



A Report on

# The Self-reported Implementation of Sunset Advisory Commission Management Actions

August 8, 2016

Members of the Legislative Audit Committee:

The State Auditor's Office has obtained the following entities' self-reported implementation status for 43 non-statutory recommendations (management actions) in the *Sunset Advisory Commission Report to the 84th Legislature*:

- Governor's Committee on People with Disabilities.
- State Office of Administrative Hearings.
- Texas Council on Purchasing from People with Disabilities.
- Texas Education Agency.
- Texas Workforce Commission.
- University Interscholastic League.

#### Definitions of Implementation Status

**Fully Implemented:** Successful development and use of a process, system, or policy to implement a management action.

**Substantially Implemented:** Successful development but inconsistent use of a process, system, or policy to implement a management action.

**Incomplete/Ongoing:** Ongoing development of a process, system, or policy to address a management action.

**Not Implemented:** Lack of a formal process, system, or policy to address a management action.

The entities reported that:

- They had fully or substantially implemented 24 (56 percent) of the 43 management actions.
- The implementation of 19 (44 percent) of the 43 management actions was incomplete or ongoing.

For the purposes of this project, auditors followed up on the implementation status of eight sampled management actions that four entities reported as fully implemented. Those management actions were directed to the State Office of Administrative Hearings, the Texas Education Agency<sup>1</sup>, the Texas Workforce Commission, and the University Interscholastic League. Auditors verified that all eight of those management actions were fully implemented. Table 1 in the attachment to this letter summarizes the implementation status the State Auditor's Office determined for those eight management actions. Table 2 in the attachment to this letter summarizes the self-reported implementation status of all of the management actions at the entities included in this report.

<sup>1</sup> The Department of Licensing and Regulation provided the responses that auditors reviewed for one of the fully implemented management actions directed at the Texas Education Agency.

SAO Report No. 16-036

We appreciate the entities' cooperation with this report. If you have any questions, please contact Hillary Eckford, Audit Manager, or me at (512) 936-9500.

Sincerely,

Lisa R. Collier, CPA, CFE, CIDA  
First Assistant State Auditor

Attachment

cc: The Honorable Greg Abbott, Governor  
Boards, commissions, and executive management of the following entities:  
Department of Licensing and Regulation  
Governor's Committee on People with Disabilities  
State Office of Administrative Hearings  
Sunset Advisory Commission  
Texas Council on Purchasing from People with Disabilities  
Texas Education Agency  
Texas Workforce Commission  
University Interscholastic League

#### Objective, Scope, and Methodology

Texas Government Code, Section 325.012(d), provides for the State Auditor's Office's examination of the non-statutory recommendations (management actions) that the Sunset Advisory Commission (Commission) makes.

The objective of this project was to report on the implementation status of the management actions included in the *Sunset Advisory Commission Report to the 84th Legislature*. The Commission provided a list of 43 selected management actions to the State Auditor's Office for this report.

The project scope included six entities to which the Commission directed management actions in its report to the 84th Legislature.

For the purpose of this project, auditors requested the implementation status of the management actions from each entity. The project methodology consisted of reviewing a sample of management actions that the entities self-reported as fully implemented. For the sampled management actions, auditors reviewed supporting documentation for evidence of an entity's implementation of the management actions.

This project relied on self-reported information that the entities provided. In addition, the information in this report was not subject to the tests and confirmations that would be performed in an audit.

The following members of the State Auditor's staff performed the project:

- Rebecca Franklin, CISA, CICA, CFE, CGAP (Project Manager)
- Jennifer Fries, MS
- Michael Karnes, MBA
- Brianna C. Pierce, CPA (Quality Control Manager)
- Hillary Eckford, CIA (Audit Manager)



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# Attachment

Section 1

## Implementation Status **Determined by the State Auditor's Office** of Sunset Advisory Commission Management Actions

Table 1 shows the implementation status that the State Auditor's Office determined for the eight sampled, non-statutory recommendations (management actions) reviewed from the *Sunset Advisory Commission Report to the 84th Legislature*. Those management actions were directed to the State Office of Administrative Hearings, the Texas Education Agency<sup>1</sup>, the Texas Workforce Commission, and the University Interscholastic League.

Table 1

Implementation Status of Sunset Advisory Commission Management Actions			
Entity	Management Action	Self-reported Implementation Status	Implementation Status Determined by Auditors
State Office of Administrative Hearings (SOAH)	Directs SOAH, by September 1, 2015, to require all agencies contracting for services to pay lump-sum amounts upfront either annually or quarterly, before SOAH renders services.	Fully Implemented	Fully Implemented
Texas Education Agency (TEA)	TEA should provide more centralized contract oversight and develop monitoring plans for all major contracts.	Fully Implemented	Fully Implemented
Texas Education Agency <sup>a</sup>	[The Texas Department of Licensing and Regulation] should make public final driver training school disciplinary orders and sanctions on its website.	Fully Implemented	Fully Implemented
Texas Education Agency	TEA should allow sufficient time for vendors to submit proposals for major contracts.	Fully Implemented	Fully Implemented
Texas Workforce Commission (TWC)	Directs TWC to establish and regularly update a consolidated policies and procedures manual for the child care program.	Fully Implemented	Fully Implemented
Texas Workforce Commission	Directs TWC to create a searchable and publicly accessible precedent manual for wage disputes.	Fully Implemented	Fully Implemented
University Interscholastic League (UIL)	Direct UIL, in consultation with the Legislative Council, to rewrite and reorganize its Constitution and Contest Rules by the start of the 2016-2017 school year.	Fully Implemented	Fully Implemented
University Interscholastic League	Direct UIL to create penalty guidelines and a precedents manual for its enforcement and eligibility determination processes.	Fully Implemented	Fully Implemented

