

Chapter 809. Child Care. § 809.5. State Advisory Committee (SB 1490).

Part XX. Texas Workforce Commission

Chapter 809. Child Care and Development

Subchapter A. General Provisions

40 TAC §809.5

The Texas Workforce Commission (Commission) adopts new §809.5, concerning the State Advisory Committee on Child Care Programs with changes to proposed text as published in the June 12, 1998 issue of the *Texas Register* (23 TexReg 6184).

The purpose of the rule is to establish a 20 member advisory committee that shall advise the Commission in developing coordinated state policies for the use of federal and state funds in child care programs, pursuant to the provisions of the Texas Human Resources Code, Chapter 44, Subchapter C. The advisory committee shall review child care policies and programs for compliance with applicable guidelines and shall advise the Commission of the results of the review.

For the purpose of ensuring effective communication, the Commission made non-substantive changes to subsection (i), by adding the requirement that local workforce development boards be sent a copy of the State Advisory Committee's annual report.

The Commission received comments on the rule from local workforce development boards, an advisory committee member, and a resource center. Some commenters were for the rule, expressed concerns and had questions about the rule as proposed, and suggested changes.

The names of interested groups or associations offering comments on the rules are as follows:

West Central Texas Development Board;

An Advisory Committee Member;

The Connections Resource Center; and

The North Central Texas Workforce Development Board.

Following each comment or group of related comments is the Commission's response.

Comment: One commenter stated the advisory committee should also include employer representatives.

Response: Many of the appointees specifically required by statute are also employers. The Commission believes that the appointees required by the rule represent a balanced representation within the community, including employers, and believes the rule as stated follows the intent of the statute, which does not permit altering the specific balance of appointees.

Comment: One commenter stated she agrees with the proposed rule provisions except for the omission of the number of times the advisory committee should meet as a whole within a year's time, and added that she would like to see this included in the rule.

Response: The rule as proposed follows the intent of the statute. The Commission will strive to ensure the advisory committee meets as often as necessary to adequately perform the functions required by statute; however, the Commission does not deem it necessary to set a fixed number of times for meeting within the text of the rule.

Comment: One commenter stated the rule was supported as written.

Response: The Commission acknowledges this comment.

Comment: One commenter reflected that since in many areas of the state the local workforce development boards are responsible for managing child care programs in their communities, she believed local workforce development boards should be considered a member of the "Child Care Management Services (CCMS) Advisory Committee" with voting authority. The commenter pointed out that local workforce development boards have child care expertise within their membership, and that significant input on child care issues at the local level would be missed without designated local workforce development board representation. As such, a local workforce development board representative should be inserted as a specific requirement under §809.5(c)(1-8).

Response: (Note: The above commenter uses the term "Child Care Management Services (CCMS) Advisory Committee" in referencing the proposed rule. Due to the context of the above comment, the Commission is interpreting the comment to reflect upon the proposed "Child Care State Advisory Committee" rule.)

The Commission fully intends to involve local workforce development boards in child care matters, and to seek out local workforce development board advice on child care issues. The provisions of the rule do not preclude specific committee appointees from also being members of local workforce development boards.

The Commission believes that the local workforce development boards should be represented on the committee and amends the rule accordingly.

Comment: In reference to §809.5(h), in areas where local workforce development boards are responsible for child care planning, one commenter states local workforce development boards should hold public hearings as part of the annual planning process, not the advisory committee, and the advisory committee and Commission would then receive the outcomes of the meetings as part of the local workforce development board's child care plan.

Response: The statute specifically states the advisory committee shall hold public hearings. This however, does not preclude local workforce development boards from holding child care meetings as well, and submitting the results of these hearings to the Commission. Local workforce development boards are units of local government, and as such, their meetings fall under the provisions of the Texas Open Meetings Act. Therefore, the Commission does not deem it appropriate to incorporate the commenter's suggestion into the rule.

Comment: The same commenter proposed that if the advisory committee must hold the hearings, the hearings should be actively advertised to help insure that they are well attended, with several weeks of advance notice to all local workforce development boards, state agencies that provide child care for their clients, child care facilities, and the general public.

Response: The Commission agrees that the hearings are deserving of a high degree of publicity and hopes they will be well attended. The Commission will strive to ensure sufficient advertisement will be utilized to inform all interested parties of the hearings; however, the Commission does not deem it necessary to add this specific requirement to the rule.

Comment: In reference to 809.5(i), one commenter asserted that all local workforce development boards should receive the annual report in addition to the Commission, as without access to this document, the local workforce development boards would lose a potentially valuable resource in their efforts to continually raise the quality of child care, and the commenter believes this to be an opportunity to solidify a link between the child care community and the local workforce development boards.

Response: The Commission agrees. The local workforce development boards will be sent the annual report, and the Commission will strive to ensure local workforce development boards are kept apprised of all other relevant data.

The new section is adopted under Texas Labor Code, §301.061 and §302.021, which provides the Commission with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of the Commission programs.

§809.5. Child Care State Advisory Committee.

(a)

The Commission appoints the State Advisory Committee on Child Care Programs.

(b)

The advisory committee shall consist of 20 members, not including ex officio members.

(c)

The advisory committee appointees will be a balanced representation of:

(1)

parents, guardians, or custodians of children who use child care programs;

(2)

child care advocacy groups;

(3)

operators and providers of child care programs and services representing rural and urban communities;

(4)

for profit and nonprofit providers of child care services representing rural and urban communities;

(5)

experts in early childhood development and education;

(6)

experts in child health and nutrition;

(7)

other child care professionals;

(8)

the general public; and

(9)

ex officio representatives from each state agency, as determined by the Commission, that have an interest or role in state child care programs.

(d)

At least one of the members of the committee, in addition to the qualifications required for that member, must represent a local workforce development board.

(e)

The Commission shall provide staff support and other support necessary to the advisory committee to operate the committee.

(f)

Subject to appropriations, the advisory committee may be reimbursed for travel expenses incurred while conducting the business of the board.

(g)

The advisory committee shall advise the Commission in developing coordinated state policies for the use of federal and state funds in child care programs.

(h)

The advisory committee shall review child care policies and programs for compliance with applicable guidelines and shall advise the Commission on the results of the review in accordance with the Texas Human Resources Code, Chapter 44, Subchapter C, as amended.

(i)

The Commission with the assistance of the advisory committee shall hold biennial public hearings on state and federal child care programs to elicit public response and recommendations regarding the quality, accessibility, and affordability of child care services. The hearings must be held in at least three separate geographical regions of the state and may be held in conjunction with other public hearings on child care held by the Commission.

(j)

The advisory committee shall annually report its findings and recommendations to the Commission, and the local workforce development boards will be sent a copy of this report.

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 August 21, 1998.

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