

TEXAS WORKFORCE COMMISSION
Workforce Development Letter

ID/No:	WD 06-21, Change 2
Date:	September 9, 2021
Keyword:	Child Care
Effective:	Immediately

To: Local Workforce Development Board Executive Directors
Commission Executive Offices
Integrated Service Area Managers



From: Reagan Miller, Director, Child Care & Early Learning Division

Subject: **Texas Rising Star Four-Year Review Implementation**

PURPOSE:

The purpose of this WD Letter is to provide Local Workforce Development Boards (Boards) with guidance on the implementation of revisions made to the Texas Rising Star program standards as a result of the four-year review.

RESCISSIONS:

WD 06-21, Change 1

BACKGROUND:

The Texas Workforce Commission's (TWC) three-member Commission (Commission) approved final rules for revisions to the Texas Rising Star program on January 5, 2021. Along with the rule changes, the Commission approved statewide protocols for implementation of the revised Texas Rising Star standards. The Commission-approved implementation protocols include a deferment of assessments and in-person visits during the time that Texas Rising Star staff members are learning about and transitioning to the revised standards.

On August 3, 2021, the Commission approved modifications to the implementation protocols, which include establishing an implementation date of September 1, 2021, as further explained in this WD Letter.

PROCEDURES:

No Local Flexibility (NLF): This rating indicates that Boards must comply with the federal and state laws, rules, policies, and required procedures set forth in this WD Letter and have no local flexibility in determining whether and/or how to comply. All information with an NLF rating is indicated by "must" or "shall."

Local Flexibility (LF): This rating indicates that Boards have local flexibility in determining whether and/or how to implement guidance or recommended practices set forth in this WD Letter. All information with an LF rating is indicated by "may" or "recommend."

Implementation Date

NLF: Boards must be aware that the assessments using the revised Texas Rising Star standards will begin on September 1, 2021.

Implementation of Assessments and Visits

NLF: By September 1, 2021, Boards must ensure that only Texas Rising Star assessors who have completed and passed courses 1 through 6 of the Assessor Training and Certification Program (ATCP) conduct program assessments. That is, assessors who have not completed all courses through course 6 may not assess programs. .

NLF: Boards must require all Texas Rising Star mentors to participate in the assessment trainings for the revised Texas Rising Star certification guidelines. Mentors will continue to work with child care programs, educating them on the revisions.

NLF: Boards must follow all TWC guidance regarding the Texas Rising Star revisions. For guidance on establishing a schedule for all Texas Rising Star visits and assessments (deferred and upcoming), refer to the Texas Rising Star Revisions: Implementation Prioritization Plan (Attachment 1), which details the following priorities:

- Priority 1: 2- and 3-Star Certified Programs (April through August Visits)
- Priority 2: Initial and Star Level Assessments
- Priority 3: Facility Change Assessments
- Priority 4: 4-Star Certified Programs (April through August Visits)
- Priority 5: September through March Visits
- Priority 6: Voluntary Assessments

NLF: Boards must extend the deadline for assessments and monitoring visits that were scheduled to occur during the deferment time frame until they can be completed.

NLF: Boards must report the status of backlogged assessments to TWC, including:

- the number of new or existing Texas Rising Star programs that have completed their assessments under the revised standards; and
- the number of certified Texas Rising Star programs with assessments still pending due to an extension.

Beginning with Fiscal Year 2021 Quarter 4, this information must be submitted to TexasRisingStar@twc.texas.gov each calendar quarter by using a template provided to Boards. Reports are due 30 days after the end of each quarter.

NLF: In areas where a local health authority has declared an elevated COVID-19 risk level, Boards must conduct Texas Rising Star visits only with the concurrence of the provider and must follow all applicable provider health and safety policies.

Screening Forms

NLF: Boards must continue to conduct quarterly Child Care Regulation (CCR) screenings of certified Texas Rising Star programs.

NLF: Effective February 1, 2021, Boards must use the 2021 revised Texas Rising Star screening form when conducting quarterly screenings.

NLF: Boards must be aware that if a program had a star-level drop that went into place before the January 25, 2021, effective date of the rules, Boards must rescreen the program using the revised screening form.

LF: For programs whose certifications were revoked because of quarterly screening compliance issues, Boards may conduct quarterly screenings to determine whether it is appropriate to allow the program to reapply for certification.

NLF: Boards must ensure that when considering the total number of probations that a provider has incurred, only those probations that became effective on or after February 1, 2021, are counted. Additionally, any probation that TWC has expunged is not considered.

NLF: Boards must ensure that providers incurring a deficiency that was previously identified on the screening form as a critical deficiency and that is currently identified as a Probation A deficiency receive a Probation A impact regardless of when the deficiency was incurred. For example, if a provider received a 746.2805 deficiency on either January 5, 2021, or March 3, 2021, it would result in a Probation A impact.

NLF: Boards must ensure that providers incurring a deficiency that was previously identified on the screening form as a high- or medium-high risk deficiency and is currently identified as a Probation A deficiency do not receive an impact unless that deficiency was incurred on or after February 1, 2021. For example, if a provider received a 746.1203(4) deficiency on January 5, 2021, there would be no impact. However, if the provider received a deficiency on March 3, 2021, it would result in a Probation A impact.

NLF: Boards must ensure that the following revisions related to Texas Rising Star actions are documented in TWIST comments and the Engage Event Log:

- Extensions to certifications
- Rescheduling of assessments or monitoring visits
- Impacts of quarterly CCR screenings
- Other relevant information related to the four-year revisions and the program's ongoing status in Texas Rising Star

INQUIRIES:

Send inquiries regarding this WD Letter to childcare.programassistance@twc.texas.gov.

ATTACHMENTS:

Attachment 1: Texas Rising Star Revisions: Implementation Prioritization Plan
Attachment 2: Revisions to WD 06-21, Change 1, Shown in Track Changes

REFERENCES:

Texas Workforce Commission Chapter 809 Child Care Services Rules
Texas Workforce Commission Texas Rising Star Certification Guidelines