<sup>a</sup> Effective September 1, 2015, driver education was transferred from the Texas Education Agency to the Department of Licensing and Regulation, which provided the response to this management action that auditors reviewed.

<sup>1</sup> The Department of Licensing and Regulation provided the responses that auditors reviewed for one of the fully implemented management actions directed at the Texas Education Agency.

## **Entities' Self-reported Status of Implementation of Sunset Advisory Commission Management Actions**

Table 2 presents information on the entities' self-reported status of implementation of management actions in the *Sunset Advisory Commission Report to the 84th Legislature*.

Table 2

Entities' Self-reported Status of Implementation of Sunset Advisory Commission Management Actions		
Management Action	Self-reported Implementation Status	Entity Comments
<b>Governor's Committee on People With Disabilities (GCPD)</b>		
The committee should provide information on disability-related services on its website.	Incomplete/Ongoing	<p>The GCPD regards this recommendation as an ongoing initiative. In August 2015 the GCPD updated its Texas Key Laws pages with information on disability programs resulting from the 84th Texas Legislative Session. The GCPD follows a regular process to update these pages after each legislative session. The committee is also gathering information to update the Resource Guide on Disability Topics in response to the most common types of constituent inquiries. Beginning in the 4th quarter of FY16 the GCPD has adopted a quarterly process for all GCPD staff member to review and update all GCPD web resources.</p> <p>A research specialist position is being posted to assist in gathering, analyzing and publishing links to state agency strategic plans and programs that serve Texans with disabilities.</p> <p>The GCPD is meeting with stakeholders and partners in Small Business and Economic Development Team to gather and publish information on self-employment opportunities for Texans with disabilities by the end of the 4th quarter of FY16.</p>
<b>The Governor's Office and</b> the committee should work together to re-evaluate the amount of funding necessary for the committee to carry out its functions, and to ensure its legislative appropriations request and budget reflect the actual fiscal needs of the committee.	Incomplete/Ongoing	<p>During my first week as the new GCPD Executive Director I met with <b>the Office of the Governor's budget Director to gather and analyze the GCPD's appropriation and operating budget. My budget analysis</b> determined additional funding opportunities that would help address the goals and mission of the GCPD and solve past GCPD challenges. Among the most significant challenges has been employee retention and frequent staff turn-over. Three of the five FTEs job descriptions were analyzed and reclassified with additional budget approval to meet the staffing goals of the committee.</p> <p><b>The GCPD is developing its 2017 budget in coordination with the OOG's [Office of the Governor's] Financial Services budget process. The GCPD's budget proposal aligns with its statutory obligations to support and engage with local mayor's committees through additional</b> outreach travel and the planning of a leadership conference in FY2017 with mayors' committee members from across the state.</p>

**Entities' Self-reported Status of Implementation of Sunset Advisory Commission Management Actions**

Management Action	Self-reported Implementation Status	Entity Comments
State Office of Administrative Hearings (SOAH)		
<p>Directs SOAH to evaluate, on a regular basis, the effectiveness of its caseload projections to predict actual caseload and report this information to the Legislative Budget Board.</p>	<p>Substantially Implemented - Expected to be Fully Implemented by September 1, 2016</p>	<p><b>On March 24, 2015, SOAH provided the LBB, the Governor's Office, and Sunset with updated caseload projections.</b> There were no material changes from amounts included in its LAR so no adjustment was needed.</p> <p><b>In accordance with Texas Gov't Code 2003.024,</b> quarterly SOAH reviews actual labor hours by agency compared to prior projections. Adjustments are made to projections as indicated by past performance and any recent information solicited from the ALJ team lead or directly from the referring agency.</p> <p>In addition, during the summer of even-numbered year, SOAH requests all agencies for which it provides services (both general revenue and interagency contract agencies) to provide their caseload projections for the upcoming biennium. SOAH evaluates these projections, along with historical data and all other available information, and makes its <b>projections for the caseload when preparing SOAH's LAR for the upcoming biennium.</b> For the FY2018-2019 biennium, SOAH sent these projection letters in late May 2016.</p>
<p>Directs SOAH, by September 1, 2015, to require all agencies contracting for services to pay lump-sum amounts upfront either annually or quarterly, before SOAH renders services.</p>	<p>Fully Implemented as of September 1, 2015</p>	<p>SOAH renegotiated its interagency contracts during 2015 for the FY2016-2017 biennium using annual or quarterly lump-sum payments as provided in HB2154.</p> <p>The only exceptions, which could not be handled on a lump-sum basis, were: the IDEA contract (which are funded by pass-through federal funds, via the Texas Education Agency); contracts with two agencies that had not previously referred cases to SOAH (where there was no historical data to support a projection); and one-time contracts with groundwater conservation districts (non-state agencies).</p>
<p>Directs SOAH to evaluate and improve its budget control processes and policies.</p>	<p>Incomplete/Ongoing</p>	<p>SOAH evaluated and updated its written budget controls and policies, effective January 14, 2015. These include:</p> <ul style="list-style-type: none"> <li>▪ SOAH Standard Operating Procedures for Budgeting Process and Revenue Projections;</li> <li>▪ Standard Operating Procedures for Establishing Distribution Codes in MIP; and</li> <li>▪ Standard Operating Procedures for Salary Allocation in MIP to Fund 006 (Note - the 84th Legislature eliminated SOAH's funding from Fund 006 and replaced it with General Revenue).</li> </ul> <p>These policies will be evaluated and updated again when CAPPS (Centralized Accounting and Payroll/Personnel System) is implemented.</p> <p>Ongoing, SOAH is evaluating internal audit recommendations for additional controls.</p>

