

## MEETING OF THE TEXAS WORKFORCE COMMISSION

**DATE** 

OCTOBER 19, 2021

## TUESDAY, OCTOBER 19, 2021

CHAIRMAN DANIEL: Good morning, everyone.

This meeting is called to order. Mr. Trobman, has anyone signed up for public comment?

MR. TROBMAN: Morning, Commissioners. Les
Trobman, general counsel. We have one individual who would like
to address the commission at this time, and then a few who will
wanna speak with you when we get to item 16. First this morning,
we have Cynthia Pearson. Ms. Pearson, if you can unmute yourself
and go ahead.

CYNTHIA PEARSON: Good morning,

Commissioners Alvarez, Demerson, and Chairman Daniel and Mr.

Serna. Thank you for the opportunity to provide public comments today. As stated, my name is Cynthia Pearson, and I oversee the Day Nursery of Abilene, a nonprofit and the city's largest, most comprehensive childcare provider in Abilene, west central Texas. Although it's been some time since I've provided comments, I do follow these meetings and the progress happenings related to the subsidized childcare program. I am grateful, as well as thousands of providers in the field, for the effort made in the childcare industry at the TWC level. Thank you very much. We are also grateful to the hard work put in by Reagan Miller and Alison Wilson and their team. They are tremendous. I have comment related to unemployment as well as childcare. I can save the childcare until closer to item 16, if I need to do that.

That's up to you. So, I know that you've heard the cries from the field of childcare and other industries not being able to get needed applicants and workers into their respective workforces. It's baffling to me to understand where all the people have gone. We need them desperately in our field, too. It's discouraging to hear from childcare providers that applicants fail to show up for scheduled interviews, only to have that count as a required contact for receiving unemployment benefits. I've encouraged those providers to sign up for public comment and report that to you. Fraudulent use of the unemployment system in Texas must stop. I, too, was a victim of unemployment fraud. Last February, my company, the Day Nursery of Abilene, received information that I had filed an unemployment claim due to lack of work--laughable for sure-since August of 2020. I was horrified. It was immediately reported as fraud to TWC, since whoever filed the claim had used my full Social Security number. I was told that this was happening all over the country, and with many CEOs, because fraudsters were using their information to file false claims in hopes to receive money. I have a friend who works for her husband here in Abilene, and the same thing happened to her. It took me more than a full day to make sure that my identity truly had not been breached or stolen. I had to contact all the credit bureaus, the IRS, the Social Security Administration, to make sure that my--I was protected. And each time that I received a

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notice from TWC and my company, and my company did as well, which was probably three to four times, we reported this again as fraud. Finally, in August of this year, I had had enough, as the claim remained pending for Day Nursery, although every quarter my wages were reported under my name and Social Security number to TWC. I finally went online to find who I could talk to to get some results at TWC, and I got in touch with Amelia Montoya, the lead investigator for TWC regulatory integrity division, office of investigations. She acted, and within a week, it was completely cleared up. I appreciated that very much. Now, I can continue on and talk about childcare, or I can save those comments for later. Just let me know if you'd like for me to do that.

MR. TROBMAN: Ms. Pearson, you can proceed.

CYNTHIA PEARSON: Okay. Thank you. Now,

under childcare, the childcare enhancements have been extremely

valuable in so many ways. We were able to retain all of our

staff during COVID last year without having to lay anyone off,

and we didn't know what was coming our way, so that was so

beneficial, when we started getting those enhancements. Our

community was so grateful that Day Nursery made the decision to

remain open, and many were absolutely shocked that we did. Our

mission is to help working families go to work every day,

including a number of foster families that we have that are

using our centers. Giving parents access to higher-quality

childcare options is a good thing. Studies show that turnover can occur as often as every 90 days when quality childcare options are not available to working parents. I'm in support of the recommendations on today's agenda to increase the investments in the childcare industry staff through higher wages to promote higher-quality childcare staff. We advocated for years at the local level to have an increase in our reimbursement rates as well as holidays for Texas Rising Star providers, so that our staff could have professional development days versus always giving up their nights and weekends. We finally got them, and they have been great. We have used two extra holidays, six months apart. One is Columbus Day, one is President's Day, for full-day professional development. Just last week on Columbus Day we brought in Minister Steven Fite [SP] who provided an energetic, hands-on, engaged training to actively demonstrate the importance of rhythm, music, and movement on brain development, and as a result, our 100 childcare staff put together 20 piggyback songs that they can use for a variety of purposes in our program. Having childcare staff treated as professionals, even when it comes to professional development and training, is crucial. Options for increasing their pay and benefit structure is equally important for raising the bar for the field of early childcare professionals who teach our youngest citizens. And our directors have been so--have benefitted so much from the professional

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development that has been authorized through the collaborative for children. The coaching and those trainings have been absolutely wonderful. As complex as the childcare system is, more childcare providers need a voice at the table for local decisions being make by workforce boards. More seats need to be required, for a minimum of two, and preferably three to five, depending on the board area. This costs nothing, and should again be considered. It's evident that the childcare industry is critical, especially over the last 18 months. It's unfortunate that because of last year's pandemic the Baby Boot tour had to be canceled, at which time Commissioner Alvarez was going to make a scheduled visit with childcare providers in our city. I'm hopeful that that can be on the table again sometime soon. And in closing, I would just like to again encourage your personal viewing, if you've not already seen the full production in the promotion of the No Small Matters project, which clearly defines the connection between early childhood and workforce. It's a powerful message that I suggested to Commissioner Demerson after the last in-person state conference in December of 2019 to be considered a general session versus just a small break-out, as well as the awards for Texas Rising Star providers to be at the beginning of the conference versus at the very end, when so many people leave. It was a moot point last year, with it being postponed and canceled. However, I'm hopeful it's not too late, as you're planning the December conference this year, that that

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be considered. After all, childcare is indeed no small matter.

Thank you again.

CHAIRMAN DANIEL: All right, thank you. Ar

CHAIRMAN DANIEL: All right, thank you. Are all of the rest of our public commenters gonna be during item 16? Is that right?

MR. TROBMAN: Yes.

CHAIRMAN DANIEL: All right, good morning.

MS. GONZALEZ: Good morning.

CHAIRMAN DANIEL: That brings us to the end of Agenda Item 3 through 7. Let's take a short break before we reconvene.

CHAIRMAN DANIEL: All right, this is Agenda

Item 8, approval of community rehabilitation programs to

participate in the PPD.

JUAN GARCIA: Good morning, commissioners,
Mr. Serna. Juan Garcia with the voc rehab division. Texas Human
Resources Code section 122.013 requires the Texas Workforce
Commission to establish rules for the certification of community
rehab programs to participate in the purchasing from a People
with Disabilities program. Concurrently, the PPD rules at
chapter 806 section--806.41 establishes requirements for
participation in the program and subsequent adherence to those
requirements when a CRP has been certified. CRPs must reapply
every three years before the expiration date of the certificate.
PPD staff reviews each completed application and all the

required documentation, and once the materials are deemed acceptable presents the applicants to the three-member commission for approval. The PPD program has reviewed the applications for the following 12 CRPs seeking to continue participation in the program through recertification. All the CRPs are paid above minimum wage or higher, and they are as follows in the following cities: [Inaudible] Gate in Richmond Center and Brownwood, Goodwill Industries of Fort Worth in Fort Worth, Growing New Generations in Fort Worth, Junction 505 in Houston, Link Labor Construction in Houston, St. Dominic of [inaudible] Rehab Services in [inaudible], Wood Creek Outreach Rehab Development in Bastrop, Pride Industries El Paso, Medina County Shelter Workshop in Devine, Texas, Goodwill Industries of Dallas, Goodwill Industries of South Texas in Corpus Christi, and the South Texas Housing Community Development Corporation in San Antonio. Staff seeks direction on approving the 12 CRPs seeking recertification to continue in the PPD program. With that, I'll answer any questions you might have.

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CHAIRMAN DANIEL: Comments or questions?

COMMISSIONER ALVAREZ: None here, Chairman.

COMMISSIONER DEMERSON: Just one. In regards

to the list that you presented here, on number two, Goodwill Industries of Fort Worth, and then Goodwill Industry of Dallas, number 10, I notice in their cumulative integrated employee placements for fiscal years prior to applications, those numbers

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   are pretty high. Anything they're doing special around that
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   area?
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                         JUAN GARCIA: Yes, these two CRPs provide
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   temporary services, and so they place folks in office settings
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   and in other jobs that we would consider competitive integrated
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   employment.
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                         COMMISSIONER DEMERSON: Okay.
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                         JUAN GARCIA: So, we're tracking that.
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                          COMMISSIONER DEMERSON: Good, good. It's
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   good to see those numbers that high.
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                         JUAN GARCIA: Yeah, they are.
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                         COMMISSIONER DEMERSON: That's all.
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                         CHAIRMAN DANIEL: All right, is there a
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   motion?
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                         COMMISSIONER ALVAREZ: Chairman, I move that
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   we approve the recertification of community rehabilitation
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   program as recommended by staff.
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                          COMMISSIONER DEMERSON: Second.
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                         CHAIRMAN DANIEL: It's been moved and
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   seconded. We're unanimous. Thank you.
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                         JUAN GARCIA: Thank you.
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                         CHAIRMAN DANIEL: Yeah, let's move to Agenda
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   Item 9, local workforce development area performance
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   expectations for boards.
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1 ADAM LEONARD: Good morning, commissioners, 2 Mr. Serna. Adam Leonard for Information, Innovation, and 3 Insight. I'm here today to present to you recommendations 4 regarding setting board contract year '22, contracted--sorry, 5 number of children served per day in the normal program, as well 6 as targets associated with the Service Industry Recovery program 7 that you all authorized earlier this summer. We developed the 8 model consistent with past methodologies, but updating it, of 9 course, for the rate changes that were made this summer and also 10 for more recent data on admin ops and case mix. We presented the 11 material in draft form to the boards for input to see if they 12 had any questions in the development of the model; they did not, 13 and I'm here today to recommend approval of the methodology in 14 question. And I'm happy to answer any questions you may have. 15 CHAIRMAN DANIEL: Any comments or questions? 16 COMMISSIONER ALVAREZ: None here. 17 COMMISSIONER DEMERSON: None. 18 CHAIRMAN DANIEL: Is there a motion? 19 COMMISSIONER ALVAREZ: Thanks, Adam. I move 20 that we approve the childcare target setting methodology and 21 assumptions to set the BCY '22 and service industry recovery 22 childcare for local workforce development boards, as discussed. 23 COMMISSIONER DEMERSON: Second. 24 CHAIRMAN DANIEL: It's been moved and

seconded. We're unanimous. Thank you.

ADAM LEONARD: Thank you.

CHAIRMAN DANIEL: This is Agenda Item 10, policy concept for new chapter 808 youth driver ed funding program.

