# Texas Workforce Commission seal

# Texas Rising Star Contracted Slots Pilot Program

## Purpose

The Texas Rising Star Contracted Slots Pilot Program (Pilot Program) provides Local Workforce Development Boards (Boards) with the opportunity to create a new service delivery design outside of each Board’s regular annual allocation of child care funds. Children served will not be included in a Board’s annual performance target. Instead, 100 percent of the direct care for referrals to contracted slots in the Pilot Program will be paid from this grant. Boards will identify the planned number of children to be served to support the child care supply needs in each Board area. All children referred to contracted slots **must** receive services for a minimum of 12 months, whether or not they remain in the Pilot Program.

Under Texas Labor Code [§302.0461](https://statutes.capitol.texas.gov/Docs/LA/htm/LA.302.htm#302.0461), Boards may develop contracted slots to expand quality

capacity for priority areas such as the following:

* Infants and toddlers
* Prekindergarten partnerships or Head Start/Early Head Start partnerships
* Areas where the number of children younger than six with working parents is three times greater than the licensed child care capacity in the area
* Board priority, such as nontraditional hours of care

## Application Submission Guidelines

The Texas Workforce Commission (Agency) has dedicated $20 million of Child Care Development Fund (CCDF) funds to support the Texas Rising Star Contracted Slots Pilot Program.

Contracted Slots Pilot Program: The Pilot Program is funded by Consolidated Appropriations Act, 2021, and Coronavirus Response and Relief Supplemental Appropriations Act (CRRSA) (P.L. 116-260) funds through the CCDF program.

Funding Amount: Not to exceed $5 million per Board

Funding Period: 18 months

Submission Deadline: Applications accepted beginning September 1, 2021, and processed through November 30, 2021. All Pilot Program funds must be expended by March 31, 2023.

## Authority

This funding is made possible by the Child Care Development Block Grant (CCDBG) funds that the Agency received from the Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (CRRSA) (P.L. 116-260). The administration of this funding is subject to the Consolidated Appropriations Act, 2021, and CRRSA, 2021 (P.L. 116-260); CCDBG at 42 USC §9857, et. Seq., as amended and related regulations at 45 CFR Parts 98 and 99; and the current approved CCDF State Plan.

## Allowable Activities

The Pilot Program funds must be used to create a new service delivery design to contract with Texas Rising Star 3- and 4-Star child care providers to reserve slots for children participating in the Child Care Services subsidy program. Services provided by this Pilot Program will be offered outside of each Board’s regular annual allocation of child care funds.

## Required Grant Activities

1. Boards must comply with Workforce Development (WD) Letter [19-21](https://www.twc.texas.gov/files/policy_letters/19-21-twc.pdf), issued September 15, 2021 and titled “Child Care Provider Contract Agreements,” which outlines the policies and procedures for implementing contracted slots, aside from exceptions noted within the requirements for the Pilot Program.
2. Boards must be aware that children referred to contracted slots as part of the Pilot Program will **not** count toward the Board’s average children served per day target. Boards must be aware that children referred to contracted slots as part of the Pilot Program will **not** count toward the Board’s average children served per day target.
3. The Board must pay contracted providers for reserved (unfilled) slots for up to one month following the month of vacancy.
4. Boards agree to submit their Contracted Slots Goals to the Agency before beginning procurement using the Contracted Slots Report.
5. No more than 5 percent of funds may be used for administrative costs.
6. Boards agree to select contracted providers using procedures that conform to the procurement standards in the US Office of Management and Budget (OMB) Uniform Guidance (2 CFR Part 200), in the Uniform Grant Management Standards or Texas Grant Management Standards, as applicable, and in the TWC Financial Manual for Grants and Contracts. Lead time has been built into the grant period to allow for Board development of a solicitation (such as a Request for Proposals (RFP)) and selection of contracted providers.
7. The Board agrees to accurately and timely report activities, services, and outcome data to the Agency on a quarterly basis, as described under Reporting Requirements.
8. Boards must comply with the requirements in the final regulations and audit compliance supplements promulgated by the US Department of Health and Human Services and the OMB and any alternative implementation options exercised by Texas under the CCDBG statute.

## Terms and Conditions

Any grant awarded under the Pilot Program must be governed by the Agency Board Agreement (ABA) for an integrated workforce system, its attachments, and the terms and conditions, including any special terms and conditions (see Attachment A), in the resulting grant award.