**Entities' Self-reported Status of Implementation of Sunset Advisory Commission Management Actions**

Management Action	Self-reported Implementation Status	Entity Comments
Directs SOAH to improve its performance evaluation process.	Substantially Implemented - Expected to be Fully Implemented by September 1, 2016	<p>Performance Evaluation input:</p> <ul style="list-style-type: none"> <li>▪ On February 10, 2016, SOAH adopted a policy on employee performance evaluations, which: requires all managers to meet with every employee regarding their evaluation and provide applicable guidelines for promotion; and allows for confidential feedback on managers performance.</li> <li>▪ This policy is available on SOAH's Center Court intranet and is in the process of being incorporated into the Employee Handbook.</li> <li>▪ The updates to the evaluation process were informed by input from staff and ALJS.</li> </ul> <p>Guidelines for Promotion:</p> <ul style="list-style-type: none"> <li>▪ SOAH also adopted a policy concerning promotions for ALJs on February 3, 2015, and provided it to all ALJs. This policy is available to all ALJs on SOAH's Center Court intranet as well as in the ALJ Benchbook and the New-ALJ Handbook, and is in the process of being incorporated into the Employee Handbook.</li> <li>▪ Support staff: SOAH is in the process of updating and clarifying its guidelines for promotions for support staff, and will incorporate such policy into its Employee Handbook upon completion.</li> </ul> <p><b>Managers' Meeting:</b></p> <ul style="list-style-type: none"> <li>▪ The parameters by which the ALJs' work is judged is set out in detail in the ALJ Promotions. At SOAH policy, adopted February 3, 2015. This policy includes an explanation of the managers' meeting.</li> <li>▪ An expanded clarification of the managers' meeting for ALJ evaluation was provided to all ALJs via email on May 20, 2015. SOAH will update this guidance as needed and provide via email contemporaneously with the annual evaluation process.</li> </ul>
Directs SOAH to improve and formalize certain management tools.	Fully Implemented as of February 10, 2016	<p>SOAH adopted a Management Training Policy on December 9, 2014. The policy requires each team leader and manager to attend a management development program within 1 year of appointment to a management position. It also requires team leaders and other managers to obtain not less than 4 hours of management training each fiscal year.</p> <p>On February 10, 2016, SOAH adopted a policy on employee performance evaluations to improve consistency. The policy requires regular monitoring by team leaders and supervisors of the performance of all employees.</p> <p>It also requires team leaders to review data on ALJ performance quarterly, including timeliness of PFDs and final decisions, billable hours, training hours, other non-billable hours, ALR decisions issued, mediations conducted compensatory time claimed, and the number of PFDs (Proposals for Decision) and D&amp;Os (Decisions &amp; Orders) proofread. Team leaders are also required to observe or listen to at least one hearing per year by each home-team ALJ they supervise.</p> <p>SOAH has a PFD Due Date report that includes a list of all general-docket cases assigned to each ALJ and the due date for any pending PFDs or Decisions. This report is sent to each team leader monthly concerning the ALJs the team leader supervises. For tracking and analyzing PFDs that are modified by the referring agency, a monthly report is sent to the Chief ALJ, General Counsel, and all Team Leaders showing substantive changes to PFDs that have occurred during the previous 60 days.</p>

