

**Request from an Individual to Waive the Child Care Rules Under 40 TAC §809.3(a)
Regarding Texas Rising Star Minimum Education Requirements in 40 TAC §809.134
Discussion Paper**

Background

Texas Workforce Commission (TWC) Chapter 809 Child Care Services rule 40 TAC [§809.134](#) establishes the minimum education requirement for Texas Rising Star mentors and assessors, and allows TWC to grant an extension of no more than two years to allow a mentor or assessor to attain the required minimum education level.

On November 13, 2018, a Local Workforce Development Board (Board) submitted a request to hire an individual that did not meet the minimum education requirements as a Texas Rising Star mentor. In the request, the Board indicated that the individual would begin work towards an associate degree in Child Development. The individual needed 60 credit hours to attain her degree. On December 10, 2018, CC&EL granted a two-year extension, which permitted the individual to complete their degree within two years of their hire date, December 14, 2018.

Issue

Pursuant to the Child Care Rules, 40 TAC [§809.3\(a\)](#), this individual is submitting a request to the Texas Workforce Commission’s three-member Commission (Commission) for a waiver of 40 TAC [§809.134](#), which establishes the minimum education requirement for Texas Rising Star Mentors and Assessors. In the individual’s letter to the Commission they note that:

- They are submitting this request so they may maintain their position as a Mentor with the Board while continuing to work toward the completion of their Child Development Associate degree.
- They enrolled in an Early Childhood Education program in March 2019 and took classes through March 2020.
- In March 2020, the college closed due to COVID
- Extenuating personal circumstances have affected their ability to complete their degree, and the individual will be able to resume their education in January 2021
- They intend to take 6 credit hours per 8-week course period and complete their degree in March 2022.

Based on CC&EL’s review of the assessor’s college transcript, she was enrolled in school in the Spring 2019 semester, Fall 2019 semester and Spring 2020 semester. In each of these semesters she enrolled in one course and was awarded 3 credit hours, for a total of 9 credit hours over an 18 months period.

CC&EL staff also observes that while the college closed in March 2020, the college’s website notes that “While our facilities may be closed, college operations continue.” The college transitioned students to virtual and remote learning. For this individual to complete her required education within the two-year extension granted in December 2018, she should have been enrolled and planning to earn 30 credit hours per year. The attainment of 9 credit hours during the first year of the extension (prior to COVID), indicates this individual was not on track to complete her degree within the two-year period.

1 The Board, in its letter to the Commission, also expressed concern regarding the length of time this
2 waiver request has taken to consider. The Board began communicating with Child Care & Early
3 Learning (CC&EL) on August 27, 2020. In their letter, they noted that they needed sufficient time to
4 issue a Request for Proposals and enter into a contract for a new mentor, should this waiver not be
5 granted. The Board also notes difficulty in identifying qualified individuals, as only 29.4% of
6 individuals age 25-34 have a certificate of higher post-secondary credential according to the US Census
7 Bureau and data from the Texas Higher Education Coordinating Board.
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10 **Decision Point**

11 Staff recommends that in order to provide the Board with time to procure and contract for a new Texas
12 Rising Star mentor, the Commission grant a temporary four-month waiver to allow the individual to
13 continue serving as a Texas Rising Star mentor.
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