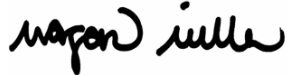


RESCINDED

TEXAS WORKFORCE COMMISSION Workforce Development Letter

ID/No:	WD 23-22
Date:	October 13, 2022
Keyword:	Child Care
Effective:	October 3, 2022

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 Workforce Development (WD) Letter is to provide Local Workforce Development Boards (Boards) with guidance on implementing the required Entry Level designation for child care programs participating in Texas Workforce Commission's (TWC) Child Care Services (CCS).

RESCISSIONS:

None

BACKGROUND:

House Bill (HB) 2607, 87th Texas Legislature, Regular Session (2021), amended Texas Government Code §2308.3155 to require that all regulated providers of TWC-funded CCS participate in the Texas Rising Star program. HB 2607 also required the creation of a new 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, which may not exceed 36 months, that the child care program may participate at the Entry Level designation.

Prior to the enactment of HB 2607, the TWC's three-member Commission (Commission) approved the amendment of TWC Chapter 809 Child Care Services rules in January 2021 to adopt a Pre-Star designation and a requirement that all regulated CCS child care providers achieve that designation. This provision has been superseded by the new Entry Level designation.

On September 13, 2022, the Commission approved amendments to Chapter 809 to implement the §2308.3155 requirement, removing the Pre-Star designation and replacing it with the legislatively mandated Entry Level designation.

The amended rules regarding the Entry Level designation are effective October 3, 2022.

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.”

Increased Funding Supports

NLF: Boards must be aware that the Commission approved an increase in funding to support Texas Rising Star mentors in Board Contract Year 2023 (BCY’23). The Commission also approved an increase to the Board’s quality funding, from 2 percent to 4 percent of the Board’s annual allocation in BCY’23. These additional funds are available to the Board to support the increased services in order to implement HB 2607.

NLF: Boards must be aware that the Commission approved an additional \$500 million for the 2022 Child Care Relief Fund for CCS providers. The Commission also increased the base reimbursement rates to the 75th percentile in BCY’23. These additional funds are available to providers for program quality improvement and to support the new Texas Rising Star requirement.

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 Texas Rising Star certification of at least the Two-Star level within the 24-month period.

NLF: Boards must be aware that an Entry Level child care program is not eligible for enhanced reimbursement rates that are 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 described in §809.131(b), specifically, that the provider:

- is not on a corrective or adverse action plan with Child Care Regulation (CCR); and
- does 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 all CCS providers located within the Board’s workforce area designated as Entry Level are screened for initial Texas Rising Star certification CCR compliance, per the Texas Rising Star Guidelines, by the end of the first 12 months in order to determine eligibility to begin the initial Texas Rising Star certification assessment process.

LF: Boards may screen CCS providers designated as Entry Level before the end of the first 12 months to determine eligibility for initial certification and, subsequently, begin the initial certification assessment process.

NLF: Boards must ensure that any CCS provider designated as Entry Level that does not meet the initial certification screening requirements for Texas Rising Star, per the Texas Rising Star Guidelines, by the 18th month of the 24-month designation time frame does **not** continue to receive new CCS family referrals during this 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.

Note: Referrals may be made for siblings of children who are currently enrolled in the program during this period.

NLF: Boards must provide all Entry Level–designated CCS providers located within the Board’s workforce area with mentoring services, per the Texas Rising Star Guidelines.

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.
12 Months	Boards must screen providers for initial Texas Rising Star certification.
18 Months	If the provider is not meeting Texas Rising Star certification, no new family referrals may be made.
23 Months	If the provider has not met Texas Rising Star certification requirements, notify enrolled families of potential loss of the provider’s CCS eligibility.
24 Months	The provider must achieve Texas Rising Star certification to continue to serve as a CCS provider.