**Entities' Self-reported Status of Implementation of Sunset Advisory Commission Management Actions**

Management Action	Self-reported Implementation Status	Entity Comments
Directs SOAH to track and analyze informal complaints and improve its customer service survey.	Fully Implemented as of March 15, 2016	<p>SOAH adopted a Policy and Procedure on Handling Informal Complaints on December 8, 2014. In addition, SOAH reviewed and revised its policy on formal External Complaints on January 8, 2015.</p> <p>In March 2016, SOAH revised its survey process to attempt to reach significantly more parties in its cases. It will send the survey in cases <b>that have left SOAH's jurisdiction in the relevant time period</b> by dismissal, PFD, or D&amp;O plus 30 days. It will send the survey to parties and attorneys in all applicable general docket cases instead of a random sample.</p> <p>For ALR cases, SOAH will send the survey to the attorneys representing DPS and defendants, and will use its best efforts to make the survey available to self-represented ALR defendants.</p>
Directs SOAH to centralize or otherwise significantly improve its telephonic ALR hearings and take advantage of current technology for conference calls.	Substantially Implemented - Expected to be Fully Implemented by September 1, 2016	<p>SOAH has determined that it is not feasible or efficient to centralize all telephonic ALR hearings in one location, due to space and staffing limitations.</p> <p>SOAH has investigated and taken action to improve the ability of its field offices to conduct telephonic hearings. All ALJs have been instructed on conferencing software that allows ALJs to add parties and witnesses to a telephone conference call despite limitations of the telephone service to the office.</p> <p>Additionally, SOAH worked with DIR to improve services to five field offices including the addition of fax lines, voicemail features or complete telephone system replacement.</p> <p>Finally, SOAH has begun work with DIR to convert the Austin office phone system to the capitol area VOIP (voice over internet protocol).</p>
Directs SOAH to develop and maintain a comprehensive, plain-language guide for pro se parties	Incomplete/Ongoing	<p>In early 2015, SOAH organized a Pro se Parties Project Team, to review <b>SOAH's policies, procedures, web page, and other materials related to unrepresented parties</b>. SOAH sent five ALJs from this group to the National Judicial College during July 13-16, 2015, to attend a continuing education course: Best Practices in Handling Cases With Self-Represented Litigants.</p> <p>This project team has prepared a new guide for unrepresented parties to assist them in understanding and preparing for SOAH hearings, which includes links to rules, statutes, and other resources. The guide is currently in the final editing stage and will be available in paper and <b>on SOAH's website no later than September 1, 2016</b>.</p>
SOAH should require notices of hearing to include information about and a link to the pro se guide.	Substantially Implemented - Expected to be Fully Implemented by November 13, 2016.	<p>SOAH has proposed to amend its procedural rule at 1 TAC § 155.401 to include the following language:</p> <p><b>"The notice of hearing shall include the following language in 12-point bold-face type: 'Parties that are not represented by an attorney may obtain information regarding contested case hearing on the public website of the State Office of Administrative Hearings at www.soah.texas.gov, or in printed format upon request to SOAH.'"</b></p> <p>The proposed rules were published in the Texas Register on May 13, 2016, and can be found at 41 TexReg 3365.</p> <p>The comment period for the proposed rules ends June 13, 2016, and SOAH expects to adopt the amended rules effective no later than November 13, 2016.</p>



Entities' Self-reported Status of Implementation of Sunset Advisory Commission Management Actions		
Management Action	Self-reported Implementation Status	Entity Comments
Texas Council on Purchasing from People with Disabilities <sup>a</sup>		
TWC should re-evaluate the process for conducting Community Rehabilitation Program (CRP) compliance monitoring.	Incomplete/Ongoing	TWC staff have been working independently and with the newly established Advisory Committee to develop formal performance measures for the approximately 120 CRPs as well as the Central Nonprofit Agency (currently TIBH Industries) that will be included in <b>the agency's normal performance reporting to the Commission.</b> In addition, a plan outlining a regularly scheduled formal review of each CRPs performance is being developed that will insure each CRP is reviewed on a regular interval every 12-15 months. In addition, each <b>CRP will be reviewed every 3 years to coincide with the CRP's re-certification.</b> An additional TWC FTE has been assigned to the program to enable the expanded monitoring. This new review process will begin September 2016.
TWC should work with the comptroller and the central nonprofit agency to study the cost to the State of continuing to administer the State Use Program.	Incomplete/Ongoing	TWC has worked to develop a comprehensive understanding of the state use program as it currently operates. We have conducted several meetings with the Central Nonprofit Agency and selected CRPs to collect information concerning operating information and costs associated with operation of the program. Next steps will be to <b>engage the Comptroller's Office and selected program customers and advocacy groups</b> to establish the overall cost to administer and use the program as well as the fiscal and non-fiscal impact to the state if the program were modified, discontinued or no longer administered by the state.
Texas Education Agency (TEA)		
TEA should provide comprehensive information online about the student assessment procurement process and contracts to improve transparency.	Fully Implemented as of September 16, 2015	The student assessment solicitation schedule was posted to the <b>agency's website.</b> <b>The agency also included all pertinent documents</b> through award on the website.
TEA should allow sufficient time for vendors to submit proposals for major contracts.	Fully Implemented as of September 16, 2015	The agency added additional time for posting of major solicitations/contracts. The student assessment contract was posted for approximately 90 days which was 30 days more than the previous <b>student assessment RFP.</b> <b>The agency's contract manual was also updated.</b>
TEA should provide more centralized contract oversight and develop monitoring plans for all major contracts.	Fully Implemented as of September 16, 2015	Contract monitoring plans have been developed and implemented for <b>major contracts.</b> <b>The agency's contract manual and training modules</b> were also updated.
TDLR [Texas Department of Licensing and Regulation] should develop performance measures that help ensure driver training complaint investigations are resolved in a timely manner. <sup>b</sup>	Fully Implemented as of September 1, 2015	TDLR has six performance measures that relate to the investigation and resolution of complaints. These performance measures reflect complaints in all programs administered by TDLR. Driver Education and Safety complaints are incorporated into these performance measures.
TDLR should make public final driver training school disciplinary orders and sanctions on its website. <sup>b</sup>	Fully Implemented as of June 8, 2016	Final disciplinary actions are made available to the public through a <b>search feature on TDLR's website, which pulls information from the Enforcement Division's electronic case management system.</b> TDLR's Information Technology Division has confirmed that the search feature will retrieve disciplinary actions in the Driver Education and Safety program when any such actions become final.

