

Pre-Star Requirements for Subsidized Child Care Providers Discussion Paper

1 Background

2 On July 14, 2020, Texas Workforce Commission's (TWC) three-member commission (Commission) approved
3 [Texas Rising Star Four-Year Review Recommendations: Discussion Paper and Chapter 809 Policy Concept](#). The
4 recommended revisions are based on the four-year review of the program conducted in 2019-2020. One of the
5 recommended changes was to create a new "Pre-Star" designation for child care programs.

6 In rulemaking for TWC's Chapter 809 Child Care Services rules (also brought forward this day), TWC proposes a
7 new Pre-Star Program designation and a requirement that all subsidy providers be designated as Pre-Star. Pre-Star
8 designations are based upon a child care program's demonstration that they do not have significant licensing
9 findings. The Pre-Star criteria were approved as part of the Commission's action on July 14 as [Attachment 2:](#)
10 [Texas Rising Star Screening Form](#) (previously proposed to be included in the revised Texas Rising Star
11 Guidelines).

12 Under the Texas Government Code §2308.3155, Texas Rising Star is a voluntary program. Creating a Pre-Star
13 designation that is tied to Texas Rising Star and requiring all subsidy providers to obtain a TRS Pre-Star, could be
14 considered contrary to the voluntary nature of the Texas Rising Star program. TWC should make a clear
15 distinction between the Texas Rising Star quality rating system and a new Pre-Star designation which is required
16 for all subsidy providers.

17 TWC does have the authority to create higher standards for subsidy providers. Under the federal child care
18 regulations at [45 CFR §98.30\(g\)](#) the Administration for Children and Families explicitly allows states to
19 establish policies that requires subsidy providers to meet higher standards of quality. TWC must include
20 information in its CCDF State Plan

21 Agencies must require providers chosen by families to meet health and safety standards and *have the*
22 *option to require higher standards of quality*. Lead agencies are reminded that any policies and
23 procedures should not restrict parental access to any type of care or provider (e.g. center care, home care,
24 in-home care, for-profit provider, non-profit provider or faith-based provider, etc.) (98.15 (a)(5)).

25 Issue

26 The Pre-Star designation will be determined using new Screening Criteria for Subsidized Child Care, which is
27 based upon the previous Texas Rising Star Screening Form. The previous Texas Rising Star Screening Form was
28 approved by the Commission as a part of the Texas Rising Star Guidelines. Because this will not longer be a
29 component of Texas Rising Star, we must determine where to codify the Pre-Star screening criteria. This
30 information can be included as part of the CCDF State Plan. As with the Texas Rising Star Guidelines, the CCDF
31 State Plan is a public document that is considered in an open, posted meeting of the Commission. Therefore, it
32 will continue to be available for public review and comment.

33 Decision Point

34 Staff seeks direction on amending [Texas 2019-2021 CCDF State Plan](#) to:

- 35 • include the Pre-Star designation and requirements for subsidized providers, as illustrated by Attachment
- 36 1: Screening Criteria for Subsidized Child Care;
- 37 • define a five-year statewide rollout plan; and
- 38 • describe limited exemptions to the requirement for Pre-Star to ensure parent choice is not negatively
- 39 impacted.

**Screening Criteria for Subsidized Child Care
Licensed Child Care Centers***

- 1 1. Review 12-month CCR licensing history
2 On Corrective or Adverse Action with CCR?
3 On Corrective Action with Board?
4 On Notice of Freeze with TWC?
5 Cited for 746.3707 (b -d) by CCR?
6 Has 15 or more total CCR weighted High and/or Medium-High Deficiencies?
7

8 **STOP process if “Yes” for any of the above within the previous 12-months.**
9

- 10 2. CCR deficiency review (last 12 months)
11 Facility is unable to be Pre-Star if they have received any of the following deficiencies listed below:
12 745.635 Criminal Convictions or Central Registry Findings – Take Appropriate Action
13 745.641 Background Checks Requirement – Providing Direct Care
14 746.1201(4) Responsibilities of Employees and Caregivers – Ensure No Child is Abused, Neglected,
15 or Exploited
16 746.1201(5) Responsibilities of Employees and Caregivers – Report Suspected Child Abuse, Neglect,
17 or Exploitation
18 745.621 Background Checks Requirement
19 746.1003 Director Responsibilities
20 746.1201(1) Responsibilities of Employees and Caregivers – Demonstrate Competency, Good
21 Judgment, Self-Control
22 746.1203(4) Responsibilities of Caregivers – Supervision of Children
23 746.1315 First Aid and CPR Requirements
24 746.2805 Prohibited Punishments
25 746.3805(a) Administering Medication – How to Administer Medication
26 746.3805(b) Administering Medication – How to Administer Medication
27

28 **STOP process if any of the above have been received within the previous 12-months.**