## Reporting Requirements

1. Boards must submit a Contracted Slots Report within 12 months of initiating a contract with a provider.
2. Boards must report quarterly on the progress and status of the grant, including average number of days to fill vacancies.
3. Boards agree to meet with the Agency quarterly to discuss Pilot Program activities, outreach strategies, challenges, and successes.
4. Boards must be aware that Texas Rising Star Contracted Slots Pilot Program expenditures must be reported in TWC’s Cash Draw and Expenditure Reporting (CDER) system under the Direct Care At-Risk TWIST Code for the 869 cost category in the Contracted Slots grant award (CSL).

## Application Information Confidentiality

All application information submitted is subject to and will be handled in accordance with the Texas Public Information Act, Government Code, Chapter 552. This Act allows the public to have access to information in the possession of a governmental body. Therefore, any confidential or proprietary information contained within an application must be clearly identified by the applicant in the application itself. Proprietary information identified by the applicant in advance will be kept confidential by the Agency to the extent permitted by state law.

## Record Retention

All application information submitted must be retained by the Agency for the period specified in the Agency’s record retention schedule created under Texas Government Code, Chapter 441. The information may not be returned to the applicant who submitted it during the retention period.

## Public Information Act

Texas Government Code, Chapter 552, gives individuals the right to access government records and prohibits an officer for public information or the officer’s agent from asking why the requestor wants the records. All government information is presumed to be available to the public. However, some types of governmental information may be subject to an exception to the rule that public information must be released when requested. Governmental bodies must promptly release requested information if the information is not confidential or the governmental body has not properly requested an exception. Public information requests may be mailed or delivered in person to: Texas Workforce Commission, Open Records, 101 E. 15th St., Room 266, Austin, TX 78778-0001. They may also be submitted by email to open.records@twc.state.tx.us or fax to (512) 463-2990. They may also be submitted by email to open.records@twc.state.tx.us or fax to (512) 463-2990.

## Application Submission

* Use the Application Submission Form below. Applications may be submitted between September 1, 2021, and November 30, 2021, **or until approved funding has been exhausted**.
* Applicants must submit a complete application by email to Child Care & Early Learning at CCEL@twc.texas.gov. **The application must contain all of the required components, including dates and signatures.**



# APPLICATION SUBMISSION FORM

**Use the space designated below to complete the application**.

### 1. Contact Information—Board Applicant

1.1 Board Submitting the Application:

1.2 Name and Title of Board Representative Completing the Application:

1.3 Email address:

1.4 Telephone Number:

### 2. Contact Information—Board’s Designated Contact

2.1 Name and Title:

2.2 Email:

2.3 Telephone Number:

### **3. Amount requested**

Total grant amount requested (not to exceed $5 million):

### **4. Program Summary**

Please provide the following:

* 1. The planned number of children to be served under the Pilot Program

[ ]  0*–*10 slots

[ ]  11–25 slots

[ ]  26–50 slots

[ ]  More than 50 slots. Indicate number

* 1. The Contracted Slots Strategy (Strategies) to be used

[ ]  Child care desert—an area where the number of children six and under with working parents is at least three times greater than the capacity of licensed child care providers in the area

[ ]  Underserved area—an area defined by the Agency and identified by the Board to be underserved with respect to child care providers

[ ]  Prekindergarten (pre-K) partnerships—providers with a formal partnership with a school district to provide a prekindergarten program

[ ]  Head Start/Early Head Start (HS/EHS) partnerships—providers with a formal partnership with the Head Start or Early Head Start Program

[ ]  Infant/Toddler slots—increase the number of places reserved for infants and toddlers by high-quality child care providers

[ ]  Board priority—a Board-established local priority that is included in the Board’s strategic plan, such as nontraditional hours of care

* 1. Describe the issue that the Board is trying to resolve.

### **5. Program Timeline**

Provide a draft timeline of each major activity in the project, including the time required for project development/procurement. Timelines must not exceed a total of 18 months. Project start date should be, at minimum, two months from the application submission date.

5.1 RFP Development:

5.2 RFP Deadline:

5.3 Award/Contract Execution:

5.4 Complete provider Survey (pre-contract):

5.5 Begin contracted slots referrals:

5.6 Complete provider survey (annual):

5.7 Complete Contracted Slots Annual Report:

5.8 What barriers or challenges might impact your program timeline?

### 6. Authorized Signature

By signing below, the applicant Board agrees to function as the grantee and fiscal entity for the Pilot Program. The applicant agrees to adhere to all reporting requirements, as well as the laws and regulations governing this funding, including but not limited to, the Consolidated Appropriations Act, 2021, and CRRSA, 2021 (P.L. 116-260); CCDBG at 42 USC §9857, et. seq., as amended and related regulations at 45 CFR Parts 98 and 99; and the current approved CCDF State Plan. as amended and related regulations at 45 CFR Parts 98 and 99; and the current approved CCDF State Plan. Any grant awarded under the Pilot Program must be governed by the ABA for an integrated workforce system, its attachments, and the terms and conditions, including any special terms and conditions, in the resulting grant award.