**Entities' Self-reported Status of Implementation of Sunset Advisory Commission Management Actions**

Management Action	Self-reported Implementation Status	Entity Comments
Texas Workforce Commission (TWC)		
Directs TWC to assist the division in making improvements to electronically track data from state agency personnel policy reviews and use this data to better manage the review process.	Fully Implemented as of August 13, 2015	A Rapid Process Improvement Review was conducted with facilitation of the TWC Process Improvement Director, Alfredo Mycye, and yielded the improvement of an electronic Upgraded Agency Tracking Worksheet. Data was collated, analyzed and included in the TWC Annual Report. (See information and tables 7-10 on pages 35-36). This data will also be used as part of the risk assessment process for determining agencies needing an on-site versus desk review and agencies that need a review more frequently than the six-year statutory schedule.
Directs TWC to study the costs, benefits, and impact on employers of collecting employee occupational information as part of <b>employers' quarterly wage</b> reports, and report its findings to the Legislature by December 1, 2016.	Incomplete/Ongoing	Data have been collected and the summary report is being drafted. September 1 target for submission to TWC Commissioners for approval.
Directs TWC to evaluate measures of the child care <b>program's effectiveness</b> in its internal monthly performance analysis.	Incomplete/Ongoing	TWC agreed with the recommendation to measure childcare performance outcomes and had planned to develop a set of measure consisting with the new performance accountability measures included in the Workforce Innovation & Opportunity Act. While WIOA is not a child care program, its measurement system focuses on employment and earnings outcomes and there is federal momentum to apply these measures to other workforce preparation/support programs (SNAP E&T is required to do so and draft TANF legislation that would do so is also under consideration). Unfortunately, although WIOA required the Departments of Education and Labor to publish performance/reporting specifications by July 2015 and to have final regulations by January 2016, the departments have missed both deadlines with the final regulations and specifications now expected to be issued within the next several weeks. Once issued and evaluated, TWC will determine how to best apply them to the subsidized childcare program.
Directs TWC to establish baseline board-level data on the Texas Rising Star program and evaluate impacts and trends as program changes progress.	Fully Implemented as of September 1, 2015	In January 2015, immediately prior to the implementation phase of the new TRS [Texas Rising Star] standards, TWC established TRS baseline level data by Board that included the number of TRS providers by star level. Full implementation of the TRS standards and tiered reimbursement rates became effective September 1, 2015 and TWC began monthly tracking of the number of TRS providers certified under the new standards compared to the baseline number.  This trend analysis was reviewed monthly, and has been incorporated into the monthly management briefing materials beginning with the April 2016 briefing data.
Directs TWC to regularly gather feedback from boards <b>on the quality of TWC's</b> assistance in managing the child care program.	Fully Implemented as of June 30, 2016	TWC solicits feedback on the child care program through several mechanisms <ul style="list-style-type: none"> <li>▪ Quarterly the Workforce Development Division (WDD) Management Team meets with the Board Executive Directors Council</li> <li>▪ Quarterly, the WDD Child Care Team meets with the Board Child Care Network, which includes staff from the Board and contractor level.</li> </ul> <p>TWC also solicits input from Boards on specific topics, special initiatives and development of program guidance through work groups and other methods.</p> <p>With the implementation of TRS, TWC established several mechanisms to receive input on the new TRS Standards:</p>

