Pre-Star Requirements for Subsidized Child Care Providers
Discussion Paper

Background

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

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

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

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

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

Issue

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

Decision Point

Staff seeks direction on amending Texas 2019-2021 CCDF State Plan to:

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

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

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

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

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