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BEN HOLQUIST: Good morning, Chairman Daniel, Commissioner Alvarez, Commissioner Demerson, Mr. Serna. For the record, I'm Ben Holquist with the workforce development division. Commissioners, before you today for consideration for approval is a policy concept related to the creation of new chapter 808 youth driver's education funding program. This rule is based on senate bill 2054, which passed in the 87th regular session. This rule develops the process by which TWC will pay for required driver's education and driver's testing for youth currently or formerly in foster care and homeless youth, and a number of other populations. These costs will be paid for by funds transferred to TWC from the Department of Public Safety, which collects them through a donation process during driver's license applications and renewals. Our process would have two components -- one to collect applications and determine participant eligibility based on the criteria laid out in the statute, and the other to submit payments on behalf of the eligible applicants to the relevant driver's education providers. Staff seeks direction on establishing new chapter 808 specifically regarding the creation of a youth driver's education funding program, applicant approval process, and a

1 process for TWC to make payments to driver's education providers 2 for providing driver's education to eligible youth. This 3 concludes my presentation. I'm available to answer any questions 4 you may have. 5 CHAIRMAN DANIEL: Are there any comments or 6 questions? 7 COMMISSIONER ALVAREZ: Chairman, the only 8 thing I'd like to add is this is a great program, so I'm glad to 9 see this being moved forward. So, thanks for your work on this. 10 COMMISSIONER DEMERSON: I also think it's a 11 great program. Can you speak to the eligible youth? Who are the 12 eligible youth for the program? 13 BEN HOLQUIST: The eligible youth for this 14 program are younger than 18 of age who are currently in the 15 Department of Family and Protective Services foster care, youth 16 under the age of 26 who were in foster care on the day before 17 their 18th birthday, and then youth up to the age of 26 who are 18 homeless--19 COMMISSIONER DEMERSON: Okay. 20 BEN HOLQUIST: --at the time. There is also 21 a subsection related to victims of dating violence and family 22 violence, and children of victims of dating violence and family 23 violence. 24 COMMISSIONER DEMERSON: I wanna encourage 25 you guys to make sure that the Texas Truckers Association are

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aware of this legislation. There's always the talk about an
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   individual receiving a driver's license, and if they have a
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   driver's license, then they may be more apt to go towards a
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   commercial driver's license as well. And so, that's of interest
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   to that organization, I know. Thank you.
                         BEN HOLQUIST: Thank you, Commissioner.
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                         COMMISSIONER ALVAREZ: I have an additional-
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   -well, I do have a question. Is there a program similar to this
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   for people with a disability?
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                         BEN HOLQUIST: I am not aware of one. I know
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   that the Department of Public Safety has several different
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   waiver programs, but I don't know--
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                         COMMISSIONER ALVAREZ: Okay.
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                         BEN HOLQUIST: --specifically anything about
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   that.
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                         COMMISSIONER ALVAREZ: Thank you. That's it,
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    , Chairman.
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                         CHAIRMAN DANIEL: Additional questions,
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   comments?
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                         COMMISSIONER ALVAREZ: None here, Chairman.
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                         COMMISSIONER DEMERSON: None.
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                         COMMISSIONER ALVAREZ: Chairman, I move that
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   we approve the policy concept for the creation of chapter 808
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regarding the youth driver education funding program, as discussed by staff.

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COMMISSIONER DEMERSON: Second.

COMMISSIONER ALVAREZ: And post a policy concept to the TWC website for public comment.

COMMISSIONER DEMERSON: Second.

CHAIRMAN DANIEL: It's been moved and seconded. We're unanimous. Thank you. This is Agenda Item 11, policy concept for chapter 804, JET grant program rule project.

ABBY AUSTIN: Good morning, Chairman Daniel, Commissioner Alvarez, Commissioner Demerson, and Mr. Serna. For the record, my name is Abby Austin with the Outreach and Employer Initiatives division. Commissioners, before you today for your consideration for approval is a policy concept relating to the potential rule amendments, the chapter 804 Jobs and Education for Texans, or the JET grant program. In 2017, the 85th Texas legislature passed house bill 2431, amending Texas education code to include public state colleges and as defined by Texas Education Code 61.003 to the list of eligible entities to apply and receive JET grant funds. And then most recently, in 2021, the 87th Texas legislature passed senate bill 346, including the addition of open enrollment charter schools in house bill 4279, which strikes the term independent from independent school districts, and expands the definition of eligible school districts to include the Windham School

District. Chapter 804 includes multiple references to eligible entities as public junior colleges, public technical institutions, and ISDs. Staff recommends amending the references to add public state colleges, school districts, and charter schools, and to also remove ISDs to align the rule with recent legislation. Section 804.41(a) also includes a reference to Texas Government Code 403.356, which was repealed in 2013 by house bill 437. Staff also recommends removing that reference. The Texas Education Agency administrative rule 19100.1001 defines a charter school as a Texas public school operated by a charter holder under an open enrollment charter granted either by the state board of education or commissioner of education, pursuant to the Texas Education Code 12.101, identified with its own county district number. Texas Education Code 61.003 defines public state colleges as Lamar State College Orange, Lamar State College Port Arthur, and the Lamar Institute of Technology. Staff recommends amending 804.1 to include those definitions, while also removing the definition of ISD and replacing it with school districts to be defined as independent school districts or the Windham School District. Staff seeks direction on amending chapter 804 to update eligible entities to be in alignment with legislative changes, and to define the newly eligible entities. This concludes my presentation. I'm available to answer any questions that you might have.

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                          CHAIRMAN DANIEL: Is this your first time to
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   present--
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                         ABBY AUSTIN: Mm-hmm.
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                          CHAIRMAN DANIEL: --in front of our
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   commission? Should we have difficult, complex, and complicated
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    questions, or just our usual questions?
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                         ABBY AUSTIN: I mean, whatever you feel like
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   throwing at me.
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                          CHAIRMAN DANIEL: Ah, that's what I want to
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   hear. Are there any questions or comments?
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                          COMMISSIONER ALVAREZ: None here. Great
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   presentation.
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                         ABBY AUSTIN: Thank you.
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                          COMMISSIONER DEMERSON: I have no questions
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   here, thank you.
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                         ABBY AUSTIN: Perfect.
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                         CHAIRMAN DANIEL: All right, no questions.
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   Is there a motion?
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                          COMMISSIONER ALVAREZ: Chairman, I move that
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   we approve the discussed policy concept for chapter 804, jobs
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   and education for Texans, better known as JET, grant program
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    rules, and post to the TWC website for a three-week comment
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   period.
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                          COMMISSIONER DEMERSON: Second.
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CHAIRMAN DANIEL: It's been moved and seconded. We're unanimous. Thanks. This is item 12, FY 2022 JET advisory board recommendations.

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MATT SNIADECKI: Good morning, Chairman, Commissioner Demerson, Commissioner Alvarez, Mr. Serna. As you are all aware, the JET advisory board met on September 30, 2021, to discuss program parameters and funding for fiscal year 2022. One of the big discussion points being the additional funding allocated from the Texas Education Agency, to the sum of \$50 million. Additionally, TWC was appropriated 7.52 million in general revenue per year for the FY 2022/'23 biennium. At that meeting, the board made the following recommendations: The first for funding allocation would be to allocate 100 percent of the general revenue funding to IHEs. I will note IHEs are not eligible for the 50 million allocated by TEA. The other was the minimum and maximum grant amounts per application. IHEs would be set at 40,000 and 350,000 as the max. Open enrollment charter schools and school districts would have the same minimum amount at 40,000, but a maximum amount of \$750,000. The minimum point threshold would be 50 points for applications, and then maximum grants per eligible entity IHEs would be set at two applications per RFA and open enrollment charter schools and school districts would be set at three applications. However, I will note that this past Friday we received some new information that will affect these recommendations. Windham School District we

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   believed to be eligible for the 50 million is not eligible for
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   the 50 million. So obviously, that affects the recommendations.
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   And I'm here to answer any questions, and--
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                         CHAIRMAN DANIEL: Okay. So, Windham School
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   District gets put in, how will they be treated under this
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   particular strategy?
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                         MATT SNIADECKI: I believe staff believes as
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   an eligible entity that they should be in that pot of general
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   revenue funding--
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                         CHATRMAN DANTEL:
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                         MATT SNIADECKI: --with IHEs.
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                         CHAIRMAN DANIEL: Okay. And this was late-
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   breaking news from TEA on Friday, you said?
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                         MATT SNIADECKI: Yes, sir.
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                         CHAIRMAN DANIEL: Okay. Have they--I
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   understand the money came via TEA. I think we were right to
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   accept responsibility for that money, but are they through
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   making rules for it?
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                         MATT SNIADECKI: I believe so.
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                         CHAIRMAN DANIEL: Okay. Because we kinda
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   need to put this to bed. All right, other questions or comments?
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                         COMMISSIONER ALVAREZ: So, yesterday I asked
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   Matt during a meeting if he had an opportunity to reach out to
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   the advisory members of the committee, and I wanted to know what
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   their input was before we made any decisions here. I'd also
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1 referenced that in the past, we generally had accepted the 2 recommendations of staff, but because of the changes and some of 3 the updates that we received as of last Friday, I understand the 4 position that we are in right now as an agency. But I'm just 5 curious, Matt, have you--did you reach out to any of the 6 advisory members last night? 7 MATT SNIADECKI: I reached out to all of 8 them. I only was in contact with Mario Lazoya [SP] and obviously 9 gave him the update. 10 COMMISSIONER ALVAREZ: And what was his 11 response? 12 MATT SNIADECKI: His response was when I--13 the anticipated changes to the recommendation with Windham 14 falling into the general revenue pot, he was in agreement with. 15 COMMISSIONER ALVAREZ: Okay. For right now, 16 that's the only question I have. 17 COMMISSIONER DEMERSON: So, let me make sure 18 I understand this. Windham originally was going to be in the 19 school districts, the independent school district's pot, 20 correct? 21 MATT SNIADECKI: Yes, school districts and 22 charter schools, yes, sir. 23 COMMISSIONER DEMERSON: School districts. 2.4 School districts. And so, they would have made application under 25 the independent school district's area. Now we're saying we're

1 gonna move Windham out of ISDs, out of the school districts, and 2 place them into an institute of higher education. 3 MATT SNIADECKI: In that same funding pool, 4 yes, sir. 5 COMMISSIONER DEMERSON: That same funding 6 pool. And that same funding pool is for independent institutions 7 of higher education, correct? 8 MATT SNIADECKI: Yes, sir, IHEs are not 9 eligible for the 50 million. 10 COMMISSIONER DEMERSON: Right. 11 MATT SNIADECKI: So, the only pot of funding 12 they would be eligible for was the general revenue. 13 COMMISSIONER DEMERSON: So, when--14 MATT SNIADECKI: And with Windham as a new 15 eligible entity, the only pot that they would be able to pull 16 from as an ineligible applicant for the 50 million would be the 17 general revenue funds. 18 COMMISSIONER DEMERSON: And so, when they're 19 submitting an application, they're doing that in conjunction 20 with the community colleges that are submitting applications as 21 well. 22 MATT SNIADECKI: Yes, sir. They would be 23 pulling from that \$7.52 million. 24 25