**Entities' Self-reported Status of Implementation of Sunset Advisory Commission Management Actions**

Management Action	Self-reported Implementation Status	Entity Comments
		<ul style="list-style-type: none"> <li>▪ January 2016, the WDD Child Care Team met with Board/contractor TRS assessors and mentors to solicit input on improvements to the TRS assessment/mentor process and TRS measures;</li> <li>▪ January 2016, TWC solicited input from TRS provider on recommendations to improve and streamline the TRS program certification standards and process. TRS provider working groups were held on January 11, 2016 in Austin; and on January 19, 2016 in Dallas.</li> <li>▪ June-July 2016, the WDD Child Care Team sent edits and revisions to TRS Guidelines and TRS Technical Scoring Manual to all the Boards and TRS assessors/mentors for input.</li> <li>▪ June 2016, the WDD Child Care Team surveyed the TRS assessors and mentors to solicit input on training needs and training topics for the scheduled August TRS training.</li> <li>▪ In FY17, TWC will conduct regional TRS assessor/mentor training and will solicit input from assessors and mentors on program improvement.</li> </ul> <p>Implementation of New Rules:</p> <ul style="list-style-type: none"> <li>▪ TWC utilized our Rapid Process Improvement (RPI) Framework to engage Boards in an RPI on Child Care Eligibility processes. A Workgroup was formed, and included representatives from 13 Board areas. This workgroup reviewed existing processes for determining child care eligibility, and compared those to new child care eligibility requirements going into effect 10/1/16 as a result of the reauthorization of the Child Care and Development Block Grant. Through the RPI process, recommendations were made to the eligibility process. Those recommendations were presented to the <b>TWC Commissioner's, and are currently included in Proposed Child Care rules.</b></li> <li>▪ June-July 2016, the WDD Child Care Team created an ad hoc Board workgroup to solicit input on implementing the new methodology for calculating income as required by the CCDBG Act Reauthorization.</li> </ul> <p>Measurement Matters:</p> <ul style="list-style-type: none"> <li>▪ TWC Division of Operational Insight solicits input from Boards on its performance-setting methodology.</li> </ul> <p>TWC also utilizes other public meeting opportunities to solicit input from child care stakeholders. In Fiscal Year 2016, several meetings were held across the state to provide opportunities for input: December 16, 2016 in Dallas and October 2, 2016 in Houston and December 3, 2016 McAllen. In addition, the Commission scheduled two public meetings to allow stakeholders to provide input into the <b>Agency's Legislative Appropriations Request: June 7, 2016 San Antonio, and July 12, 2016 Austin.</b></p>
Directs TWC to establish and regularly update a consolidated policies and procedures manual for the child care program.	Fully Implemented as of September 1, 2015	The Child Care Services Guide was published September 2015, and is updated as needed based on federal or state policy changes. <a href="http://www.twc.state.tx.us/files/partners/child-care-services-guide-twc.pdf">http://www.twc.state.tx.us/files/partners/child-care-services-guide-twc.pdf</a>

**Entities' Self-reported Status of Implementation of Sunset Advisory Commission Management Actions**

Management Action	Self-reported Implementation Status	Entity Comments
Directs TWC to conduct a study on potential methods of providing incentives to encourage parents to choose providers with a Texas Rising Star designation and include the results in its 2017 report to the Legislature.	Incomplete/Ongoing	<p>The potential methods of providing incentives to encourage parents to choose TRS providers must conform to the requirements for parent choice under the CCDF [Child Care Development Fund] regulations. With the passage of the CCDBG Act Reauthorization, ACF [Administration for Children and Families] on December 24, 2015, issued proposed revisions to the CCDF regulations, which includes revisions and clarifications related to parent choice and incentives for choosing quality. The proposed regulations clarify that the parent choice requirements should not be construed to prohibit states from providing incentives for parents to choose quality care.</p> <p><b>With this clarification, as part of TWC's rule changes to implement the CCDBG Act, TWC proposed allowing Boards to reduce a parent's assessed parent share of cost if a parent chooses a TRS provider.</b></p> <p>TWC will continue to work to identify other potential methods to provide incentives to encourage parents to select TRS quality providers, including a survey of other states' incentives in order to prepare a report on other potential incentives that may be feasible for TWC to consider.</p>
Directs TWC to create a searchable and publicly accessible precedent manual for wage disputes.	Fully Implemented as of September 1, 2015	<p>TWC tracks wage claim precedents for future updates. The precedent manual for wage disputes is searchable and publicly accessible. In addition, TWC is monitoring and developing a tracking mechanism for identifying any new precedents that would need to be added to the manual.</p>
Directs TWC to establish procedures and criteria for determining when policies clarified through precedents would be more appropriate for rulemaking.	Incomplete/Ongoing	<p>TWC is developing a tracking mechanism identifying when precedent cases are cited.</p>
Directs TWC to provide greater public access to written materials up for discussion in its open public meetings to facilitate the public's ability to follow and understand its deliberations.	Fully Implemented as of February, 23 2016	<p>TWC fully implemented this item. TWC worked with website administration to post open meeting materials for TWC public policy meetings online in connection with the previously posted meeting agendas. <b>The posted documents on the agency's website are accessible include links to the materials associated with posted commission meeting agenda items.</b></p>
Directs TWC to work with DARS [Department of Assistive and Rehabilitation Services] and the Health and Human Services Commission [HHSC] to ensure the efficient transition of the Vocational Rehabilitation and related programs.	Incomplete/Ongoing	<p>As required by SB 208, TWC, DARS, and HHSC submitted the Plan for the Transfer of Vocational Rehabilitation Services and Other Services and Programs to the Health and Human Services Transition Legislative Oversight Committee on September 29, 2015. TWC continues to work closely with DARS and HHSC to ensure the successful transfer of VR services and related programs to TWC on 9/1/16. Management staff from the three agencies meets monthly as part of a transition steering committee. Also, 10 focus area teams, consisting of staff from all three agencies, work together on a daily basis to perform a wide variety of transition tasks.</p> <p>The public can find the Plan for the Transfer of Vocational Rehabilitation Services and Other Services and Programs at <a href="http://www.twc.state.tx.us/news/departments-assistive-rehabilitative-services-program-transition-under-the-Resources-tab">http://www.twc.state.tx.us/news/departments-assistive-rehabilitative-services-program-transition-under-the "Resources" tab</a>.</p>