Typed name and title of authorized Board Executive Director:

Date signed:

Board Authorized Signature: X\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

# Attachment A: Special Terms and Conditions

**SPECIAL TERMS AND CONDITIONS**

Pursuant to OMB Uniform Guidance (2 CFR Part 200) provisions at 2 CFR §§200.101(b)(1) and 200.331(a)(2), the Special Federal Award Terms and Conditions for Child Care and Development Fund Grants pass through terms and conditions specific to the federal award, which are not set forth elsewhere in this TWC grant award. These grant funds awarded by TWC must be used in compliance with the following federal terms and conditions, in addition to the other provisions of this TWC grant award.

Effective December 2014, the US Department of Health and Human Services (HHS) specific implementing regulations of Uniform Administrative Requirements, Cost Principles, and Audit Regulations for HHS Awards is codified at 45 CFR Part 75. Unless otherwise stated, grantees must refer to HHS-specific language in 45 CFR Part 75 rather than 2 CFR Part 200.

51. Federal Award Terms and Applicable Legislation, Statute, and Regulations

The Special Federal Award Terms and Conditions contained herein are based on the US Department of Health and Human Services (HHS) Administration for Children and Families (ACF) General Terms and Conditions for Mandatory Formula, Block and Entitlement Grant Programs July 26, 2021, Version of the Program Specific Terms and Conditions for Child Care and Development Fund Grants to State and Territory Grantees, which are the versions currently used by ACF, and the Supplemental Terms and Conditions applicable to the Supplemental Funds under the Coronavirus Response and Relief Supplemental Appropriations Act (CRRSA).

The administration of this program is subject to:

* statutory requirements of the Consolidated Appropriations Act, 2021, and the Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (Pub. L. 116-260);
* Child Care and Development Block Grant (CDGGB) Act at 42 USC § 9857, et. seq., as amended, and related regulations at 45 CFR Parts 98 and 99; and
* provisions of the current approved CCDF State, Territory, or Tribal Plan, as applicable, including all approved amendments or revisions.

As noted in the Information Memorandum on CCDF supplemental funds available under CRRSA, these funds are subject to all CCDF discretionary requirements, except as noted.

2. Federal Participation

Funds for this program are awarded with a 100 percent Federal Financial Participation rate for program costs, so there is no non-federal cost share required for this program.

3. Matching

These grant funds may not be used to meet the matching requirements of other Federal grant programs.

4. Salary Limitation

Pursuant to the Consolidated Appropriations Act, 2017 (Pub. L. 115-31), enacted May 5, 2017, Grant Award funds issued under this grant must not be used to pay the salary of an individual at a rate in excess of Federal Executive Level II. The Federal Executive Level II salary can be found in the Salaries & Wages tables on the US Office of Personnel Management website at <https://www.opm.gov>. This amount reflects an individual’s base salary exclusive of fringe and any income that an individual may be permitted to earn outside of the duties to organization. This salary limitation also applies to subawards, contracts, and subcontracts.

5. Federal Funding Disclosure Statement (Requirement to Provide Certain Information in Public Communications)

This TWC grant award must be used in compliance with Section 505 of Public Law 115-31, the Consolidated Appropriations Act of 2017, which reads:

“When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all recipients receiving Federal funds, including in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state:

(1) the percentage of the total costs of the program or project which will be financed with Federal money,

(2) the dollar amount of Federal funds for the project or program, and

(3) percentage and dollar amount of the total costs of the project or program that will be financed by nongovernmental sources.”

6. Pro-KIDS Act of 1994 Smoking Prohibitions

In accordance with Title XII, of Public Law 103-227, the Pro-KIDS Act of 1994, (20 USC §7183), smoking may not be permitted in any portion of any indoor facility owned or regularly used for the provision of health, day care, education or library services to children under age 18, if the services are funded by federal programs whether directly or through State, Territories, local and Tribal governments. Federal programs include grants, cooperative agreements, loans and loan guarantees, subawards, and contracts. The law does not apply to children’s services provided in private residences, facilities funded solely by Medicare or Medicaid funds, and any portions of facilities used for inpatient drug or alcohol treatment. The language above must be included in any subawards that contain provisions for children’s services and that all subawards shall certify compliance accordingly. Failure to comply with the provisions of this law may result in the imposition of a civil monetary penalty of up to $1,000 per day.

