

**Request from an Individual to Waive the Child Care Rules Under 40 TAC §809.3(a)
Regarding Texas Rising Star Minimum Education Requirements in 40 TAC §809.134
Discussion Paper**

1 Background

2 Texas Workforce Commission (TWC) Chapter 809 Child Care Services rule 40 TAC [§809.134](#)
3 establishes the minimum education requirement for Texas Rising Star mentors and assessors, and allows
4 TWC to grant an extension of no more than two years to allow a mentor or assessor to attain the required
5 minimum education level.

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7 On October 18, 2018, the Gulf Coast Workforce Development Board (Board) submitted a request to hire
8 an individual that did not meet the minimum education requirements as a Texas Rising Star Assessor.
9 Documentation provided confirmed that the individual was working toward a bachelor's degree in Early
10 Childhood Education (ECE). Prior to the approval of this two-year extension to allow this individual to
11 attain the necessary education requirements, the Child Care and Early Learning Division (CC&EL)
12 confirmed that the individual had attended college and had accrued 54 credit hours towards her
13 bachelor's degree. The individual needed an additional 66 credit hours. On November 8, 2018, CC&EL
14 granted a two-year extension for the individual with the requirement that s/he complete her degree
15 within two years of her hire date, December 3, 2018.

16 Issue

17 Pursuant to the Child Care Rules, 40 TAC [§809.3\(a\)](#), this individual is submitting a waiver to the Texas
18 Workforce Commission's three-member Commission (Commission) requesting a waiver of 40 TAC
19 [§809.134](#) which establishes the minimum education requirement for Texas Rising Star mentors and
20 assessors. She notes that she is submitting this request so she may maintain her position as an assessor
21 with the Gulf Coast Board while continuing to work toward the completion of her ECE bachelor's
22 degree. In the individual's letter to the Commission, she notes that she has completed one college course
23 in the two-year period since the waiver was approved. The individual's letter to the Commission also
24 notes that extenuating personal circumstances have affected her ability to complete her degree.

25 Decision Point

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27 In light of the very minimal hours (3) that the individual has earned over a two-year period, and the
28 significant number of hours that are still needed in order to attain her ECE bachelor's degree, staff
29 recommends that the Commission deny the individual's request to waive 40 TAC [§809.134](#).