**Entities' Self-reported Status of Implementation of Sunset Advisory Commission Management Actions**

Management Action	Self-reported Implementation Status	Entity Comments
Directs TWC to integrate the newly transferred programs within the workforce system in a manner that minimizes any disruption in client services and satisfies federal requirements, so that federal funds are not jeopardized.	Incomplete/Ongoing	As required by SB 208, TWC, DARS, and HHSC submitted the Plan for the Transfer of Vocational Rehabilitation Services and Other Services and Programs to the Health and Human Services Transition Legislative Oversight Committee on September 29, 2015. This plan lays out strategies for ensuring the transition results in no disruption in client services and satisfies federal requirements. SB 208 also requires TWC to integrate its VR staff into the Local Workforce Development Boards and Workforce Solutions Offices by August 31, 2018. Pages 46 - 47 of the transition plan speak to the strategy for integrating VR staff into the Boards and Offices.
TWC, in conjunction with DARS, should develop a transition plan for the integration of the administration, management, and oversight of the blind and general Vocational Rehabilitation programs, no later than September 1, 2016. TWC and DARS must include a strategy for integrating the separate Vocational Rehabilitation programs.	Incomplete/Ongoing	As required by SB 208, TWC, DARS, and HHSC submitted the Plan for the Transfer of Vocational Rehabilitation Services and Other Services and Programs to the Health and Human Services Transition Legislative Oversight Committee on September 29, 2015. SB 208 also requires TWC to integrate into a single program the blind and general VR programs by October 1, 2017. Pages 45 - 46 of the transition plan speak to the strategy for integrating the blind and general VR programs. TWC and DARS program management staff are currently developing a detailed timeline, with associated tasks, to guide the process of integrating the two programs. Further, TWC will hold public hearings in early 2017 to gather input from stakeholders on this merger.
Directs DARS to take immediate steps to ensure access to services for people with multiple disabilities, no matter which division offers the services. TWC should continue this responsibility once the transfer of vocational rehabilitation services occurs.	Incomplete/Ongoing	According to information provided by DARS, this management action <b>was implemented in December 2015</b> . <b>TWC's Workforce Development Division</b> will continue to ensure access to services for people with multiple disabilities once VR services transfer to TWC on 9/1/16.
TWC should create clear, validated guidelines for vocational rehabilitation counselors to ensure better decision making for successful, cost-effective outcomes.	Incomplete/Ongoing	<b>TWC's Workforce Development Division will take</b> responsibility for ensuring these guidelines are in place and being followed by program staff once VR services transfer to TWC on 9/1/16.
TWC should create a robust and consistent case review system for the Vocational Rehabilitation Program, no matter the nature of a <b>person's disability</b> .	Incomplete/Ongoing	<b>TWC's Workforce Development Division will take responsibility</b> for ensuring this case review system is in place and being used consistently by program staff once VR services transfer to TWC on 9/1/16.
TWC should designate staff to monitor performance of vocational rehabilitation services statewide and within each local board area.	Incomplete/Ongoing	<b>TWC's Operational Insight Division, in coordination with the Workforce Development Division,</b> will take responsibility for ensuring performance monitoring occurs statewide and within each local board area once VR services transfer to TWC on 9/1/16.

**Entities' Self-reported Status of Implementation of Sunset Advisory Commission Management Actions**

Management Action	Self-reported Implementation Status	Entity Comments
Directs TWC and DARS to ensure employer relations <b>staff from DARS' blind and</b> general Vocational Rehabilitation programs are consolidated and work in tandem with their TWC counterparts to build and expand business relationships to increase employment opportunities for people with disabilities.	Incomplete/Ongoing	According to information provided by DARS, DARS created a <b>consolidated Business Relations Team in fall 2015</b> . <b>TWC's Workforce Development Division</b> , working in partnership with the 28 Local Workforce Development Boards, will take responsibility for building and expanding business relationships to increase employment opportunities for people with disabilities once VR services transfer to TWC on 9/1/16.
Directs DARS to develop a strategy for assisting federal contractors to hire individuals with disabilities, and to task its employer relations staff with researching and anticipating similar federal or state initiatives in the future. TWC would carry on this strategy after vocational rehabilitation functions are transferred.	Incomplete/Ongoing	According to information provided by DARS, this management action <b>was implemented in fall 2015</b> . <b>TWC's Workforce Development Division</b> will continue to assist federal contractors in hiring people with disabilities once VR services transfer to TWC on 9/1/16.
<b>University Interscholastic League (UIL)</b>		
Direct UIL, in consultation with the Legislative Council, to rewrite and reorganize its Constitution and Contest Rules by the start of the 2016-2017 school year.	Fully Implemented as of August 1, 2016	The UIL formed the Review Advisory Committee (RAC), comprised of over thirty representatives from a diverse collection of stakeholders, to review the UIL Constitution and Contest Rules along with the purposes and policies they support, and to provide recommendations to the UIL Legislative Council.  The RAC considered issues related to four main categories: Structure and Governance, Finances, Membership and Alignment, and Student Eligibility. The committee then worked to find consensus on recommendations to submit to the UIL Legislative Council for formal promulgation.  Each proposed recommendation by the RAC was thoroughly vetted by <b>the Legislative Council's Standing Committees and was</b> presented to the full Legislative Council. The review process concluded with over fifty recommended proposals approved by the Legislative Council.
Direct the full Legislative Council to approve UIL's annual budget recommendations.	Fully Implemented as of June 17, 2015	The UIL Finance Committee has traditionally approved an annual budget in March because the full UIL Legislative Council met only once <b>a year in October</b> . <b>In response to the Sunset Advisory Commission's</b> recommendation, in June 2015 the UIL began convening an additional full Legislative Council meeting in June of each year to, among other things, approve a budget vetted and approved by the Finance committee.

