

## TEXAS WORKFORCE COMMISSION LETTER

<b>ID/No:</b>	WD 21-15
<b>Date:</b>	September 2, 2015
<b>Keyword:</b>	Child Care; TWIST
<b>Effective:</b>	September 1, 2015

**To:** Local Workforce Development Board Executive Directors  
Commission Executive Offices  
Integrated Service Area Managers  
*Courtney Akau for*

**From:** Reagan Miller, Director, Workforce Development Division

**Subject:** **Extension of the Texas Rising Star (TRS) Implementation Guidelines and Modifications to the TRS Scoring Methodology and TRS Assessment Process**

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### **PURPOSE:**

To provide Local Workforce Development Boards (Boards) with information and guidance on:

- extending the implementation timeline for the TRS program;
- modifications to the TRS scoring methodology; and
- modifications to the TRS provider assessment and certification process.

### **BACKGROUND:**

Texas Government Code §2308.315 mandates that the graduated reimbursement rates go into effect after the Texas Workforce Commission (TWC) adopts amendments to the Chapter 809 Child Care Services rules regarding the TRS program. TWC's three-member Commission (Commission) adopted these amendments to Chapter 809 on January 27, 2015; the amendments require that the tiered reimbursement rates go into effect on September 1, 2015.

Following the adoption of the rules, Local Workforce Development Boards (Boards) have been responsible for:

- training TRS assessors and mentors on the new TRS guidelines; and
- conducting assessments of current TRS providers to ensure that they meet the requirements necessary to be reimbursed at the levels prescribed by Texas Government Code §2308.315.

Boards have been conducting assessments of all current TRS providers from April 2015 through August 2015 in preparation for the September 1, 2015, effective date for the new tiered TRS reimbursement rates.

The time frame for implementing the new standards was very aggressive. For example, several TRS providers have noted that the new requirements for ensuring that lesson plans are developed in alignment with the Prekindergarten Guidelines and the Early Learning Guidelines were more challenging and time-consuming than they initially estimated.

Also, under current TRS guidelines, the overall rating is determined by the rating of the lowest category. For example, if four of the five categories received a 4-star rating, but one category scored a 2-star rating, the final provider star level would be 2-star. This was to ensure that a provider's rating reflects the level of quality across all the TRS categories and to ensure that providers focus on quality improvement in all TRS categories. However, providers have expressed concerns that this methodology discounts the level of effort and resources expended to achieve the highest levels for the majority of the quality categories and does not reflect the overall level of quality at the facility.

Additionally, providers have expressed concerns regarding the process for conducting reassessments for a provider that was initially assessed low in one category and has requested a reassessment on that category to improve the star rating. Under the current TRS guidelines, if a provider requests an assessment in order to increase the star level, the TRS assessor must conduct a full facility and classroom assessment, including an assessment of categories that were previously rated at the 4-star level. Providers have requested that TWC explore the possibility of allowing an assessment of only the categories that receive the lowest ratings in order to improve those ratings to determine the overall star level.

## **PROCEDURES:**

### *Providers Certified as TRS under the New Standards*

**NLF:** Boards must be aware that an existing TRS provider that has been assessed under the new TRS standards and has achieved TRS certification will begin receiving the Board's new tiered reimbursement rate (of at least 5 percent, 7 percent, or 9 percent above the Board's non-TRS rate) based on the level achieved, effective September 1, 2015.

**NLF:** Boards must ensure that the TRS certification level achieved by a provider assessed under the new TRS standards is entered into The Workforce Information System of Texas (TWIST) no later than September 4, 2015.

### **Extension of the TRS Implementation Timeline**

**NLF:** Boards must be aware that on August 25, 2015, the Commission approved a six-month extension of the TRS implementation timeline, from September 1, 2015, through February 29, 2016, in order to allow existing TRS providers—providers certified as TRS under the former standards prior to March 1, 2015—that are

actively working with the Board to come into compliance with the new TRS standards.

**NLF:** Boards must be aware that an existing TRS provider is eligible to be grandfathered in as a 2-star TRS provider beginning September 1, 2015, through February 29, 2016, and receive the Board’s 2-star reimbursement rate if the provider:

- is actively pursuing TRS certification under the new standards; or
- was assessed and did not meet the new standards.

**NLF:** Boards must be aware that the extension does not apply to the application of licensing or other corrective actions in accordance with TWC’s Child Care Services rules at §809.132.