Current CCS Provider Timeline

NLF: Boards must be aware that current CCS providers—providers with an active agreement as of October 3, 2022—will be administratively designated as Entry Level, effective October 3, 2022, and will be eligible to continue to serve as a CCS provider.

NLF: No later than October 31, 2022, Boards must determine whether current CCS providers located within the Board’s workforce area meet the minimum qualifications and basic requirements for Entry Level designation, per the Texas Rising Star Guidelines, and determine the next steps, which may include following the timeline for certification or designation compliance.

NLF: Boards must screen providers located within the Board’s workforce area by reviewing the Entry Level Designation Report provided to Boards on the Texas Rising Star Power BI dashboard, per the Children’s Learning Institute (CLI) Engage User Guide.

NLF: Upon the effective date of October 3, 2022, Boards must ensure that any current CCS providers located within the Board’s workforce area that exceed the minimum points threshold are given until March 31, 2023, to work with a mentor to ultimately meet the basic requirements for Entry Level designation.

NLF: Boards must be aware that providers that fail to comply with the basic requirements or points threshold by March 31, 2023, will no longer be eligible to serve CCS families, thus ending their provider agreement and transferring any children in care within two weeks.

NLF: Boards must ensure compliance with the following deadlines and timeline for current CCS providers.

Entry Level Designation Timeline—Current CCS Providers

Deadline	Action
October 31, 2022	Boards must determine whether the provider is meeting Entry Level designation requirements
March 31, 2023	Provider must meet Entry Level designation requirements
March 31, 2024	If the provider does not meet Texas Rising Star certification requirements, no new family referrals may be made
September 1, 2024	If the provider has not met Texas Rising Star certification requirements, notify enrolled families of potential loss of the provider’s CCS eligibility
September 30, 2024	The provider must achieve Texas Rising Star certification to continue to serve as a CCS provider

Certified Provider Suspension Status

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

NLF: Boards must ensure that if the provider is not eligible to request a certification reassessment or is not at least Two-Star–certified by the ninth month of the suspension date, the provider must not receive new CCS family referrals 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.

Note: Referrals may be made for siblings of children who are currently enrolled in the program during this period.

NLF: Boards 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.

NLF: Boards must ensure that any Texas Rising Star–certified provider on suspension status that does not achieve Texas Rising Star recertification by the end of the 15-month suspension period is not eligible to provide child care services and is not eligible for Entry Level designation, thus ending their provider agreement and transferring any children in care within two weeks. Subsequently, the provider must meet Texas Rising Star–certification eligibility and screening requirements and be assessed at least a Two-Star certification level in order to provide child care services.

Extension Waivers

NLF: Boards must ensure that any Entry Level–designated CCS provider that exceeds the 24-month time frame to achieve Texas Rising Star certification may be eligible for an extension waiver of up to 36 additional months if they meet one of the following criteria:

- Are located in a child care desert (as defined in Texas Labor Code §302.0461(b)(2)(A)(i), and §809.2)
- Is serving an underserved population as determined by TWC
- Is unable to meet the certification requirements due to a declared emergency or disaster
- 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 to TWC at TexasRisingStar@twc.texas.gov for review and approval. The request must include the provider’s name, CCR operation number, criteria allowance, and reason for requesting an extension.

Entry Level Designation Data Entry

NLF: Boards must indicate a provider’s Entry Level designation by adding an “Entry Level Designated” accreditation field within TWIST and its applicable start and end dates. The end dates are as follows:

- For current CCS providers that do not initially comply with Entry Level requirements, the end date is March 2023.
- For current CCS providers that do comply with Entry Level requirements, the end date is September 2024.
- For new CCS providers, the end date is 24 months from the start date (when the CCS Provider Agreement was signed).

NLF: Boards must ensure that mentors complete an Event Log within CLI Engage, regarding Entry Level designation, per the CLI Engage User Guide.

INQUIRIES:

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

ATTACHMENTS:

None

REFERENCES:

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

CLI Engage User Guide
Texas Rising Star Guidelines