

Chapter 809. Child Care. Subchapter I.

§§809.171-809.174 regarding Child Care Training Center Pilot Program.

SB213 Four pilot programs for certifying licensed day care centers to provide training and certification for qualified public assistance recipients in cooperation with DPRS. This may be divided into multi rules project.

Subchapter I. Child Care Training Center Pilot Programs

**40 TAC §§809.171-809.174**

The Texas Workforce Commission (Commission) adopts new §§809.171-809.174, concerning the establishment and operation of the child care training center pilot programs without changes to the proposed text as published in the December 19, 1997 issue of the *Texas Register* (22 TexReg 12478). The adopted text will not be republished here. One of the primary goals of the Commission is to prepare, place and retain individuals in employment. Texas Labor Code §302.003 directed the Commission to establish a program for providing training to recipients of public assistance in basic skills, child care, child care vendor entrepreneurial training and early childhood education to assist these individuals in making the transition into the workforce from public assistance and to increase the number of trained child care workers.

The adopted rules describe the operation of the child care training center pilot programs. Section 809.171 states that the purpose of the child care training center pilot programs is to provide child care training to recipients of public assistance. Section 809.172 defines terms used in the rules. Section 809.173 describes the criteria to be used by the Commission in selecting training centers for participation in the child care training center pilot programs. Section 809.174 lists some of the required elements for a contract with the Commission to provide services under the child care training center pilot programs.

The commenters did not state whether they were for or against the rule but expressed the following concerns. Comments were received from two members of the State Advisory Committee on Child Care Programs on proposed rules concerning the Child Care Training Center Pilot Programs. Following each comment is the Commission's response.

Comment: A commenter asked if NAEYC accreditation standards were considered in developing the training center selection criteria in §809.173.

Response: Training center selection criteria will be specified in the request for proposal packets and incorporated in the contracting documents. The Commission is considering several national accreditations, including NAEYC.

Comment: A commenter asked if §809.173 required private funding.

Response: The Commission seeks to develop local partnerships in the pilot projects that include additional sources of funding that can be used to both support and expand the projects. Therefore, there is a decided preference for contributory private funding.

Comment: A commenter asked if §809.174 was meant to require a specific number of trainees.

Response: This rule is not meant to specify a specific number of trainees. Criteria regarding anticipated number of trainees will be included in the request for proposal packet and incorporated in the contracting documents for the pilot projects.

Comment: A commenter suggested that §809.171 be amended to refer to "financially viable" employment. The commenter stated that the average hourly wage for child care providers is less than \$7.00 per hour and in Austin is less than \$6.00 per hour.

Response: The Commission recognizes the importance of ensuring that trainees receive sufficient training to enable them to obtain employment that results in self-sufficiency. In drafting the text of adopted §809.171, the Commission used the language of the statute. Therefore, the Commission chooses not to make this suggested change. The request for proposal and contracting documents for the pilot programs will contain information about the need to ensure sufficient training for the participants.

The rules have been reviewed by the Texas Department of Protective and Regulatory Services which has submitted no comments to the Commission regarding the rules.

The new rules are adopted under Texas Labor Code §301.061, which provides the Texas Workforce Commission with the authority to adopt, amend, or rescind such rules as it deems necessary for the effective administration of Texas Workforce Commission programs and under Texas Labor Code §302.003(j).

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on February 9, 1998.

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