1 COMMISSIONER DEMERSON: So, when they're 2 submitting an application, they're going to be competing with 3 those other community colleges, if I'm not mistaken. 4 MATT SNIADECKI: Yes, sir. 5 COMMISSIONER DEMERSON: And so does the 6 application allow for that? Will they even score? 7 MATT SNIADECKI: Yeah, and I will note that 8 the other parameters, because Windham is only one entity--9 COMMISSIONER DEMERSON: Mm-hmm. 10 MATT SNIADECKI: -- the board had recommended 11 setting a maximum amount of applications for those entities. So, 12 prior, under the 50 million, they would have been eligible for 13 three applications with a maximum of \$750,000. 14 COMMISSIONER DEMERSON: So, I understand 15 that part. What I'm trying to address is basically Windham, the 16 way that they're set up, community colleges, and the way that 17 the applications are scored, will they hit any of the criteria? 18 I mean, will they even get in a position to communicate, or 19 would they always be at the bottom? I mean, has that been looked 20 at? 21 MATT SNIADECKI: I'm sorry, Commissioner, I'm a little--22 23 COMMISSIONER DEMERSON: So, in terms of the 24 application for [inaudible] students of higher education, if 25 Windham submits an application, will that application match up

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   with the community colleges and the like? Because I'm not sure--
   they were originally in the independent school districts
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   category, and now we're moving them over--
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                         MATT SNIADECKI: Yeah.
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                         COMMISSIONER DEMERSON: -- to the community
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   colleges. Do they stand up as a community college?
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                         MATT SNIADECKI: Yeah.
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                         MARY YORK: Good morning, Commissioners.
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                         COMMISSIONER DEMERSON: Morning.
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                         MARY YORK: Mary York, Office of Outreach
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   and Employer Initiatives. Commissioner, I wanna make sure I
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   understand your question properly.
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                         COMMISSIONER DEMERSON: Mm-hmm. Mm-hmm.
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                         MARY YORK: Are you questioning how the
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   scoring would be done for Windham as compared to IHEs, those
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   community colleges?
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                         COMMISSIONER DEMERSON: Somewhat.
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                         MARY YORK: Okay.
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                         COMMISSIONER DEMERSON: If Windham's going
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   to submit an application, and they're not, in the traditional
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   sense, a community college, and so the criteria that you utilize
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    for community colleges, I'm wondering if Windham will even be
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   able to compete with those community colleges.
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                         MARY YORK: We anticipate we were already
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   going to have to adjust the scoring mechanism --
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1 COMMISSIONER DEMERSON: Yeah. 2 MARY YORK: --for Windham. They're not 3 required to meet the same criteria as an ISD. 4 COMMISSIONER DEMERSON: Mm-hmm. 5 MARY YORK: So, we were already going to 6 have to adjust the way that the scoring was done. So, we would 7 take that into account. 8 COMMISSIONER DEMERSON: Okay, good. If you 9 were going to already adjust it, because I know they won't stand 10 up as-is. They're not going to qualify at all, so. Okay. If 11 we're gonna look at that -- and that's what we need to do, we need 12 to definitely look at that in order to have them standing up to 13 be able to compete in that community college area. Okay. 14 CHAIRMAN DANIEL: The ISDs, regardless of 15 the addition of the money via TEA, the ISDs, is there still a 16 requirement for them to partner with community colleges on their 17 applications? 18 MATT SNIADECKI: There is, for ISDs, yes, 19 sir. 20 CHAIRMAN DANIEL: Yeah. The same 21 requirement's not in effect in reverse. A community college or 22 other institution of higher education--23 MATT SNIADECKI: It is not--24 CHAIRMAN DANIEL: --would stand on their own 25 merits on their application.

1 MATT SNIADECKI: It does. There is a bonus 2 section and bonus points allowed for IHEs who partner with ISDs. 3 CHAIRMAN DANIEL: In the reverse? 4 MATT SNIADECKI: Yeah. 5 CHAIRMAN DANIEL: Windham here, the 6 treatment of Windham as different from ISDs in open enrollment 7 charter schools, it strikes me as merely a result of the origin 8 of the money. In other words, if we were running this program 9 just simply on the general revenue dollars that we would 10 typically run it on, Windham would probably be treated as an 11 open enrollment charter school or an ISD would be. Is that 12 correct? 13 MATT SNIADECKI: It is correct. There's 14 information in evaluating those applications from data from TEA. 15 TEA does not provide that data from Windham, so we would most 16 likely rely on regional data instead of TEA data. 17 CHAIRMAN DANIEL: Mm-hmm. So, no matter what 18 happens here, we have to have some innovative or unique 19 treatment of Windham, because it's just a slightly different 20 kind of construction, in terms of the way that school district 21 is put together. And so no matter what we do, we're gonna have 22 to adapt our processes to accommodate that. 23 MATT SNIADECKI: Yes, sir. 24 CHAIRMAN DANIEL: Yeah. The \$50 million is 25 for a two-year period?

MATT SNIADECKI: It is. It has to be encumbered by the end of '23.

CHAIRMAN DANIEL: What's the origin of that

money, besides TEA?

MATT SNIADECKI: Federal CARES dollars.

CHAIRMAN DANIEL: So, okay. So, it has some CARES rules attached to it, as well as whatever TEA has to do as a matter of their business?

MATT SNIADECKI: It does, and I'm not clear on whether the Windham disallowance is a federal mandate, a part of the CARES Act, or a TEA rule.

CHAIRMAN DANIEL: Mm-hmm. Let's do run that down, just so we can know the answer to it. The fact of the matter is is TEA is more or less making the money available to us, and so their rules are applicable here. But I think just for our own understanding and our ability to be able to work with Windham in a comprehensive way. No matter under any circumstance, the best possible treatment of Windham would only have yielded three applications, although they would have had a higher maximum rate for those three applications, had they been treated the way we originally anticipated. Here, we move them to two applications, and a maximum of \$350,000 per application. So, that's—I mean, just the way I read this, that's the material change for Windham here.

MATT SNIADECKI: Yes, sir.

CHAIRMAN DANIEL: All right.

COMMISSIONER ALVAREZ: Chairman, I have some

additional comments.

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CHAIRMAN DANIEL: [sounds like] Okay.

5 COMMISSIONER ALVAREZ: It is worth noting

that H.B. 1525, which we have here, became effective September

1, 2021, and the legislation modifying eligible JET recipients

to include Windham was effective immediately May 25 of 2021. We

can only conclude that the authors of H.B. 1525 were aware and

meant to include Windham as an eligible participant. The

11 Coronavirus Response and Relief Supplemental Appropriations Act,

CRRSAA, and American Rescue Plan, ARP, 2021 was meant to support

other education-related entities, which I have right here.

Support to address a learning loss due to the pandemic. Great

15 report, read this last night after having a meeting with both

you all. Moreover, ARP [inaudible] required the state to submit

17 plans which included stakeholder engagement, to include children

18 who are incarcerated in the federal guidelines that they gave

us, and other underserved students--those in foster youth and

20 others [sounds like] that population, et cetera. Plan

requirements clearly focus on equity and groups most impacted by

the pandemic. This federal pandemic funding was designed to

23 include Windham juveniles engaged in CTE. That's the way I

interpret it. And so, I certainly understand the position that

you're in, your office. I understand we've got a timeline, we've

gotta get these grants out. Chairman, you as the chairman and us 2 just serving as somewhat of advisers to the JET program, I 3 certainly look at further comments that you have on here. I have 4 additional comments on how we could use the money, but again, 5 I'm just focusing on the report that TEA forwarded to us and how 6 this money was to be used, and it does inform us, individuals 7 that have been incarcerated is [sounds like] in this chapter, or 8 in this report. 9 CHAIRMAN DANIEL: What's the origin of the 10 money? Is it CARES Act? It's not ARPA or CRRSAA? 11 MATT SNIADECKI: Corona Response and Relief 12 Supplemental Appropriations Act, and American Rescue Plan Act of 13 2021. 14 CHAIRMAN DANIEL: I think our [inaudible]. 15 MATT SNIADECKI: Yeah. 16 COMMISSIONER DEMERSON: Mr. Chairman 17 [inaudible] --18 COMMISSIONER ALVAREZ: That's TEA. 19 COMMISSIONER DEMERSON: So basically, I 20 guess when the advisory board made a decision to allocate 100 21 percent of the proceeds, 100 percent of the appropriation, to 22 institutes of higher education, if I'm not mistaken, the general 23 revenue dollars, they were doing that under the understanding

that Windham was going to be participating in the 50 million

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1 [sounds like] tranche for the independent school districts and 2 the like. 3 MATT SNIADECKI: Yes, sir. 4 COMMISSIONER DEMERSON: And so it's--because 5 right now we're in that situation where now they're not in a 6 position to participate with the independent school districts, 7 and we're gonna move them up to the IHEs area. With that, I 8 think one of the processes, and Chairman, you may have been 9 trying to get--or alluding to this, is that if Windham is 10 participating in the IHE category, maybe looking at a process 11 where they're having to work with the community college, similar 12 to what an ISD would have to do with that normal process. If 13 you're a school district, I think we have to be in collaboration 14 with a community college, if I'm not mistaken. 15 MATT SNIADECKI: That is correct. 16 COMMISSIONER DEMERSON: Mm-hmm. 17 MATT SNIADECKI: Windham is not required 18 [inaudible]. 19 COMMISSIONER DEMERSON: They're not required 20 to do that? 21 MATT SNIADECKI: They are not. 22 COMMISSIONER DEMERSON: Do you think we 23 should make that a requirement or so--I mean, I'm not asking the 24 question, but just look into that, because we're taking them and 25 placing them up into the institutes of higher education. If

we're not setting anything aside for it, maybe it's a moot point. But [inaudible] look at that, and just kinda [inaudible].

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CHAIRMAN DANIEL: You know, and I mean, this is complicated by the fact that because of the ability for us to have this additional \$50 million, we have a sort of bifurcated tranche of funds now, and we've gotta have a certain set of guidelines for one tranche of funds, which is one-time money. I mean, it may be two years, but it's not likely to come back after those two years. And so, you know, whatever we do here, I think where the 50 million's concerned, this commission can sort of set out whatever parameters that we want to for that \$50 million. Personally—and perhaps I'm biased because I'm also the chair of the advisory board—but it was a good discussion, it was actually a really robust discussion.

COMMISSIONER DEMERSON: Mm-hmm.

CHAIRMAN DANIEL: And there was a lot of back-and-forth between advisory board members. And so, I'm quite confident that even this change for Windham probably—and it certainly doesn't change my intent on what came out of the advisory board. It's—I would sort of score this under the category of it's unfortunate that we didn't have a full understanding of TEA's concerns about this until Friday. And I know we were actively working with them for months, so that's how that worked out. I'm not gonna make any further comment on that. But it's—Commissioner Demerson, you're kind of pushing

beyond the scope of sort of how do we deal with this \$50 million and the 7.5 of general revenue, which I think you're wise to do in the sense of it does appear that Windham is a unique entity. Personally, I think they serve an incredibly useful purpose for the state. I think CTE programs in general are pretty critical, particularly for high school education, and I think for incarcerated individuals I think those CTE courses can be even-probably more impactful in terms of the ability to find and get a good job, you know, following their term. So, at least in terms of spending the money, I think we only have one alternative, which is to move Windham to the 7.5 million. I might respectfully draw a distinction with you, because I don't necessarily view them as being in direct competition for the IHEs, no more than anybody else is in direct competition for the money. I think Windham can post and hold their own in terms of the application process because they are slightly unique to the IHEs and don't have a requirement to include them in their work or their plan of work the way ISDs. And so, the unanswered question for me then is is what about open enrollment charter schools. Are they required to work with an IHE the way ISDs are? MATT SNIADECKI: Yes, sir.

 $\label{eq:chairman daniel: They are. So, indeed,} \\$  Windham is this unique entity.

