

1 **CHAPTER 809. CHILD CARE SERVICES**

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3 **ADOPTED RULES WITH PREAMBLE TO BE SUBMITTED TO THE TEXAS**  
4 **REGISTER. THIS DOCUMENT WILL HAVE NO SUBSTANTIVE CHANGES BUT IS**  
5 **SUBJECT TO FORMATTING CHANGES AS REQUIRED BY THE TEXAS REGISTER.**  
6

7 The Texas Workforce Commission (Commission) adopts amendments, *without* changes, to the  
8 following section of Chapter 809 relating to Child Care Services, as published in the July 13,  
9 2007, issue of the *Texas Register* (32 TexReg 4351):

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11 Subchapter D, Parent Rights and Responsibilities, §809.74

12  
13 The Commission adopts the repeal of the following subchapter to Chapter 809 relating to Child  
14 Care Services, in its entirety, as published in the July 13, 2007, issue of the *Texas Register* (32  
15 TexReg 4351):

16  
17 Subchapter G, Appeal Procedures

18  
19 **PART I. PURPOSE, BACKGROUND, AND AUTHORITY**  
20 **PART II. EXPLANATION OF INDIVIDUAL PROVISIONS WITH COMMENTS AND**  
21 **RESPONSES**  
22

23 **PART I. PURPOSE, BACKGROUND, AND AUTHORITY**

24  
25 The purpose of the adopted rule change is to establish detailed and consistent procedures for  
26 complaints, hearings, and appeals related to workforce services administered by Local  
27 Workforce Development Boards (Boards). Texas Labor Code §302.065 directs the Commission  
28 to integrate the administration of four federal block grant programs with the goal of streamlining  
29 the delivery of services provided in the local career development one-stops. The Commission  
30 expanded this integration to state-funded workforce services, including examining the existing  
31 complaints and appeals processes for workforce services administered by the Boards. An  
32 absence of unified and integrated rules on complaints, hearings, and appeals related to workforce  
33 services makes the existing rules difficult to understand or interpret consistently and works as a  
34 barrier to integrating workforce services.

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36 To maintain uniformity and consistency across all Board-administered workforce services and to  
37 protect due process rights of Texas Workforce Center customers, in a separate, but concurrent  
38 rulemaking, the Commission has adopted the repeal of Chapter 823, General Hearings rules, and  
39 adopted new Chapter 823, Integrated Complaints, Hearings, and Appeals rules. New Chapter  
40 823 requires Boards to establish local policies for filing complaints, to provide opportunities for  
41 informal resolutions, and to establish procedures for Board hearings and appeals.

42  
43 The Commission has reviewed sections of Chapter 809 relating to complaints or grievances,  
44 local-level appeals, and state-level hearings. The Commission adopts the repeal of these sections  
45 and incorporates similar processes related to complaints, hearings, and appeals in new Chapter  
46 823.

1  
2 **PART II. EXPLANATION OF INDIVIDUAL PROVISIONS WITH COMMENTS AND**  
3 **RESPONSES**

4 (Note: Minor editorial changes are made that do not change the meaning of the rules and,  
5 therefore, are not discussed in the Explanation of Individual Provisions.)  
6

7 **SUBCHAPTER D. PARENT RIGHTS AND RESPONSIBILITIES**

8 **The Commission adopts amendments to Subchapter D, as follows:**  
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10 **§809.74. Parent Appeal Rights**

11 Under a separate, but concurrent rulemaking, the Commission has adopted new Chapter 823,  
12 Integrated Complaints, Hearings, and Appeals, which comprises the complaint, hearing, and  
13 appeal procedures for all Board-administered workforce services, including appeal procedures  
14 set forth in Subchapter G of this chapter. Therefore, references to "Subchapter G of this chapter"  
15 contained in §809.74(a), (c), (d), and (e) are removed and replaced by references to "Chapter 823  
16 of this title."  
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18 **SUBCHAPTER G. APPEAL PROCEDURES**

19 **The Commission adopts the repeal of Subchapter G, as follows:**  
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21 Under a separate, but concurrent rulemaking, the Commission has adopted new Chapter 823,  
22 Integrated Complaints, Hearings, and Appeals, which comprises the complaint, hearing, and  
23 appeal procedures for all Board-administered workforce services, including the information in  
24 the following sections.  
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26 **§809.131. Board Review**

27 Section 809.131 is repealed and the information is relocated in new Chapter 823.  
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29 **§809.132. Appeals to the Commission**

30 Section 809.132 is repealed and the information is relocated in new Chapter 823.  
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32 No comments were received.  
33

34 The Agency hereby certifies that the adoption has been reviewed by legal counsel and found to  
35 be within the Agency's legal authority to adopt.  
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37 The rules are adopted under Texas Labor Code §301.0015 and §302.002(d), which provide the  
38 Commission the authority to adopt, amend, or repeal such rules as it deems necessary for the  
39 effective administration of Agency services and activities, and the Texas Human Resources Code  
40 §44.002, regarding Administrative Rules.  
41

42 The adopted rules affect Texas Labor Code, Title 4, particularly Chapters 301 and 302, as well as  
43 Texas Government Code, Chapter 2308.  
44



1           ~~410, Austin, Texas 78778-0001, within 15 days after receiving written notification of the~~  
2           ~~results of the review.~~  
3           ~~(c) The appeal to the Commission will include a hearing, which is limited to the issues and~~  
4           ~~information considered in the Board review.~~  
5           ~~(d) The Commission hearing will be held in accordance with Commission policies and procedures~~  
6           ~~applicable to the appeal as contained in Chapter 823 of this title, or as otherwise provided by the~~  
7           ~~Commission.~~