letter. All information with an LF rating is indicated by “may” or “recommend.”

### **Texas Rising Star Annual Monitoring Visits—Currently Certified**

**NLF:** The CAE must waive any annual monitoring visits due for programs certified through a full, on-site initial assessment and not yet completed before the effective date of this WD Letter through September 30, 2025.

**NLF:** The CAE must enter a “General Status Update” in the Engage Event Log for each child care program’s waived annual monitoring visit. For example, “Annual monitoring visit due by [date] is waived due to WD Letter 29-23, Change 1.”

**NLF:** The CAE must inform the child care program and its assigned mentor and/or Board in writing about the annual monitoring visit waiver.

**NLF:** The CAE must continue to complete screenings of each certified Texas Rising Star provider in accordance with the Guidelines.

**NLF:** Boards must provide mentoring in accordance with the Guidelines to support certified Texas Rising Star programs during this time frame.

### **Texas Rising Star Structural Measure Initial Assessments**

**NLF:** Boards must inform all Entry Level–designated programs with an upcoming designation deadline about the option to request a Structural Measure Assessment for Two-Star certification or full, on-site initial assessment at least 30 calendar days prior to their deadline. This communication must include information about next steps for each option to ensure understanding of when enhanced payment rates will be effective (once certification is achieved).

**NLF:** Boards must support Entry Level–designated programs that request a structural measure assessment by submitting the request to the CAE via the [online request form](#), selecting “Structural Measure–Initial Assessment,” and ensuring all documents needed to adequately score structural measures are uploaded into the child care program’s Engage account, per the Engage User Guide, before the end of their Entry Level–designation time frame.

**NLF:** Boards must support Entry Level–designated programs that request an on-site initial assessment by submitting the request to the CAE, per the Engage User Guide. Additionally, if the program’s designation timeline is ending within 30 calendar days, an Entry Level Extension Waiver request must also be submitted per [WD Letter 12-24](#). These programs will not be eligible for an enhanced payment rate until certification has been achieved.

**NLF:** The CAE must input the Structural Measure Assessment within Engage, per the Engage User Guide, and place a “Structural Measure Assessment” event type in the child care program’s Engage Event Log once the assessment has been completed.

**NLF:** During the waiver period, Boards must record a provider note in the TWC child care case management system that includes the request for a Structural Measure Assessment, the date the request was submitted, and the program’s Entry Level–designation end date.

**NLF:** The CAE must prioritize the completion of the assessment requests as follows:

1. Assessments with prescribed timelines, to include recertifications, facility changes, suspension reassessments, reconsiderations, and category reassessments
2. Structural Measure Initial Assessments requested with a September 30, 2024, deadline
  - a. Date of “ready status”
  - b. Number of CCS children in care and/or located in a child care desert
3. Full on-site initial assessments requested with a September 30, 2024, deadline
  - a. CAE-defined zone where the program is located has assessments from priority level 1 or 2 being conducted
  - b. Date of “ready status”

- c. Number of CCS children in care and/or located in a child care desert
  - 4. Structural Measure Initial Assessments requested with a subsequent month deadline
    - a. Date of “ready status”
    - b. Number of CCS children in care and/or located in a child care desert
  - 5. Full on-site initial assessments requested with a subsequent month deadline
    - a. CAE-defined zone where the program is located has assessments from priority levels 1–4 being conducted
    - b. Date of “ready status”
    - c. Number of CCS children in care and/or located in a child care desert
  - 6. Star Level Evaluation assessment requests
    - a. Date of request
    - b. Previous assessment was a Structural Measure Initial Assessment
    - c. Previous assessment was a full on-site assessment

**NLF:** The CAE must conduct an annual monitoring visit for any program that received a Two-Star Structural Measure Initial Assessment within 18 months of certification.

**NLF:** The CAE must enter a “General Status Update” in the Engage Event Log for each child care program’s extended annual monitoring visit. For example: “The annual monitoring visit due by [date] is extended to [date] in accordance with WD Letter 29-23, Change 1.”

**NLF:** The CAE must inform the child care program, its assigned mentor, and/or the Board in writing of the annual monitoring visit extension, including the new deadline for completion.

**NLF:** The CAE must continue to complete screenings of each certified Texas Rising Star provider per the Guidelines.

**NLF:** The Boards must provide mentoring per the Guidelines to support certified Texas Rising Star programs during this time frame.

**INQUIRIES:**

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

**ATTACHMENTS:**

Attachment 1: Texas Rising Star Waiver Options—Template Communication to Child Care Programs

Attachment 2: Revisions to WD Letter 29-23 Shown in Track Changes

**REFERENCES:**

Texas Workforce Commission, Chapter 809, Child Care Services Rules  
 Texas Workforce Commission Texas Rising Star Certification Guidelines  
 Texas Rising Star Engage User Guide