MATT SNIADECKI: Unique, yep.

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CHAIRMAN DANIEL: I think that perhaps in the spirit of what Commissioner Demerson said, and I can see in my peripheral vision Commissioner Alvarez nodding, our interest is in fostering Windham in this program and seeing that they too can be successful. I don't see an impediment because of this \$50 million. If I could, I would say my preference today would be to accept the recommendations of the advisory committee with the change, regarding Windham in terms of what pool of money, and press forward. Commissioner Demerson raises what I think is a very valid point in the sense that we need to monitor Windham and understand, moving forward, if our processes are in any way presenting impediments to them, given that they're a little bit of a unique entity. But I personally -- and I've looked at this a couple times now because of my role on the advisory board, I don't see an impediment just simply moving them from one fund to another for this one-time period of funds. So, I think we can safely move forward today. I would just simply put you on caution to say that if the commission moves forward with this today, and I hope that we will, that you would alert us as soon as possible if you have detected some particular impediment to Windham. Because early in the process, it's not too late. One contracts start getting made and things like that, then we can't really intervene. But where we're dealing with just the ability to make the money available and to accept applications for that money as we discover other things, I think we would wanna know

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about that, because I do think we can continue to make necessary changes to this right up to the point when the RFAs go out. But once that happens, I don't really see us being able, or at least not efficiently, be able to come back to that. But this notion of Windham, I'm sensitive to that as well because I really want to see them succeed at this. I think there's some opportunities for them here, and I think those are good opportunities for the state of Texas. But I'm not seeing a problem today. Just simply we have to move them and the potential for them to be able to apply for and secure no more than \$700,000 out of \$7.5 million in one fiscal year. Because there's another tranche of GR dollars that would come in the next fiscal year as well.

MATT SNIADECKI: Yes, sir.

CHAIRMAN DANIEL: So, you're actually talking about 50 and 15. I know that's not how we're presenting it today, but that's--the 50 is for two fiscal years, a biennium.

MATT SNIADECKI: Yeah.

CHAIRMAN DANIEL: So, the corresponding dollar amount would be 15. And so, that opens up a little more of a playing field for Windham as well than what we're actually looking at on the sheet of paper right here.

MATT SNIADECKI: Yes, sir.

CHAIRMAN DANIEL: Right?

MATT SNIADECKI: Yes, sir.

CHAIRMAN DANIEL: Okay.

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COMMISSIONER ALVAREZ: Wow, what a position you're in, you know? And it's always good news when you receive money, right, especially for great things that have actually transpired, and the great work that your office has done to expand and promote the JET program. So, congratulations to you, Matt, and of course Emily at [sounds like] some time was part of this group. You know, I'm a little torn by this, only because of the advisory committee, their appointees as well. And so, I certainly, you know, I certainly have them in my thoughts as I make this--make additional comments. But the chairman stated that he, if I'm not mistaken, has conversations with them, and I quess you don't feel like this might be of anything that may--CHAIRMAN DANIEL: And so, to be fair, I haven't talked to them specifically about this. This just happened yesterday, and I was waiting to hear Matt report back on his phone calls. But the spirit of the meeting, and you were in it [inaudible] --

COMMISSIONER ALVAREZ: Oh, yes, yes.

CHAIRMAN DANIEL: I think the spirit of the meeting was as long as we've made available to any eligible entity all the funds that might be eligible to that entity, that struck me as the spirit of the conversation at the advisory board meeting. Let's just be sure we've--

COMMISSIONER ALVAREZ: [Inaudible]

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CHAIRMAN DANIEL: --[sounds like] maximized our ability to get resources to people.

COMMISSIONER ALVAREZ: I agree. So, I do have some additional comments, and these were some of the ideas that I shared with you while you were in my office yesterday. So, I ask for the record the following be put in. Fifty million dollars is a lot of money to get out the door for school districts. We all know that. Staff should consider finding ways to make the application process easier and more flexible to getting funding out the door. It's a lot of money, again. Outreach would be critically important to encourage all eligible grantees to apply. School districts, open enrollment charter schools. Outreach should also include clarification to school districts that JET grants can help existing programs if they intend to expand -- existing programs. I would also suggest that we not limit applications from one open enrollment charter schools and school districts to three. We should allow multiple applications and monitor the balance. If the number of amounts exceed funding, then limit the number of grants per school, as recommended by the advisory committee. Funding allocations -- this is something that -- we were talking about general revenue, so this is important. Funding allocations -- of the 7.5 million in general revenue, I would suggest carving out 1.5 for Windham School Districts, and any money not used to go to institutions

of higher ed. So, if they don't use the 1.5, send it to higher ed. Minimum/maximum grant amounts: Just like the group had recommended, the advisory committee, 40,000 to 350 for institutions of higher education and Windham; 40,000 to 750,000 to open enrollment charter schools and school districts. These are all recommendations. Minimum 50-point threshold for successful applications. Maximum grants per eligible entity: Two applications per institutions for higher ed, four applications for Windham--again, any money not used to go to the higher ed-open enrollment charter schools and school districts. I would suggest we not limit applications from open enrollment charter schools and school districts to three. We should allow multiple applications and monitor the balance. If the number of amounts exceed funding, then limit the number of grants per school. So, I think that addresses--the majority of those were recommendations by the advisory committee, the minimum thresholds of applications. The only difference here is that I am actually asking for 1.5, so that doesn't change much of the money that had been used in the past for higher-ed institutions. One-point-five and any money that's not used that would go to higher ed. MATT SNIADECKI: With a maximum of four applications, correct?

COMMISSIONER ALVAREZ: With a maximum of

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four applications.

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                         COMMISSIONER DEMERSON: So, we essentially
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   are carving out money for Windham in particular, and that's not-
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   -that's different than what the advisory council actually
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   recommended.
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                         COMMISSIONER ALVAREZ: Well, this whole
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   thing is.
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                         COMMISSIONER DEMERSON: Yeah. I'll say this
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   and then we can get back to the conversation -- I think Mary, you
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   guys addressed it, the tweaking of the application, I think
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   that's--you're in the process, and I think the chairman just
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   alluded to it. That early on, we can do that and kind of
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   understand it. We'll be okay from that standpoint. And if
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   they're under the IHEs, then they have an opportunity to compete
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   with those colleges, with those tweaks that you guys are talking
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   about. So, I'm fine there, I appreciate that. In regards to the
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   carve-out, that's something that it's outside of what the
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   advisory board has actually recommended, and so we'd have to
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   have a lot of discussions in that regard.
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                         MATT SNIADECKI: I will note that at 350,000
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   maximum grant and four grant amounts, that would be 1.4.
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                         COMMISSIONER ALVAREZ: That's correct.
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                         MATT SNIADECKI: Okay.
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                         COMMISSIONER ALVAREZ: So, we would already
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   have 100,000 left over.
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                         MATT SNIADECKI: [Inaudible]
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COMMISSIONER ALVAREZ: And that's assuming that they were to use those programs, you know?

MATT SNIADECKI: Yes, sir.

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COMMISSIONER ALVAREZ: That's assuming that they would use it. And again, I understand your concern, but the advisory committee, I think, all of these recommendations that I laid out in front of you were recommendations that the advisory committee had already supported in supporting Windham. But because of the circumstances that we're now facing, all I'm asking is for a carve-out of some of that money be specifically designed to go to them. And again, if they don't have a program, any of the money that's left over would actually go to the higher ed. So, they could eventually get over six million--well, it's gonna be six million-plus. But to address--again, this is coming from the guidelines that were laid out in front of us, and the fact that we have already approved Windham as one of the eligible applicants. All I'm doing here is carving out money, and they were gonna get awarded anyway, up to 2. And you can correct me if I'm wrong, Chairman. I know that was a presentation, and I think they were all in agreement that Windham should be on the receiving end of something [inaudible].

CHAIRMAN DANIEL: Well, I think they were in agreement of--everybody was in agreement that Windham should [inaudible].

COMMISSIONER ALVAREZ: Mm-hmm, mm-hmm.

COMMISSIONER DEMERSON: Participate.

CHAIRMAN DANIEL: I disagree with you in principle today, only because carving out one entity over the others is problematic for me, procedurally, because we're gonna have to undo that at some point. And I don't want to create special categories among the applicants. The spirit in which you offer that, I understand what you—it strikes me that you would like to do, or at least are considering—would want us to consider doing is to treat Windham as we contemplated in the advisory board discussion—

COMMISSIONER ALVAREZ: Mm-hmm.

Would be eligible for while moving their tranche of money. Some part of me appreciates that. I wouldn't be able to support that today because I don't wanna create categories. I'm already uncomfortable with the two tranches of money, and I'm already uncomfortable with one-time money, and I'm already uncomfortable with what seems like we're creating tiers of applicants. And so, I hope you'll appreciate my concern has zero to do with Windham. I'm glad they're now eligible. I'm just a little concerned about creating a special carve-out for them, because, you know, another agency has a guideline that we really apparently can't control. So, I wouldn't be in favor of that today. I mean, we have a couple options here. We can continue to debate this and arrive at some plan, or we can--you've made your issues,

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   concerns, recommendations known. Commissioner Demerson has made
   a few comments. I think I've been pretty clear here today. We
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   could push a week and let staff crunch through this and
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   understand what the numbers look like and bring it back, or we
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   can continue discussion today. Does one week kill you in any
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   way? I mean, it's problematic, I know, but is that an issue?
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                         MATT SNIADECKI: No, I may be able to get
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   further clearance from TEA as to why Windham isn't eligible, but
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   no, a week doesn't kill us.
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                         MR SERNA: Excuse me, Mr. Chairman, it would
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   be two weeks. There's not a--
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                         COMMISSIONER ALVAREZ: Yeah.
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                         CHAIRMAN DANIEL: Oh, well, does two weeks
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   kill you?
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                         MATT SNIADECKI: No.
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                         CHAIRMAN DANIEL: Does two weeks present a
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   problem?
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                         COMMISSIONER DEMERSON: I think it's--
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                         COMMISSIONER ALVAREZ: Great.
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                         COMMISSIONER DEMERSON: --probably well
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   advised to do that, based on what we're talking about.
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                          [crosstalk]
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                         COMMISSIONER ALVAREZ: I'm in agreement with
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   that.
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CHAIRMAN DANIEL: [Inaudible] there's enough changes here and let me also--let me get on the record also, too. I am--I have a longtime relationship with a couple of advisory board members. I have a professional relationship with the rest. I've actually worked with everybody on the advisory board now. They are appointed by the governor, lieutenant governor, and speaker, and TWC. And frankly, it's an outstanding group.

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COMMISSIONER ALVAREZ: Mm-hmm.

CHAIRMAN DANIEL: But the final decision is made by the Texas Workforce Commission, with the advice of this advisory board. Now, I respect them professionally and personally, in all cases, actually, and so I want them to be comfortable with the decision. But at the end of the day, it's the three of us that vote on this, and if we disagreed with the advisory board, we would, as a commission, be free to act on that disagreement. I don't think we are here, and I think the spirit of what we're trying to get done--if it's not a killer, I'm leaning toward spending two weeks understanding what this is and continuing our conversation with TEA and coming back at this. If there's no objection from you or--and certainly if there's no objection from either commissioner, I think it's in this commission's best interest to get to the right answer and really understand what's going on via TEA, and what all of our options and parameters are here.