**Entities' Self-reported Status of Implementation of Sunset Advisory Commission Management Actions**

Management Action	Self-reported Implementation Status	Entity Comments
Direct UIL to improve how it tracks and reports all contest revenues and expenses.	Fully Implemented as of August 1, 2016	<p>The Legislative Council approved amended language to the Constitution that requires each District Executive Committee (DEC), or administrative equivalent, to submit a financial report to the UIL office on a form approved by the Executive Director and the chair of the Legislative Council by June 30th of each year.</p> <p>The report shall contain information showing receipts and disbursements for each district contest and event that was held over the course of the <b>school year along with any of the DEC's account</b> balances and other pertinent financial information. The UIL staff shall review all submitted reports, conduct any analysis the Executive Director deems appropriate and report any relevant information or findings to the Legislative Council at its annual fall meeting.</p>
Direct UIL to establish detailed procedural rules for its enforcement hearings.	Fully Implemented as of August 1, 2016	<p>The UIL addressed procedural rules for the State Executive Committee (SEC), District Executive Committees (DEC), Waiver Review Board (WRB), and the Sports Officials Committee (SOC) through the process of reviewing and the rewriting of the Constitution.</p> <p>Language was added to the Constitution that requires the process for DEC committee hearings to be published in the DEC Handbook. The RAC submitted required hearing processes, notes for DEC committee meetings and a template for hearing notices to the Legislative Council. The Legislative Council adopted the DEC hearing processes which were published in the DEC Handbook and made available on the UIL website.</p> <p>UIL staff worked with the SOC to adopt detailed Rules of the Sports Officials Committee which are posted on the UIL website. The rules adopted by the SOC establishes a meeting schedule and provides the criteria and process for gaining recognition as a new Chapter or Association. SOC has rules to address various issues, including review of criminal background checks that involve sports officials conduct and rule compliance.</p> <p>The SEC also adopted procedural rules that, consistent with current practice, establish a process for its hearings, including order of presentation, burden of proof, role of counsel and other relevant issues.</p>
Direct UIL to create penalty guidelines and a precedents manual for its enforcement and eligibility determination processes.	Fully Implemented as of August 1, 2016	<p>Detailed penalty guidelines were agreed upon by the RAC committee, vetted by a Standing Committee of the Legislative Council, and then passed by full Legislative Council. The penalty guidelines were added to the Constitution and provide each hearing panel with general guidance for what constitutes a violation, what factors enhance the violation, and what penalties accompany the violation.</p> <p>Language requiring each of the committees to adopt rules concerning the creation and maintenance of a precedent manual, which shall contain decisions of each committee that have sufficient precedential value to warrant publication, was also added to the Constitution.</p> <p>UIL staff worked with each committee to adopt rules concerning the precedent manual and created a process for drafting the written opinion, gaining approval by a majority of the committee members on the hearing panel that heard the case, and publishing the precedent <b>on the UIL's website.</b></p>

**Entities' Self-reported Status of Implementation of Sunset Advisory Commission Management Actions**

Management Action	Self-reported Implementation Status	Entity Comments
Direct UIL to establish a collaborative relationship with the UT Southwestern <b>Medical Center's Texas</b> Institute for Brain Injury and Repair.	Fully Implemented as of August 1, 2016	UIL is fully engaged in a collaborative relationship with UT Southwestern. UIL and UTSW have successfully created a public outreach program on concussions, using, among other things, videos <b>involving UIL staff and star athletes to advise student athletes “when in doubt, sit it out” and provide other information regarding</b> concussions. Both parties are fully committed to establishing a groundbreaking concussion research effort involving Texas schools and students. UIL and UTSW are in the process of putting together the personnel, tech support and funding that will support the <b>researchers'</b> efforts in this area. It is expected that the initial collection of data for this project will begin this fall.
<p><sup>a</sup> Effective September 1, 2015, the administrative functions of the Texas Council on Purchasing from People with Disabilities was transferred to the Texas Workforce Commission.</p> <p><sup>b</sup> Effective September 1, 2015, driver education was transferred from the Texas Education Agency to the Department of Licensing and Regulation, which provided the response to this management action.</p>		