**NLF:** Boards must apply the consequences applicable to a 2-star TRS provider for grandfathered TRS providers as presented in the table below:

Deficiency in §809.132	Consequence for a 2-Star Provider	Eligible to Reapply
DFPS Corrective Action	End TRS Certification	12 Months Following End of TRS Certification
Board Corrective Action		
TWC Notice of Freeze		
15 Total DFPS Deficiencies		
Any Critical Deficiency (as listed in the TRS Guidelines)		
5 High to Medium-High Deficiencies (as listed in the TRS Guidelines)		
TRS Probation	Consequence for a 2-Star Provider	
10–14 Total DFPS Deficiencies	Six-month TRS Probation	
First Probation with Re-Cite of Same DFPS Deficiency/Deficiencies	End TRS Certification	12 Months Following End of TRS Certification

**NLF:** Prior to granting a provider a grandfathered 2-star TRS certification, Boards must ensure that the appropriate TRS Licensing Screening Form (located at <https://texasrisingstar.org/wordpress/providers/getting-ready>) is completed for each provider eligible to be grandfathered in as a 2-star TRS provider.

**NLF:** Boards must be aware that a provider eligible to be grandfathered as a 2-star provider with licensing deficiencies that would result in ending the provider’s TRS status as presented in the table above may choose to have its current TRS certification end on August 31, 2015, and not accept the grandfathered 2-star certification. Providers choosing this option may apply for TRS certification as new applicants once the provider is eligible for TRS certification pursuant to §809.131 of TWC’s Child Care Services rules. This will allow providers that are not grandfathered as 2-star providers to apply for TRS certification without the required 12-month waiting period.

### *Reassessments of Grandfathered TRS Providers*

**NLF:** Boards must ensure that between September 1, 2015, and February 29, 2016, grandfathered 2-star providers will be assessed and will have time to address the areas needing improvement to become TRS certified.

**NLF:** Boards must be aware that they are not required to reassess all TRS categories, only those that caused the star rating to be below the provider's certification level prior to September 1, 2015. This will provide for a grandfathering period to allow existing TRS providers additional time to implement changes in accordance with the new TRS standards.

### *Notification of the Grandfather Option*

**NLF:** Boards must notify existing TRS providers who are eligible to be grandfathered of this option no later than September 4, 2015. The notification to the provider must require that the provider submit the request to be grandfathered no later than September 10, 2015.

**LF:** Boards may notify providers through e-mail, letter, or both.

**NLF:** Boards must ensure that a provider requesting to be grandfathered is entered into TWIST as a 2-star provider no later than September 11, 2015, with a September 2015 start date.

**NLF:** Effective March 1, 2016, Boards must ensure that all existing TRS providers have been assessed or reassessed as needed and that the TRS star rating under the new standards will be in effect for all providers.

### **Modifications to the TRS Scoring Methodology**

**NLF:** Boards must be aware that on August 25, 2015, the Commission approved modifying the TRS scoring methodology described in the TRS Guidelines to allow a provider that achieved 4-star ratings on four of the five categories but a 2-star rating in one category to be certified as a 3-star TRS provider.

**NLF:** Boards must be aware that this scoring change is effective September 1, 2015, and also applies to providers assessed under the new standards between March 1, 2015, and August 31, 2015.

**NLF:** No later than September 4, 2015, Boards must ensure that the verified certification level of providers affected by this scoring change is modified in Engage and reflected in TWIST.

## **Modifications to the TRS Assessment and Certification Process**

### **Permanent Modification of TRS Assessment and Certification Process**

**NLF:** Boards must be aware that on August 25, 2015, the Commission approved modifying the TRS assessment policy described in the TRS Guidelines to include the option for providers to request within three months of the full TRS assessment that a reassessment of not more than two of the facility's lowest-rated categories be conducted without requiring a reassessment of the other categories.

**NLF:** Boards must be aware that if a provider that requested a reassessment of the lowest-rated category or categories has experienced a change of director or staff within the three months, then *Category 1 – Director and Staff Qualifications* must also be reassessed.

Reassessments for providers under this provision will be completed as soon as possible based upon resource availability, with a goal of completing the reassessments within 60 days of the request.

### **Implementation between September 1, 2015, and February 29, 2016**

- NLF:** Between September 1, 2015, and February 29, 2016, Boards must be aware of the following:
- For TRS providers certified by August 31, 2015, a request for review in accordance with this modification of the TRS assessment process must be made no later than November 30, 2015.
  - For new TRS providers certified between September 1, 2015, and February 29, 2016, a request for review in accordance with this modification of the TRS assessment process must be made no later than three months from the TRS certification.
  - Reassessments for providers under this provision will be completed as soon as possible based upon resource availability, with a goal of completing the reassessments within 60 days of the request.

**NLF:** Between September 1, 2015, and February 29, 2016, Boards must ensure that priority for reassessments be given to grandfathered 2-star TRS providers.

### **INQUIRIES:**

Direct inquiries regarding this WD Letter to [wfpolicy.clarifications@twc.state.tx.us](mailto:wfpolicy.clarifications@twc.state.tx.us).

### **RESCISSIONS:**

None

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### **REFERENCES:**

Texas Workforce Commission Child Care Services Rules: 40 TAC, Chapter 809

**FLEXIBILITY RATINGS:**

**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.”