1 COMMISSIONER DEMERSON: All right, so [inaudible] --2 3 [crosstalk] 4 COMMISSIONER ALVAREZ: Hey, Matt, so if you 5 do meet with the advisory committee, if you could inform the 6 other two commission offices that you're gonna be meeting with 7 them, certainly would like an opportunity to hear what they have 8 to say, and I'm sure you'll invite us. And of course, I'd also 9 like general counsel, for clarification on some of the points that I pointed out earlier today, especially regarding the 10 11 report and how that money is supposed to be used. 12 MATT SNIADECKI: Yes, sir. 13 COMMISSIONER ALVAREZ: Okay? 14 COMMISSIONER DEMERSON: Yeah. And Mr. 15 Chairman, it sounds like you've brought up a point that I think 16 we've all known, and if we're making the ultimate decision, then 17 I think Commissioner Alvarez's 1.5 comes on the table, if it's 18 only us to do it, and so [inaudible]. 19 CHAIRMAN DANIEL: Oh, I--yeah, for sure, I 20 think it's a point of discussion, absolutely. 21 COMMISSIONER ALVAREZ: Mm-hmm. 22 COMMISSIONER DEMERSON: Okay. 23 CHAIRMAN DANIEL: Again, my disagreement 24 with Commissioner Alvarez today is merely on principle, and I 25 think the right thing for me to do is to look at all the angles

1 of this and try to understand what that actually means for the 2 commission, and what it means for the program going forward. 3 COMMISSIONER DEMERSON: Right. 4 CHAIRMAN DANIEL: Yeah. One more question? 5 COMMISSIONER ALVAREZ: None here, Chairman. COMMISSIONER DEMERSON: None. 6 7 CHAIRMAN DANIEL: No more questions? I have 8 one more. In hindsight, Matt, doesn't it make more sense for you 9 to have swapped with Abby and for you to have done the rule 10 layout, and Abby to have done this? 11 MATT SNIADECKI: [Inaudible] 12 CHAIRMAN DANIEL: Or no, don't [inaudible] 13 that question. Listen, reluctantly, we're gonna postpone 14 consideration of this Agenda Item--15 COMMISSIONER ALVAREZ: Good job. 16 CHAIRMAN DANIEL: --until the next scheduled 17 commission meeting. In the meantime, you've heard what 18 Commissioner Alvarez has asked you, you heard Commissioner 19 Demerson and myself, various comments. Go back, get some 20 understanding from TEA. I will tell you I fully anticipate that 21 you will, again, brief all three commission offices on what you 22 find out. 23 MATT SNIADECKI: Yes, sir. 24 CHAIRMAN DANIEL: And I think I will also 25 say general counsel's comments or opinion notwithstanding, I

think you should bring it back exactly like it is. I think you should give commissioners an understanding of where--what each of the things that you've heard today mean. But commissioners, if you have a particular change you'd like to make to what you're seeing, please be ready to bring that to the next commission meeting, and present that yourself. Let's don't put that burden on staff, to try to cobble something together from three offices that they can't actually confer with face-to-face because of Open Meeting Acts requirements and some other things. So, commissioners, if you could, a difference of opinion here is healthy, because I've heard nothing today that's just an absolute problem for the program. I think whatever differences of opinion we have, I firmly believe we can work out. Let's do that at the next available commission meeting, but let's be prepared to do that from the dais, if we could. MATT SNIADECKI: Yes, sir. CHAIRMAN DANIEL: All right.

COMMISSIONER DEMERSON: And one question,

Matt--you guys on the timeline, if you can help us with your

timeline, that would be appropriate, and that way, we can adjust

MATT SNIADECKI: Yes, sir.

COMMISSIONER DEMERSON: All right, thanks.

COMMISSIONER ALVAREZ: Thank you, Matt.

CHAIRMAN DANIEL: Thanks [inaudible].

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and react even quicker.

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1 COMMISSIONER ALVAREZ: Thank you, Ms. York. 2 COMMISSIONER DEMERSON: Thank you. 3 COMMISSIONER ALVAREZ: Good discussion. 4 CHAIRMAN DANIEL: Very good. Let's see, that 5 was 12, right? So, we need to pick up 13. This is EEO hiring 6 practices report. 7 BRYAN SNODDY: Good morning--8 CHAIRMAN DANIEL: Good morning. 9 BRYAN SNODDY: --Chair Daniel, Commissioner 10 Alvarez, Commissioner Demerson, and Mr. Serna. Brian Snoddy with 11 the Civil Rights division. Today before you for discussion, 12 consideration, and possible action, we've provided you with the 13 Equal Employment Opportunity and Minority Hiring Practices 14 report for the governor and legislature, pursuant to Texas Labor 15 Code sections 21.0035, 21.504, and 21.553. We've noticed 16 substantial similarity in the previous report of 2017/2018. This 17 report does form the basis for updating the workforce 18 utilization analysis tool. Further, I'd be remiss if I did not 19 give explicit acknowledgement to the controller's office and the 20 office of the state demographer that provided all the data for

this report, so we're thankful for them. Staff does seek

changes to the Office of the Governor and Legislature,

approval to present the report and make nonsubstantive clerical

consistent with the law. This concludes my presentation, and

it's my pleasure to entertain any questions at this time.

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1 CHAIRMAN DANIEL: Any comments or questions? 2 COMMISSIONER ALVAREZ: None here, Chairman. 3 COMMISSIONER DEMERSON: None. 4 CHAIRMAN DANIEL: Is there a motion? 5 COMMISSIONER ALVAREZ: Nice to see you 6 again, Bryan. 7 BRYAN SNODDY: Good to see you, sir. 8 COMMISSIONER ALVAREZ: I move to approve the 9 Equal Employment Opportunity and Minority Hiring Practices report for fiscal years 2019 through 2020, to be submitted to 10 11 the governor, legislature, and legislative budget board. 12 COMMISSIONER DEMERSON: Second. 13 CHAIRMAN DANIEL: It's been moved and 14 seconded. We're unanimous. 15 BRYAN SNODDY: Thank you, sir. 16 CHAIRMAN DANIEL: I'm told staff has nothing 17 under item 14, staff has nothing under item 15. That brings us 18 to item 16. This is childcare development block grant, COVID-19 19 federal funding, third tranche of new initiatives, 2022 20 childcare relief. 21 MS. MILLER: Good morning, Chairman, 22 commissioners. Reagan Miller, with the childcare and early 23 learning division. This morning for your consideration is a 24 discussion paper on the 2.45 billion in stabilization funds that 25 TWC received through the American Rescue Plan Act. This is the

90 percent portion of the stabilization funds, which must be spent directly in awards to childcare programs. In issue one, you'll see that the first portion of the overview provides a summary of the federal ARPA parameters that TWC must consider. We then go on to lay out considerations for TWC's implementation of these funds through new 2022 childcare relief funds. Our recommendations relied heavily on how we structured the 2021 childcare relief funds, which were funded through the covid response and relief supplemental appropriations act. The details are laid out in the discussion paper, and at a high level funding would be made available to all regulated childcare centers and homes that are not on corrective action, and TWC would make funds available on a rolling basis for three months with the goal of initiating awards in January 2022. The Office of Childcare's instructions to states notes that we should implement these funds with the goal of reducing the burden and bureaucracy on childcare providers. Regarding award amounts, OCC's instructions allow states to develop a formula to estimate a provider's operating cost that is based on provider capacity, age of the child, and region of operation. At the bottom of page four, the paper outlines the proposed formula based on these factors. And for your consideration, provider awards may also be enhanced based on three factors: Whether they are a qualityrated program; if they're located in a childcare desert as defined in the Texas Labor Code, and based on the CDC's SVI

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score. This is a calculation that the CDC does to identify communities most vulnerable to negative impacts from disasters and public health crises. We'll calculate the final award amounts based on the number of eligible regulated providers as of December 31. But in order to provide a general sense of how much providers might expect to see, we did calculate some sample award amounts in attachment one. These will change once we have the final list of eligible providers from childcare regulation as of 12/31/21. The chart on page six outlines the rolling application period, when providers will be able to apply for funds, and when TWC will send funds to the providers, and that will be done in two increments, at application, and then six months later. Providers can use these funds to assist with their operating expenses, and as outlined in the ARPA statute, that could include personnel costs, like wages, stipends, and hazard pay; facility costs, like rent, utilities, facility maintenance, or insurance; PPE or other cleaning and sanitation supplies; update to equipment and supplies to respond to COVID; goods and services to maintain or resume childcare; and finally, mental health supports for children and employees. Providers will have the flexibility to determine how to use these funds to best address the needs of their program. Providers must also comply with the three required federal certifications which are outlined at the bottom of page six. And finally, we note that providers must retain documentation on the use of funds, are

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subject to monitoring, and must comply with TWC's reporting requirements. So, that is the issue one in your document. And the second issue for your consideration is budgeting funding for TWC oversight and administration of the childcare program through fiscal year '24, totaling 42.5 million. And that concludes my remarks this morning. I believe Mr. Trobman is-
MR. TROBMAN: Commissioners, Les Trobman, general counsel. We do have three individuals who'd like to address you, if this is a good time. We first, in person, Cody Summerville.

Daniel and Commissioners Alvarez, Demerson, Mr. Serna. My name is Cody Summerville. I'm the executive director of the Texas Association for the Education of Young Children. I'd first like to say thank you to the commission for all you've done to support high-quality urban learning and childcare through the pandemic. The 790 million in corona response and supplemental relief funds that you allocated for childcare relief grants and the commission's recent action to increase childcare scholarship reimbursement rates is very appreciated. Thank you. As you know, the state's economy is in recovery mode, and as you also know, many industries are struggling to recruit and retain high-quality staff, and unfortunately, this is seen in great magnitude within childcare and early learning. I hear stories every day of childcare centers having to close classrooms or

close altogether because they do not have staff. Eight-six percent of childcare providers are struggling with staffing shortages currently. Childcare is the backbone of our economy, and Texas is home to a lot of working families. Those families can't go back to work if they don't have childcare. We have a shortage of childcare in all parts of the state, and it's hindering the workforce in all industries. The average wage of an early childhood educator is around \$11 an hour, which typically comes with no benefits. Teachers are performing highskilled and challenging jobs, and unfortunately our childcare teachers are not appropriately compensated for the work they do. Low wages is the number one reason that early childhood educators are currently leaving the field. We see a vicious cycle. Early childhood educators are not appropriately compensated, so there are staffing shortages; staffing shortages are leading to underenrollment and long wait lists for families. Without the ability to clear these wait lists, centers are running impossible margins, and that's making it impossible for them to increase compensation is perpetuating the cycle. And this cycle is undermining our state's economy and recovery efforts, and without a solution, even a short-term solution, the cycle will lead to more closures and further deplete the supply of childcare in our state. Today I present you each with a letter signed by over 600 early childhood professionals, family members, community members respectfully requesting you all to

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allocate funds from the American Rescue Plan Act for the express purpose of increasing compensation for the early childhood workforce. Stabilizing the supply of high-quality early childhood educators will go far in stabilizing the supply of labor in all industries. Your leadership throughout the pandemic has demonstrated that you understand that childcare is essential to our economy, and we look forward to seeing your leadership take action to stabilize the early childhood workforce. Thank you.

