

TEXAS WORKFORCE COMMISSION
Workforce Development Letter

ID/No:	WD 08-21
Date:	March 22, 2021
Keyword:	Child Care; Natural Disaster
Effective:	Immediately

To: Local Workforce Development Board Executive Directors
Commission Executive Offices
Integrated Service Area Managers



From: Reagan Miller, Director, Child Care & Early Learning Division

Subject: **Child Care Automated Attendance and Manual Absence Tracking**

PURPOSE:

The purpose of this WD Letter is to provide Local Workforce Development Boards (Boards) with guidance on changes to the automated attendance system and the manual collection of excessive child absences.

RESCISSIONS:

WD Letter 14-20

BACKGROUND:

Texas Workforce Commission (TWC) Chapter 809 Child Care Services rule §809.78(a) requires parents to ensure that children meet attendance standards for child care services.

On March 1, 2020, TWC's three-member Commission (Commission) waived [§809.78](#), which requires parents to ensure that children meet attendance standards for child care services based on the child's authorization for enrollment. To provide relief to families that may have accumulated absences due to COVID-19, and to simplify the implementation of this change, Boards were directed to disregard absences that occurred beginning March 1, 2020, and consider all absences to be COVID-19-related. Waiving the attendance standards and absence policy was also needed to ensure that child care providers could comply with Child Care Regulation's Emergency Rules, which direct child care providers to follow the Centers for Disease Control and Prevention guidance to limit parent access within facilities in order to reduce COVID-19 transmission. As child care attendance is recorded electronically on a swipe card machine located within child care facilities, parents were not able to access those devices.

TWC must procure a new automated attendance system. While TWC is in the procurement process and until the procurement is complete, TWC will temporarily stop collecting attendance through an automated system. TWC will implement interim procedures to manually collect information from child care providers on excessive absences.

On March 9, 2021, the Commission voted to reinstate requirements in [§809.78](#).

PROCEDURES:

No Local Flexibility (NLF): This rating indicates that Boards must comply with the federal and state laws, rules, policies, and required procedures set forth in this WD Letter and have no local flexibility in determining whether and/or how to comply. All information with an NLF rating is indicated by “must” or “shall.”

Local Flexibility (LF): This rating indicates that Boards have local flexibility in determining whether and/or how to implement guidance or recommended practices set forth in this WD Letter. All information with an LF rating is indicated by “may” or “recommend.”

Provider Absence Reporting Responsibility and Information

NLF: Boards must notify all child care providers that accept subsidized child care that they must report any child participating in subsidized care that accrues five consecutive absences to the Board or Board contractor beginning April 1, 2021.

NLF: Boards must develop a process to collect actual child attendance at relative child care providers and, per §809.93(c), ensure that a relative child care provider is not reimbursed for days on which the child is absent.

NLF: Boards must be aware that as of March 1, 2021, no new Point of Service (POS) devices or Child Care Automated Attendance (CCAA) cards were issued.

NLF: Boards must develop a local process and timeline for child care providers to report child absence information.

NLF: Boards must be aware that Conduent, the company that provides the POS devices, will be in contact with child care providers with instructions on how to return the POS machines. For any questions about the POS devices, contact Conduent at (866) 320-8720.

Manual Child Care Absence Tracking and Notification Process

NLF: Boards must be aware that each provider report of five consecutive absences will count as one provider notice for the child.

NLF: Boards must be aware that the definition of excessive absences, which, as set forth in [§809.2 \(10\)](#), is defined as more than 40 absences, will be based upon Board receipt of eight provider notices.

NLF: Boards must outreach families that have children who have accrued 15 and 30 absences, as set forth in [§809.78 \(d\)\(1\)](#), as follows:

- 15-day outreach based upon the receipt of three provider notices of five consecutive absences
- 30-day outreach based upon the receipt of six provider notices of five consecutive absences

NLF: Boards must determine if a child’s absences are unexplained before counting the provider notice toward the 15-, 30-, and 40-day unexplained absence notifications.

NLF: Boards must be aware that TWC will complete a system-wide reset of all attendance period start dates to April 1, 2021, on all child care cases with active referrals.

NLF: Boards must be aware that absence notifications to families must begin on **April 1, 2021**.

NLF: Boards must develop a process for local staff to enter provider notification data of a child’s consecutive absences into The Workforce Information System of Texas (TWIST).

LF: Boards may decide on a local process to track 15- and 30-day absence notifications and are not required to enter a specific case note in TWIST as long as this information is tracked and documented. If Boards use TWIST Scheduler to generate the 15- and 30-day absence notification letters, TWIST will automatically generate a TWIST Counselor Note.

NLF: Boards must develop a process to ensure that Form 2450 or a locally developed notification of enrollment is sent to the provider and documented in TWIST Counselor Notes. Providers will no longer be able to view any authorized referrals in the CCAA system as of April 1, 2021.

NLF: Boards must update all eligibility documentation to remove references to the CCAA system and use of the swipe cards by May 31, 2021. Any extensions of this deadline must be approved by TWC.

NLF: Boards must update all provider agreements to remove references to the CCAA system and update language to reflect the new provider absence process of reporting five consecutive absences by May 31, 2021. Any extensions of this deadline must be approved by TWC.

NLF: Boards must immediately notify the appropriate Texas Department of Family and Protective Services (DFPS) Regional Day Care Coordinator (RDCC) upon receipt of any provider report of five consecutive absences that involves a child in the DFPS system. Notification to the RDCC must be completed at the time of provider notification by email, copying the DFPS Daycare Liaison State Office email address (dfpsdaycareliaisonso@dfps.state.tx.us). A TWIST Counselor Note must also be entered.

LF: Boards may determine the methods of communication to inform parents and providers of the discontinuance of the CCAA system. TWC has provided the following customizable templates for Boards to communicate the change:

- CCAA Ending Provider Notification
- CCAA Ending Parent Notification

CAA Contract Closeout

NLF: Boards must be aware that due to the CCAA system being discontinued on March 31, 2021, the Child Automated Attendance (CAA) contract will be closed out. Final invoices

will be sent to the Boards in April 2021, and final or early closeout of the Board Contract Year 2021 CAA Board grants will occur in May 2021.

INQUIRIES:

Send inquiries regarding this WD Letter to childcare.programassistance@twc.texas.gov.

ATTACHMENTS:

- Attachment 1: CCAA Ending Parent Notification
- Attachment 2: CCAA Ending Provider Notification

REFERENCES:

- Texas Workforce Commission Chapter 809 Child Care Services Rules
- Texas Workforce Commission Child Care Services Guide