

PART XX. Texas Workforce Commission
CHAPTER 809. Child Care and Development
SUBCHAPTER A. General Provisions
40 TAC §809.5

The Texas Workforce Commission (Commission) proposes new §809.5, concerning the State Advisory Committee on Child Care Programs. Proposed §809.5 establishes a 20 member advisory committee that shall advise the Commission in developing coordinated state policies for the use of federal and state funds in child care programs. The advisory committee shall review child care policies and programs for compliance with applicable guidelines and shall advise the Commission of the results of the review.

Ms. Charlotte Brantley, Director of Child Care/Work and Family Clearinghouse, has determined that for each of the first five years the rule is in effect, the public benefit anticipated as a result of enforcing the rule will be a more positive and effective implementation of the provisions of the Texas Human Resources Code, Chapter 44, Subchapter C. Ms. Brantley and Randy Townsend, Director of Finance, have determined there is no anticipated adverse impact on small business as a result of enforcing or administering the proposed rule, as small businesses are not required to do anything by the rule that is in addition to what is already required by the Texas Human Resources Code, Chapter 44, Subchapter C.

Randy Townsend, Director of Finance, has determined that for the first five-year period the rule is in effect, there will be no fiscal implications for state or local government as a result of enforcing or administering the proposed rule.

Mr. Townsend has certified that there will be no foreseeable impact on local economies or overall employment as a result of enforcing or administering the proposed rule. The adoption of the rule will result in no foreseeable economic costs to persons who are required to comply with the rule, and no foreseeable costs associated with implementing this section. All official comments submitted to Charlotte Brantley will be considered before the final rule is adopted.

Comments on the proposed rule may be submitted to Charlotte Brantley, Director of Child Care/Work and Family Clearinghouse, Texas Workforce Commission, 101 East 15th Street, Room 416T, Austin, Texas 78778, (512) 936-3227. Comments may also be submitted via fax to Ms. Brantley at (512) 936-3223 or e-mailed to: cbrantle@twc.state.tx.us. Comments must be received by the Commission within 30 days from the date this proposal is published in the Texas Register.

The new rule is proposed under Texas Labor Code, §301.061, which provides that the Commission has the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of the Act.

The proposed new rule affects the Texas Labor Code, Title 4, particularly Chapters 301 and 302, and the Texas Human Resources Code, Chapter 44.

§809.5. Child Care State Advisory Committee.

(a) The Commission appoints the State Advisory Committee on Child Care Programs.
(b) The advisory committee shall consist of 20 members, not including ex officio members.

(c) The advisory committee appointees will be a balanced representation of:

- (1) parents, guardians, or custodians of children who use child care programs;
- (2) child care advocacy groups;
- (3) operators and providers of child care programs and services representing rural and urban communities;
- (4) for profit and nonprofit providers of child care services representing rural and urban communities;
- (5) experts in early childhood development and education;
- (6) experts in child health and nutrition;
- (7) other child care professionals;
- (8) the general public; and

(9) ex officio representatives from each state agency, as determined by the Commission, that have an interest or role in state child care programs.

(d) The Commission shall provide staff support and other support necessary to the advisory committee to operate the committee.

(e) Subject to appropriations, the advisory committee may be reimbursed for travel expenses incurred while conducting the business of the board.

(f) The advisory committee shall advise the Commission in developing coordinated state policies for the use of federal and state funds in child care programs.

(g) The advisory committee shall review child care policies and programs for compliance with applicable guidelines and shall advise the Commission on the results of the review in accordance with the Texas Human Resources Code, Chapter 44, Subchapter C, as amended.

(h) The Commission with the assistance of the advisory committee shall hold biennial public hearings on state and federal child care programs to elicit public response and recommendations regarding the quality, accessibility, and affordability of child care services. The hearings must be held in at least three separate geographical regions of the state and may be held in conjunction with other public hearings on child care held by the Commission.

(i) The advisory committee shall annually report its findings and recommendations to the Commission.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

Filed with the Office of the Secretary of State, on May 28, 1998.

TRD-9808687

J. Randel (Jerry) Hill

General Counsel

Texas Workforce Commission

Earliest possible date of adoption: July 12, 1998

For further information, please call: (512) 463-8812