MR. TROBMAN: Our second commenter is virtual. Stephanie Gray, if you could unmute yourself, introduce your name and who you represent, and proceed.

STEPHANIE GRAY: Good morning. Can you hear me?

MR. TROBMAN: Yes, we can.

STEPHANIE GRAY: Thank you. Good morning,
Chairman and commissioners. My is Stephanie Gray. I am the owner
and director of Books and Bibs Childcare here in San Antonio.

I've been open a little over four years, and my center is a
four-star TRS center. I'm specifically speaking in regards to
allocating funds specifically for increasing the pay of our
early childhood educators. Between the ages of one and four, the
most important years in children's lives, is when they first
learn how to interact with others, including peers, parents, and
of course, their early childhood teachers. Early childhood

educators are the building blocks of learning for our children for the rest of their lives. Yet they are the absolute lowest paid in the entire education system. Stability at an early age is vital; however, it's extremely hard if we can only pay our staff \$10 an hour, especially if they can go to the nearest fast food and make \$15 an hour. So, it's pretty much impossible for us to compete with that without raising our rates, which then makes it unaffordable for parents. So, again, we do need the help. Like, we're in crisis mode. For me specifically, my facility holds 118 children. I only have 54 enrolled, not because children are not available; it's because I don't have the staff. In order to stay in ratio, of course I can't allow those kids to be enrolled if I don't have the staffing. So, again, we definitely, definitely need help with this. Thank you very much.

MR. TROBMAN: Our final commenter is Sarah Baray. If you could unmute yourself, introduce your name and who you represent.

SARAH BARAY: Good morning. I'm Sarah Baray, CEO of Pre-K 4 SA. Thank you for allowing me to provide comments this morning. Pre-K 4 SA operates four licensed early learning centers. We also support providers across San Antonio. So, I'm here today both as a provider and advocate of high-quality early learning and care. As commissioners of TWC, you know better than most the critical role childcare plays in the economy. If people

do not have care for their young children, they cannot go to work. This is why when the pandemic struck, the governor stood up a task force on early learning and care. The governor understood that childcare was essential to reopening Texas. I had the opportunity to serve on that task force and was proud that Texas took such decisive and effective action to ensure our childcare system survived the pandemic, and I thank you for the role that you played in that by allocating funds to help childcare through that crisis. We need similarly decisive action now. The childcare system is still in crisis. As Cody mentioned, a recent survey of providers indicates 86 percent are experiencing staff shortages, and low wages is cited as a primary reason they cannot hire staff. Providers who participate in a subsidized care system who serve our most vulnerable children are hardest hit. The average childcare worker makes 10 to 11 dollars an hour, and who can blame them when they leave childcare to go work at a fast food restaurant or a retail store that pays 15 to 20 dollars an hour for a job that requires far less education and responsibility than caring for young children. Now, I understand that solving the childcare wage gap has been around for a long time, and it's not going to be easy, but we must start by stemming the current crisis. Investing ARPA dollars to supplement wages will help to stabilize the system so that it does not collapse, which it is on the verge of doing. If we do it right, we can also begin to build a sustainable, high-

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quality early learning and care system for our most vulnerable children and families. And the good news is we know how to do this. We have models of how to strategically invest in wages to increase childcare systems so that we retain our teachers while simultaneously increasing their education levels. For example, in San Antonio, a local business owner invested in a pilot program to increase education and retention among infant-toddler teachers. What we learned from this project is that incremental wage supplements are an effective incentive for increasing childcare teacher qualifications and retention. Of the 14 teachers that began the program in 2020, before the pandemic, before we knew what was coming, they all earned child development associates certificates, and they are all still in their post. ARPA funding is a unique and perhaps once in a lifetime opportunity to make strategic investments that have lasting impact. I encourage you to provide guidance to local boards that helps them to put the ARPA dollars where they are most needed and will have the longest-term impact in wages for childcare workers. Thank you. MR. TROBMAN: Commissioners, this item is

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MR. TROBMAN: Commissioners, this item is now before you for your deliberation.

CHAIRMAN DANIEL: All right. Any questions or comments for Reagan?

COMMISSIONER ALVAREZ: Do you have anything, Chairman? I mean, Commissioner or Chairman?

1 COMMISSIONER DEMERSON: I was gonna say, 2 Reagan, as--3 CHAIRMAN DANIEL: [Inaudible] 4 COMMISSIONER ALVAREZ: Okay. 5 COMMISSIONER DEMERSON: -- some of the items 6 that were mentioned, and models and things of that nature, I'm 7 interested in seeing some of those that were mentioned by Pre-K 8 in SA, models that allow us to get to where we're going. 9 [Inaudible] mentioned we have the examples of how to do it 10 right, and so I'm curious to see some of those. 11 MS. MILLER: Yeah, so it sounds like Sarah 12 was describing a project that provided wage supplements upon 13 completion of some educational attainment. 14 COMMISSIONER DEMERSON: Mm-hmm. 15 MS. MILLER: So, there are models where a 16 wage gain is tied to earning your CDA or improving your 17 education, very similar to registered apprenticeship programs, where you're both working and involved in improving education 18 19 and training skills. There are some other programs that simply 20 provide wage supplements, signing bonuses, retention bonuses, in 21 an effort to encourage staff to stay at the center, at the home, 22 and continue working there. 23 COMMISSIONER DEMERSON: Mm-hmm. 24 MS. MILLER: All of those models, with this 2.4 billion, as it's designed now, providers would be able to 25

1 invest any or all of the funds that they received on these types of wage supplementation programs. 2 3 COMMISSIONER DEMERSON: Okay. Thank you. 4 CHAIRMAN DANIEL: So, that was one of my 5 questions, which is what--of the 2.4 billion that we're talking 6 about today, what are some things it can be used for? 7 MS. MILLER: So, the federal law lays out 8 six areas that providers can spend their funding on: Personnel, 9 facility costs, PPE and cleaning, updates to equipment and 10 supplies, goods and services, and mental health supports. So, 11 providers would have the ability to spend their money on any of 12 those activities, and other operational costs. 13 CHAIRMAN DANIEL: Mm-hmm. So, this--so the 14 2.4 billion that we're discussing today, compared--what's the 15 total amount of extraordinary childcare dollars that have been 16 made available via the three or four, I guess at this point, 17 federal acts? What's the total amount of that gonna be? 18 MS. MILLER: Texas has received 5.9 billion. 19 CHAIRMAN DANIEL: So, \$6 billion, roughly; 20 just under \$6 billion. 21 MS. MILLER: Yes. 22 CHAIRMAN DANIEL: For this sector. Now, 23 we've not distributed all that money. This \$2.5 billion is a 24 chunk of that money that you -- of the 6 billion that you just 25 described. This one, if I'm not mistaken, is probably one of the

1 more restrictive provisions in the different childcare dollars 2 that have been made in the sense that we were essentially given 3 the opportunity to distribute this to any open and operating 4 licensed childcare facility. 5 MS. MILLER: That's correct, 90 percent of 6 these stabilization funds, 2.4 billion, did have to go out in 7 grants to childcare programs. 8 CHAIRMAN DANIEL: Yeah, and there's, like, 9 100--not 100; there's about 13,500 of those in the state? 10 MS. MILLER: Roughly, yes. 11 CHAIRMAN DANIEL: Right, and that'll change 12 a little, because there's constant movement on licensing and 13 different things like that. So on average, that's like \$177,000 14 per center, if you just divide. Now, we're not doing it that 15 way. We have a bit of a formula here. So, this 2.5 billion could 16 be used to support wages, to increase wages, although it would 17 be, I suppose, on a short-term basis, and it's a one-time 18 funding stream. Is that correct? 19 MS. MILLER: Yes, sir, these are one-time 20 funds. 21 CHAIRMAN DANIEL: Yeah. As to the formula, 22 childcare deserts, I understand why we would offer some 23 additional support in childcare deserts. I wholeheartedly 2.4 support our supportive, quality-rated providers with the funding 25 enhancement for two, three, and four-star providers. I am a

little bit interested in how we arrived at using the social vulnerability index, and this seems like an unusual use of that index. It's typically used to schedule evacuations and, you know, other types of disaster support issues.

MS. MILLER: It is. This--

CHAIRMAN DANIEL: So, I'm trying to understand how this fits in with our enhancement of quality-rated producers [sic] in childcare desert alleviation programs.

MS. MILLER: Yeah, so this SVI index is something that's been highlighted by the Office of Childcare on several technical assistance webinars. It's comprised of about 15 different demographic data elements, and it is a way to help identify communities that may have a difficult time preparing for and responding to these kinds of crises. So, our enhancement would provide a slight increase to that base amount for childcare providers that are living in one of those communities that have a high preponderance of those demographic factors.

CHAIRMAN DANIEL: Are we gonna calculate that at the census track level or at the county level?

MS. MILLER: We are going to calculate that, I believe, at the census track level.

CHAIRMAN DANIEL: Okay. And what--tell me how many childcare centers would be located in a childcare desert that would also have a social vulnerability index score that would net them additional funds.

MS. MILLER: I'm going to have to get back to you. I don't know that I have that data on me right now.

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CHAIRMAN DANIEL: It strikes me, looking at the 15 individual components of the index, that there might be a high probability that those would also be childcare desert areas. I'm only concerned that it might be a little redundant. I mean, there's nothing about the social vulnerability index that's problematic, and I can clearly see mathematically how it might yield aid in an area that we all would want to yield aid in. I guess at great risk to the discussion, perhaps I'm--I see the elimination of childcare deserts as perhaps being more advantageous to the state of Texas and TWC than worrying about at the census track level the social vulnerability index. But if it's an available index and your use of that is solely because you're trying to ensure that centers who perhaps are in an area of more need, or they have challenges beyond some others, I can comprehend that. I think there might have been better ways to do it, but I also understand the need to move \$2.5 billion out the door. And while I'm on that point, I might also say it's--I think when you're looking at \$6 billion, you think it would be very easy to distribute \$6 billion responsibly to the state, and you find that when you get into it, it's not as easy as it looks to be responsible with the money and ensure that the taxpayers are getting the highest level of efficiency for those dollars, and I do commend you for what you've been able to do with that.

I know we're not through distributing that money, because there's still more to go. And I should also say, on the heels of a decisive vote that was taken yesterday in the legislature, we have at this point \$6 billion available for childcare programs. In the totality of the pandemic, the state of Texas' share of unemployment insurance benefits that we paid out was roughly 7.5 billion, so just slightly larger, during a 20-something-month period, just slightly larger than what we're investing at this point in childcare. It's a very healthy investment in childcare, and I appreciate the care that you've taken with making sure that all the dollars are impactful. And so, if you could get back to me on that one point on the SVI index and childcare deserts, and how those cross over each other, I would appreciate it. It's not gonna hold up this item today, I'm just trying to understand how these dollars are being distributed, because there are more dollars to distribute, and I wanna make sure all that's able to fit together in some coherent kind of way.

MS. MILLER: Yes, sir, happy to do that.
CHAIRMAN DANIEL: Thank you.

COMMISSIONER ALVAREZ: Chairman, I'd like to ask Reagan a few questions. One is you said personnel cost. Can you tell me exactly what that covers? Would I be safe by saying that it would cover retention bonuses and one-time bonuses?

MS. MILLER: Yes, sir.

