

# Readmittance of Suspended/Terminated Texas Rising Star Programs

## Discussion Paper

### Background

The Texas Workforce Commission's three-member Commission (Commission) [adopted](#) rules in October 2022 to implement HB 2607, 87th Texas Legislature, which makes participation in Texas Rising Star a requirement for all Child Care Services (CCS) child care providers, and creates a new Entry Level Designation (ELD) for new CCS providers. New CCS providers have up to two years as an ELD provider before they must become Texas Rising Star certified (or receive a TWC waiver to extend their ELD period past two years).

Section [§809.132\(h\)](#) sets the parameters for Texas Rising Star certified providers who fall into suspension, and are ultimately terminated from CCS if they fail to achieve at least a Two-Star certification level by the end of their 15-month suspension period. The rules state that a provider on suspension status who is terminated from CCS must re-enter as a Texas Rising Star-certified program, and that they are not eligible to return as an ELD provider (ELD is only for new child care providers entering CCS for the first time).

### Issue 1:

Child Care & Early Learning (CC&EL) staff have identified 8 Local Workforce Development Boards (Boards) who incorrectly implemented [§809.132\(h\)](#) and allowed a total of 14 Texas Rising Star providers who were terminated from CCS to re-enter CCS as ELD providers, or incorrectly retained as CCS ELD beyond their 15-month suspension timeline, rather than being terminated. As such, they are not eligible CCS providers under the parameters of our Child Care Services rules. Because these programs are ineligible CCS providers, the payments that the Boards' child care contractors made to these providers are considered disallowed costs.

As this is a new CCS parameter regarding the eligibility of CCS providers under new mandatory Texas Rising Star requirements, CC&EL staff are recommending that the Commission, under the waiver provisions of Child Care Rule [§802.122](#), authorize a temporary waiver of Child Care Rule [§809.132\(h\)](#) to temporarily allow these child care providers to be an eligible CCS provider, thus negating the disallowed costs.

The waiver will be retroactively approved to cover the period of time that these providers were incorrectly determined to be an eligible CCS provider and will remain in effect pending each provider receiving a Texas Rising Star assessment. CC&EL staff will direct the Texas Rising Star Centralized Assessment Entity to prioritize assessments for these child care providers, with all assessments being completed no later than Friday November 22, 2024, and new assessment status effective no later than December 1, 2024.

- If these providers qualify for at least a Two-Star certification level, their CCS Provider Agreement will remain in place, and all CCS children will remain with the provider. These child care providers are currently serving a total of 315 CCS children.
- If these providers do not qualify for at least a Two-Star certification level, the CCS families will be requested to identify another eligible CCS provider, and the provider's CCS Provider Agreement will be terminated.

1 CC&EL will also implement an Intent to Sanction (§802.122) and Corrective Action Plan  
2 (§802.121) for Boards who incorrectly determined these providers to be CCS eligible; the Board  
3 will be required to demonstrate that it has local procedures in place regarding the re-entry of  
4 terminated Texas Rising Star providers as well as compliance with the suspension timeline and  
5 will be required to ensure that all CCS and/or Texas Rising Star staff receive training on the  
6 procedures regarding this issue.  
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### 9 **Decision Point**

10 Staff recommends that the Commission, under the waiver provisions of Child Care Rule  
11 §802.122, authorize a temporary waiver of Child Care Rule §809.132(h) to temporarily allow  
12 Texas Rising Star-certified providers who were terminated and incorrectly were re-admitted to  
13 CCS as an ELD provider and who were allowed to remain CCS beyond their suspension  
14 timeline, to be an eligible CCS provider. This waiver will remain in effect until the Centralized  
15 Assessment Entity conducts an assessment of these child care providers.  
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CCR License #	Provider	LWDB	CCS CIC*	Rule Waiver Effective Date**	Status
129076	La Petite Academy Marbach	Alamo Area****	91	10/01/2024	Certified 11/01/24
1686978	Medeas House of Play	Dallas	11	2/1/2024	Certified 11/01/24
1698547	Londons Kings and Queens Academy	Dallas	22	2/1/2024	Certified 09/01/2024
1545720	Child Care Network 244	Dallas	46	8/1/2024	Certified 11/01/2024
856220	Forest Lane KinderCare	Dallas	72***	2/1/2024	No Longer CCS 04/01/2024
1649832	Kidz First Learning Academy	East Texas****	63	4/1/2024	Certified 06/01/2024
1443707	Stonebrook Learning Center	North Central****	37	8/1/2024	Pending Assessment
1675634	Sunshine Valley Child Care Center	Panhandle	49	8/1/2023	Certified 11/01/24
1668320	Awesome Kidz 2 Learning Center	Tarrant County	1	9/1/2024	Certified 12/01/24
310307	Childrens Courtyard	Tarrant County	6	9/1/2024	Certified 11/01/24
221589	North Arlington KinderCare	Tarrant County	33	8/1/2024	Certified 11/01/24
1704615	Kids Cave Child Care Learning Center	Tarrant County	7	9/1/2023	Certified 03/01/24
1752253	Alliance at Merkel	West Central Texas	9	2/1/2024	Pending Assessment

\* CCS Children in Care (CIC) as of October 2024

\*\*Waiver effective date is based on the date the provider re-entered or was retained as CCS, beyond the allowable timeframe

\*\*\*As of February 2024

\*\*\*\* The Board correctly determined that the provider needed to be assessed prior to the end of their suspension period; the CAE could not complete the assessment prior to the end of the suspension period. As such, they will not be placed on an Intent to Sanction.