

1 **Local Workforce Development Board Membership**
2 **Discussion Paper**

3 **Background**

4 During the 88th Regular Session, the Texas Legislature passed HB 1615, which outlined
5 strategies to increase the availability of child care and prekindergarten programs. In addition to
6 directing the Texas Workforce Commission (TWC) to sustain a Pre-Kindergarten Partnership
7 Program, HB 1615 amended Texas Government Code §2308.256 to require each Local
8 Workforce Development Board (Board) to expand its membership to include a representative of
9 the child care workforce. Before the passing of HB 1615, TWC operated under prior state law, in
10 which child care did not have its own specified Board membership category. To ensure that the
11 child care industry was represented, an existing Board member who was appointed under one of
12 the required categories was also required to have expertise in child care or early childhood
13 education.

14 The child care Board membership requirement provided in HB 1615 also addresses Action Item
15 3.2.1 of TWC’s [Child Care Workforce Strategic Plan 2023-2025](#), which aims to strengthen the
16 required child care experience parameters to serve on Local Workforce Development Boards.

17 As amended, Texas Government Code §2308.256 requires that a Board be composed of
18 representatives of the following:

- 19 • private sector business;
- 20 • organized labor and community-based organizations;
- 21 • educational agencies, including community colleges and secondary and postsecondary
22 practitioners representing vocational education, that are representative of all educational
23 agencies in the service delivery area;
- 24 • vocational rehabilitation agencies;
- 25 • public assistance agencies;
- 26 • economic development agencies;
- 27 • the public employment service;
- 28 • local literacy councils;
- 29 • adult basic and continuing education organizations; and
- 30 • child care workforce.

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32 WIOA §107(b)(5) requires that Board members that represent organizations, agencies, or other
33 entities be individuals with optimum policy making authority within the organizations, agencies,
34 or entities.

35 The act of expanding Board membership requirements is allowable under the Workforce
36 Innovation and Opportunity Act (WIOA), §107(b)(2)(E), in which chief elected officials are
37 granted the authority to set Board membership criteria beyond what is provided in federal statute.

38 **Issue**

39 HB 1615 expanded Board membership to include representatives from the child care workforce;
40 however, the bill did not provide criteria as to which individuals would be considered eligible
41 candidates.

1 In determining criteria for the child care workforce Board representative, staff considered the
2 following:

- 3
- 4 • Current employment: TWC has long operated within an interpretation of §2308.256 that
5 requires Board members to be currently employed by the organization, agency, or entity
6 that they represent.
- 7 • Policy making authority: “Members who represent organizations, agencies, or other
8 entities must be individuals with optimum policy making authority within the entities
9 they represent” [20 CFR §661.315(c)]. “A representative with ‘optimum policy making
10 authority’ is an individual who can reasonably be expected to speak affirmatively on
11 behalf of the entity he or she represents and to commit that entity to a chosen course of
12 action” [20 CFR §661.203(a)]. The selection of a current child care provider owner or
13 director ensures that such Board members have the expertise and policy making authority
14 to fully represent the child care workforce and be active Board members.

15 **Decision Point**

16 Staff recommends the adoption of the following definition when considering child care
17 workforce Board membership criteria:

18 A “representative of the child care workforce” is either a current owner or director of a child care
19 provider that is licensed by or registered with HHSC’s Child Care Regulation department.