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## COMMISSIONER ALVAREZ: I think it's

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certainly worth noting that we need to inform our providers, and I'm sure they are aware of that. I know the SVI is about a 5 or a 10 percent increase, depending on the score. So, I just have some comments that I'd like to make. I certainly believe, and I always have believed, that, you know, our childcare providers should be paid more. That is by no doubt has always been my position. But I also believe in sustainability models in this one-time infusion of money, right? So, I do wanna inform the person who spoke at the very beginning of today's commission meeting regarding childcare breakouts during the conference. As you know, my super session is childcare, and we're very fortunate to have some really--Quintana Moore, Dr. Quintana Moore [inaudible] Rice, and some other people that will be providing us remarks, and Reagan, you'll be serving as the moderator, so I'm very grateful to you for that. And I'd certainly think this is something that needs to -- we need more people--what we'd like for people to understand some of the challenges that we face, and how some of the money that we've had, or how we've distributed some of the money was used. I'd also like to thank the folks that have called in. And Chad, a good friend of mine, who I saw in Fort Worth recently. I'd like to acknowledge and thank [sounds like] Casey and Texas AC for their valuable input. We value Texas workers and understand the challenges the workforce faces. Two weeks ago, I attended a

graduation at Fort Worth campfire for graduates of their childcare apprenticeship program. I encouraged childcare providers to look at this model as referenced earlier about educational attainment, as by one of our speakers. And look at this model to encourage childcare providers to look at this model, again, as I said, as a way to professionalize this sector, and to tie wage increase to skill increases. As these are one-time funds, I am concerned about requiring the funds to be used across the board for designating pay increases for wages subsidies. Each provider will be able to use these funds for these types of initiatives, and they will be in better place to judge how best to use the funds to support staff retention. So, those are my comments. I certainly appreciate those that provided remarks today, and I certainly understand their concern. The educational attainment that was referenced earlier by the young lady in San Antonio, I do want folks to know that the apprenticeship program that was implemented by the Fort Worth or Tarrant County Workforce Board allows for 33 hours of college credit at Tarleton State University. And so, they are thinking of innovative ways to retain their workers, and they are providing the best professional development that's out there. And so, again, those are just some of the comments that I have to make, but I did want people to understand that the personal costs that specifically will address maybe some of the

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needs is to provide them with one-time bonuses, or retention bonuses.

COMMISSIONER DEMERSON: Reagan, I just continue to appreciate the work that you and Allison and that entire team's doing in this industry. You're always seeking stakeholder input, and we continue to appreciate that. And I appreciate those employers that are out there, and those childcare employers. Cynthia Pearson was--Commissioner Alvarez, she was the one who raised the question and cornered me about two years ago at a session and said they wanted childcare to be raised to the front versus the back. So Reagan, if you have an opportunity to circle back with her, let her know what we're doing at the conference, and that her voice has been heard from that standpoint. I remember getting with you and Courtney right away, saying I met this young lady that wants to elevate childcare rather than having it behind, and Commissioner Alvarez for putting on a super session around that interest. Thank you.

MS. MILLER: Yes, sir, I'm happy to do that.

CHAIRMAN DANIEL: Any other questions or

comments?

COMMISSIONER ALVAREZ: None here, Chairman.

COMMISSIONER DEMERSON: None.

CHAIRMAN DANIEL: Is there a motion?

COMMISSIONER ALVAREZ: Chairman, I move that

we approve implementing childcare relief grants as discussed,

1 with targeted rollout date of January 20, 2022--January 2022, 2 and budgeting 2.5 of the ARPA discretionary funding to support 3 program oversight and administration. 4 COMMISSIONER DEMERSON: I second. 5 CHAIRMAN DANIEL: It's been moved and 6 seconded. Motion carries. This is Agenda Item 17, board 7 nominations. 8 SHUNTA WILLIAMS: Good morning, Chairman, 9 commissioners, and Mr. Serna. For the record, Shunta Williams 10 with the workforce development division. And for your 11 consideration this morning we have workforce board nominations for Workforce Solutions Concho Valley, North Central Texas, 12 13 Golden Crescent, West Central Texas, Rural Capital Area, and 14 Texhoma. Staff recommends that all nominees be approved, and I'm 15 here to answer any questions you have. 16 CHAIRMAN DANIEL: Any comments or questions? 17 COMMISSIONER ALVAREZ: None here, Chairman. 18 COMMISSIONER DEMERSON: None. 19 CHAIRMAN DANIEL: Is there a motion? 20 COMMISSIONER ALVAREZ: I move to approve the 21 board nominees for Concho Valley, North Central Texas, Golden 22 Crescent, West Central Texas, Rural Capital Area, and Texhoma. 23 COMMISSIONER DEMERSON: Second. 24 CHAIRMAN DANIEL: It's been moved and 25 seconded. We're unanimous.

1 SHUNTA WILLIAMS: Thank you. 2 CHAIRMAN DANIEL: Nothing on Agenda Item 18. 3 Legislative proposals -- is there a legislative report today? Yes, 4 Michael is making his way up here. I like that he sits in the 5 back. It gives me more time to come up with questions for him. 6 COMMISSIONER DEMERSON: He looks different 7 today. 8 MICHAEL BRITT: Good morning, Mr. Chairman, 9 Commissioner Alvarez, Commissioner Demerson, and Mr. Serna. For 10 the record, Michael Britt, governmental relations. Last night 11 the Texas house and Texas senate adopted the conference 12 committee report for senate bill 8 by Senator Nelson. This 13 legislation appropriates Federal American Rescue Plan Act 14 funding, including approximately 7.2 billion, to the UI trust 15 fund for the purpose of retiring the state's title XII advances 16 and restoring the UI trust fund to the statutory floor. The bill 17 will now go to Governor Abbott for his action. This concludes my 18 remarks. I'm happy to answer any questions. I prefer Jeopardy-19 style, if you have questions. 20 CHAIRMAN DANIEL: Do we have to play the 21 music? 22 MICHAEL BRITT: Tom said he'd hum it from 23 the back. 24 CHAIRMAN DANIEL: Tom--Tom's a whole other 25 topic. Any other questions?

1 COMMISSIONER ALVAREZ: None here. 2 COMMISSIONER DEMERSON: No questions. 3 CHAIRMAN DANIEL: All right, thank you so 4 much. 5 MICHAEL BRITT: Thank you. CHAIRMAN DANIEL: Mr. Serna, an executive 6 7 director's report? 8 MR. SERNA: One of the things that I'd like 9 to report, and Clay will come up and provide details on one 10 particular aspect of it. But I wanted to make sure the 11 commissioners knew that we continue to take action on the 12 lessons we learned during the pandemic, the height of the 13 pandemic, and adjusting our operations to improve our services 14 to our customers. And Clay's gonna highlight some of the things 15 that they're doing in UI right now, so. 16 CLAY COLE: Good morning, Chairman Daniel, 17 Commissioner Alvarez, Commissioner Demerson, Mr. Serna. For the 18 record, Clay Cole, unemployment insurance. Yeah, just wanted to 19 give you a UI update, like Mr. Serna indicated. It's been a 20 while since I've been here, and I tell you, some encouraging 21 signs that we're seeing is fewer individuals are needing our 22 services as we go forward right now, and of course there's 23 plenty to do in the unemployment insurance division as we--it's 24 really good timing as we really get to focus on replacing our

legacy system with a UI system replacement project. And we're

really stepping it up. And on the tax side, which has been going on for several months, we're on iterations four and five. We're starting those up and we're testing iterations one through three, and we're about to kick off the benefit portion and the appeals portion of the project. So, good timing as things improve in unemployment insurance. We continue to see calls and claims trend downward, and of course you know effective with the week ending June 26, 2021, the federal pandemic benefits ended in Texas, except we continue to pay a significant number of individuals on state extended benefits, and that program ended with the -- as we triggered off state - extended benefits. And the last benefit week for state-extended benefits was September 11, 2021. And so--and we do have some people that we are paying retroactively because of appeals or claims adjustments, and there are some exceptions to continue some of those programs retroactively. But the individuals being served has decreased substantially. For example, last week was the best week we've experienced in terms of performance since the pandemic. We had the lowest number of [sounds like] deflects since February 23, 2020, roughly about 22,000, which is a huge improvement. And we saw our average speed of answer average around six and half minutes for the entire week, which is well below the LBB standard, and in the position we wanna be. So, really good signs there, and the improvements there are in many ways too attributed to a lot of the changes that we made, like Mr. Serna

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said. One of them is the virtual hold pilot that we introduced that provides customers with an option to call us back, and even they can do that through one of our contract partners. And so since that pilot began in August, we've seen about 13,885 individuals request a call-back through the virtual hold pilot, and about 13,299 were successfully -- we connected with and were able to serve. So, really good signs there, really optimistic about the future of that improvement. And also we've had some other customer service improvements that I wanted to share, the first being with senate bill 2099, relating to the methods by which a claimant may check the status of a claim for unemployment compensations filed with the Texas Workforce Commission. Specifically, this is where a customer can receive a return phone call or email response from the commission with a reasonable timeframe. We implemented that last week on October 13, and as of Sunday, we had a little over 2,000 people that requested a call-back, and roughly--and we were able to contact over 1,820 of those individuals. So, good improvement there. We also enhanced our ID Me desk aide that we developed and distributed to UI staff and [sounds like] contracted call center staff to improve guidance and instruction provided to customers with our ID Me processes. And this enables us to get the appropriate assistance based on individual needs. So, that's some material too we can share with your staff, if you're interested in. Just let us know. And finally, I just wanted to

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mention that we are working on a DoL grant opportunity for promoting equitable access to UI programs. Although we've been providing equitable access to unemployment insurance customers even through the pandemic, but we intend to utilize these funds awarded within our modernization programs already underway, such as the UI system replacement project and the IVR upgrades, just to ensure both claimants and employers maintain equitable access to our UI systems. And so, this is, again, we feel like a great opportunity. We really wanna be mindful of our capacity limits in terms of resources, because given that we continue to see higher than normal activity in certain areas, we just wanna be mind--and especially the fact that we're already taking on the UI system replacement project to replace our legacy system. We wanna try to identify those opportunities within those projects we've already planned or plan to do to enhance those, to ensure that, you know, we have made sure that we met the equitable access within all systems that we administer. And this concludes my update, and I'll be happy to answer any questions you might have.

CHAIRMAN DANIEL: Any comments or questions?

COMMISSIONER ALVAREZ: Thanks, Clay, for the

COMMISSIONER DEMERSON: None here, thank

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report.

you.