7. Human Trafficking Provisions

This TWC grant award is subject to the requirements in §106(g) of the Trafficking Victims Protection Act of 2000, as amended (22 USC §7104). The full text of this requirement is found on the HHS ACF website at <https://www.acf.hhs.gov/grants/award-term-and-condition-trafficking-persons>.

8. Construction Prohibitions

Unless superseded by program-specific regulations, this TWC grant award may not be used for construction or the purchase of land.

9. Fiscal and Accounting Procedures

Fiscal and accounting procedures must be sufficient to permit the preparation of required reports and the tracing of expenditures to a level necessary to establish that such federal funds have not been used in violation of terms and conditions.

10. Non-Discrimination Legal Requirements for Recipients of Federal Financial Assistance

You must administer your project in compliance with federal civil rights laws that prohibit discrimination on the basis of race, color, national origin, disability, age, and, in some circumstances, religion, conscience, and sex (including gender identity, sexual orientation, and pregnancy). This includes taking reasonable steps to provide meaningful access to individuals with limited English proficiency and providing programs that are accessible to and usable by individuals with disabilities. The HHS Office for Civil Rights provides guidance on complying with civil rights laws enforced by HHS. See <https://www.hhs.gov/civil-rights/for-providers/provider-obligations/index.html> and <https://www.hhs.gov/civil-rights/for-individuals/nondiscrimination/index.html>.

You must take reasonable steps to ensure that your project provides meaningful access to individuals with limited English proficiency. For guidance on meeting your legal obligation to take reasonable steps to ensure meaningful access to your programs or activities by limited English proficient individuals, see <https://www.hhs.gov/civil-rights/for-individuals/special-topics/limited-english-proficiency/fact-sheet-guidance/index.html> and <https://www.lep.gov/>.

For information on your specific legal obligations for serving qualified individuals with disabilities, including providing program access, reasonable modifications, and taking appropriate steps to provide effective communication, see [http://www.hhs.gov/ocr/civilrights/
understanding/disability/index.html](https://www.hhs.gov/civil-rights/for-individuals/disability/index.html).

HHS-funded health and education programs must be administered in an environment free of sexual harassment. See[https://www.hhs.gov/civil-rights/for-individuals/sex-discrimination/
index.html](https://www.hhs.gov/civil-rights/for-individuals/sex-discrimination/index.html).

For guidance on administering your project in compliance with applicable federal religious nondiscrimination laws and applicable federal conscience protection and associated antidiscrimination laws, see[https://www.hhs.gov/conscience/conscience-protections/
index.html](https://www.hhs.gov/conscience/conscience-protections/index.html) and <https://www.hhs.gov/conscience/religious-freedom/index.html>.

Grantee shall comply with the following federal regulations related to nondiscrimination:

45 CFR Part 80 – Nondiscrimination Under Programs Receiving Federal Assistance through the Department of Health and Human Services, Effectuation of Title VI of the Civil Rights Act of 1964

45 CFR Part 84 – Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving Federal Financial Assistance

45 CFR Part 86 – Nondiscrimination on the Basis of Sex in Education Programs and Activities Receiving and Benefiting from Federal Financial Assistance

45 CFR Part 91 – Nondiscrimination on the Basis of Age in HHS Programs or Activities Receiving Federal Financial Assistance

11. Prohibition on Expending HHS Award Funds for Covered Telecommunications Equipment or Services as per 2 CFR §200.216.

Effective August 13, 2020, 2 CFR §200.216 applies to all grant programs.

“Prohibition on certain telecommunications and video surveillance services or equipment.

(a) As described in 2 CFR 200.216, recipients and subrecipients are prohibited to obligate or spend grant funds (to include direct and indirect expenditures as well as cost share and program) to:

(1) Procure or obtain,

(2) Extend or renew a contract to procure or obtain; or

(3) Enter into contract (or extend or renew contract) to procure or obtain equipment, services, or systems that use covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. As described in Pub. L. 115-232, section 889, covered telecommunications equipment is telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities).

i. For the purpose of public safety, security of government facilities, physical security surveillance of critical infrastructure, and other national security purposes, video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities).

ii. Telecommunications or video surveillance services provided by such entities or using such equipment.

iii. Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise, connected to the government of a covered foreign country.”