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1
                          CHAIRMAN DANIEL: All right, thank you very
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   much.
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                          CLAY COLE: Thank you.
 4
                         MR. SERNA: I have nothing else, sir.
5
                          CHAIRMAN DANIEL: Mr. Serna, if I could get
6
   a list from you of all the statutorily required reports that TWC
7
   has to make and what the due date is for those reports, I would
8
   appreciate that very much.
9
                          MR. SERNA: Yes, sir, we'll do that.
10
                          CHAIRMAN DANIEL: Thank you. Is there any
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   other order of business to come before the commission?
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                          COMMISSIONER ALVAREZ: None here, Chairman.
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                          COMMISSIONER DEMERSON: None.
14
                          CHAIRMAN DANIEL: Is there a motion to
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   adjourn?
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                         COMMISSIONER ALVAREZ: Chairman, I move that
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   we adjourn.
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                          COMMISSIONER DEMERSON: Second.
19
                          CHAIRMAN DANIEL: It's been moved and
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    seconded to adjourn, and we are adjourned. Thank you.
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## Texas Workforce Commission Meeting October 19, 2021

## Item 16A:

Use of American Rescue Plan Act Child Care
Stabilization Funds for 2022 Child Care
Relief Funds to Regulated Child Care
Providers

**Written Comments** 

Texas Workforce Commission 101 E 15th Street, Suite 122 Austin, TX 78778-0001

Dear Chairman Daniel, Commissioner Alvarez and Commissioner Demerson:

We applaud the Texas Workforce Commission's efforts this past year to recognize the critical impact quality early learning has on children, families, the workforce, and the economy. The bold and meaningful actions the Commission has taken to allocate federal COVID-19 relief funds for Child Care Stabilization Grants and the most recent increase in child care scholarship reimbursement rates demonstrates the type of leadership Texas needs to ensure a robust supply of high-quality child care is available for the working families of Texas.

We hope that the Commission will continue to seize opportunities to address systemic challenges within the sector and work to build a stronger, sustainable early care and education infrastructure across the State.

Collectively, we respectfully request the Texas Workforce Commission designate American Rescue Plan funds to be used for compensation of the early childhood workforce in Texas. We love the children of Texas and are passionate about educating the workforce of tomorrow, enabling the current workforce to return to employment and strengthening the state's economic recovery.

As early childhood educators, we cannot continue to do this essential work when we are unable to feed our families and meet our basic needs with our current wages. Research indicates that 56% of the Texas early childhood workforce qualifies for at least one or more public assistance programs to meet basic needs. Optimal child development requires children's teachers to provide a warm, nurturing, positive environment. This is dependent on a physically and mentally healthy teacher. Both of which are compromised when wages fail to cover a living wage. Inadequate compensation of early childhood educators compromises the health, well-being, and educational foundation of our future generation.

As administrators, we are facing an unprecedented staffing crisis. Effective and highly qualified staff are leaving the field for higher wages. We struggle to recruit qualified staff to work for the compensation we can provide with the constraints on what families can pay, what we are reimbursed, and the other expenses we incur. 86% of child care programs in Texas are experiencing staffing shortages. Unlike other businesses who can simply raise the cost of their goods and services, the early learning industry is unable to do so--families cannot afford to pay any higher tuition. Most families are paying 13% of their yearly income on child care, almost double of the suggested amount. And the average cost of child care in Texas exceeds that of the average tuition at a public university. Without an immediate response, child care programs will continue to close, further reducing the limited supply of child care in Texas, which will be catastrophic for families, businesses and the economic recovery.

In April 2020, the state of Texas asked us to step up and open our doors, and our hearts to care for the children of essential workers. We were willing to put our own health and safety at risk to meet this need. It is time now to recognize the early childhood workforce as the backbone of the economy and ensure that compensation of early childhood professionals is reflective of the work we all do.

Thank you for your consideration,





## earlymattersdallas A Historic Coalition on Early Education

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Child Inc./ Del Valle Child Development
Center

Kasandra Sanchez Preschool teacher Jeremiah Program Gloria Miller Teacher Weasley School

Ashley Eglian
Site Director
UT Child Development Center- Capitol
Complex

Moulshae Tuff Toddler teacher Del Valle CDC Leroy Davis
Executive Director
Ebenezer Child Development Center

Blanca S. Sanchez-Lerma Director Joys of Heaven Daycare and Learning Center

Otilia Elizabeth Flores Teacher OWBC Valerie Uvalle CFC Early Head Start

Catherine Eckhoff
Pre K teacher and music teacher
Tarrytown Childrens Center

Glendy Gomez Teacher OWBC Lorena Rivera Teacher Opportunities for Williamson and Burnet County

Jamie Burns Teacher Opportunities for Williamson & Burnet Counties (HeadStart) Crystal Goden Teacher Hutto Head Start/ Opportunities for Williamson and burnet counties Jerri Love Owner/Director Turtle Creek Kids LeAnn Hildebrand Teacher 2 OWBC Head Start Keyzaria Gadison Teacher Bartlett Early Headstart Michelle Gonzales Teacher Bartlett Early Headstart

Samuel Horn Mentor ChildCareGroup Charlae Moody Family Advocate Headstart Deborah Carrell Owner/Director This Little Light Learning Center

tammy peterson teacher Stephan f austin Lakitsha J. Proctor Lee Director/Owner Neighborhood Christian Learning Center of Dallas, Inc. Katy Fisher Lead teacher The Corner School

Erin DeConcini Infant/Toddler Team Lead; Lead Teacher TCS at TASB Sandra Marines Child Develop SpecialIST Alamo College REFC Janie Nevares teacher OWBC

Patricia Adams-Williams Director/Owner American Care Academy kristin nance headstart teacher Rawleigh elliott Paula Fontenot Owner-Director Sleepers to Sneakers Daycare

Julie Johnson TRS Mentor Child Care Group Lori Jones Child Care Services CCS Martha Sue Perry Adminstrative Assistant Christ Lutheran Preschool

Nebra Brown Academy Director Bethlehem Children's Academy Monica Ivener Child Care Director Legacy Kids Academy Yasmina Garay Teacher Early Head Start

Mary K Jamsek Consultant MKJECE

Ella Gardner Lead baby teacher Tarrytown Children's Center Marissa Acuna Rocha Curriculum Coordinator Kids R Kids Liberty Field

Riley Walsh Lead One's Teacher Tarrytown Children's Center Lenzi Belcher Owner/Director Kidz World Learning Center Tammy Fyfe School Director

Bertha Francis Head Start Teacher Assistant Child Inc./ Del Valle Child Development Center Dawn Patterson Owner CP Preparatory School Isabel Huerta Executive Director Sammy's House Jennifer Torres Morales
Child Care Provider
Child Development Center/Del Valle
Independent School District

Iris Duran Preschool teacher Del Valle CDC Alicia Downing infant teacher Del valle ISD

Jessika Castruita Asst. Director Paso del Norte Children's Development Center (IELC)

Makia Thomas
Associate Director of Early Childhood
Education
Children at Risk

Lia Rosen Director of Student Affairs & Services Magnolia Monstessori for All

Lauren Carney Executive Director Trinity Child Development Center Mariana Font Owner My Little Team Texas Daycare Kimberly Danysh Teacher Pre K 4 Gingerbread School

LaQuetha Ford
Director
First English Lutheran Child
Development Center

Reynaldo Delgado Jr. Administrator ADL Services Inc Savannah Anderson

Anna Robles
Program Director
A Child's Place Learning Center

Elizabeth Piper Owner Mrs Beasley's Playhouse Anetress Mathews Assistant Director First Methodist Preschool

Robyn Michalove Associate Pastor First Presbyterian Church Becky Reynolds Early Childhood Educator Early Head Start Rosa Brewer Senior Lead Care Giver Grapevine Colleyville ISD

Jeanne Burton Director ABC Academy LLC Nancy Langdon Owner RFH LaRonda Robbins
President
Gingerbread House Academy Inc

Melissa Olvera Teacher Madison Square Child Development Center Annabel De La Rosa Teacher Madison square CDC Jessica Bermea Teacher Madison square Cdc

Jason Ray CEO Clayton Youth Enrichment Robyn McMinn Director enCourage Preschools Kawanbir Singh Head of Operaions Kido International Preschool

Melonea Luke Director Something Special Children's Center Retis Henderson Center Assistant Christ Lutheran Preschool Sara Pastor Pre-K teacher Tarrytown Children's Center AMI CASTRO Director Shoreline Learning Center

Huma Hosain Director Teeter Toddler

Anne Sabetti
Assistant Director
Trinity Child Development Center

Lydia Martinez Infant Teacher MSCD Luvon price Toddler Teacher Pace And Ross Learning Center Jimmy Ellis Emotional Wellness Coordinator Opportunities Head Start

Madison Mattise Director of Pre-K Partnerships United Way for Greater Austin Shavannah Campbell School Director Cadence Academy Preschool Emily Sutton
Early Childhood Educator

Tammy Robinson Lead Teacher ECDC / Grapevine/Colleyville ISD Gabriela Olivas Center Coordinator Day Nursery of Abilene Margie Medina Center Director Day Nursery of Abilene

Reyna Ortiz
Family Advocate
Opportunities for Williamson & Burnet
Counties- Head Start

Jasmine Pitts
Pre K Teacher
Pace and Ross Learning Center

Bill Schlesinger Co-Director Project Vida

Keia mende Lead teacher Opportunityschool Crystal Pineda Arellano Teacher Wesley School Tiffany Mays
Director/Practitioner/Owner
The Seed Tree School

Jennifer Burton Director, Onsite Owner The Goddard School in Steiner Ranch Cecily Davis
Director
The Goddard School in Steiner Ranch

Marissa Zavala Teacher Prek 4 sa

Juana Bell Director Gingerbread House Academy, Inc Gail Bruce Director of Education ABC Academy LaRonda Robbins Owner Gingerbread House Academy, Inc.

Cynthia Catlin-Gaskins Director University Presbyterian Children's Center Alison Guadiano Instructional Coach PreK4SA Gabrielle Stevenson Teacher Kids R Kids

**Dolores Rios** 

Tiffany Brown
Para- Caregiver assistant
GCISD Early Child Development Center

Claudia Gabriela Jimenez Infant teacher Kids R Kids Liberty Field Cindy L Moreno

Kathy Cameron Owner

**Guiding Hands Christian Academy** 

Katie Campbell Program Coordinator

Hays CISD Pregnancy, Education and

Parenting Program

Latonia Lampkin

Early preschool teacher

Pace and Ross Learning Center

Sarah Lancaster

Chapter/Member Specialist

Texas Association for the Education of

Young Children

Eddie Johnson III

City of San Antonio

Shannon Harris

Owner

ABC Academy LLC

Brenda Cuellar District Manager

Childcare Network

Adrian Coleman

Director

Childcare Network 170

Tedra Roberson

Director

Childcare Network 171

Patricia Gayle Director

Childcare Network

Teresa Gerhardt

Director

Childcare Network

Donna Patterson

Director

Childcare Network 198

Misty Foster Director

Childcare Network

Jennifer Stogin Director

Childcare Network

Alyssa Finch Asst. Director

Childcare Network

Patricia Smith

Owner

Sweet Briar Child Development Center

**Krystal Canales** 

Parent

PreK4SA

Edna Garcia

Owner

Make A Wish Learning Center

Kecia Bolton Director

**Precious Lambs Learning Center** 

**Russ Arnold Executive Director** 

The Children's Academy/Country Club

Montessori

Amanda Tew Program Manager

Friendswood Christian School

Regina Puckett Executive Director

Origins Learning Community

Lindsay Locke

Director

Lindsay's Lillypads

Dawn Hallman

Educator

Dallas Association for Parent Education

Kerstin Brinson

Vice President of Operations

The Pillars Christian Learning Center

Laura Nelson

Director

The Pillars Christian Learning Center

Michelle Rivera

Vice President of Education

**Brighton Center** 

Andi Bruggman

Administrative Assistant

Friendswood Christian School

Elizabeth Self

Program Coordinator of Child

Development

**Tarrant County College**