

**TEXAS WORKFORCE COMMISSION**  
**Workforce Development Letter**

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| <b>ID/No:</b>     | WD 43-11, Change 2   |
| <b>Date:</b>      | February 19, 2020  |
| <b>Keyword:</b>   | Child Care; ES; NCP Choices; SNAP E&T; TAA; TANF/Choices; WIOA |
| <b>Effective:</b> | Immediately  |

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



**From:** Courtney Arbour, Director, Workforce Development Division

**Subject:** **Priority of Service for Eligible Foster Youth—*Update***

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**PURPOSE:**

The purpose of this WD Letter is to provide Local Workforce Development Boards (Boards) with updated information and guidance on applying priority of service for all new and existing qualified job training programs for eligible foster youth, specifically:

- definitions;
- priority order;
- priority of service for support services; and
- data collection.

This WD Letter updates the definition of “former foster youth.”

**RESCISSION:**

WD Letter 43-11, Change 1

**BACKGROUND:**

Texas Family Code §264.121 requires that workforce services be prioritized and targeted to meet the unique needs of foster youth and former foster youth. This change updates the definition of “former foster youth” to align with Texas Workforce Commission Chapter 801 Local Workforce Development Boards rule §801.23(1)(B).

**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.”

### **Definitions**

**NLF:** Boards must ensure that the following definitions are used when implementing priority of service for eligible foster youth:

- Current foster youth—A youth, age 14 or older, who is receiving substitute care services under the managing conservatorship of the Texas Department of Family and Protective Services (DFPS), including youth residing in private foster homes, group homes, residential treatment centers, juvenile correctional institutions, and relative care; or
- Former foster youth—A youth up to 23 years of age, who formerly was under the managing conservatorship of DFPS, until:
  - a court transferred the conservatorship;
  - the youth was legally emancipated—the youth’s minority status was removed by a court; or
  - the youth attained 18 years of age.

**NLF:** Boards must ensure that written copies of local priority of service policies are maintained at all service delivery points and, to the extent practicable, posted in a way that makes it possible for the public to easily access them.

### **Priority Order**

**NLF:** Boards must ensure that:

- eligible foster youth receive priority over all other equally qualified individuals—except eligible veterans—in the receipt of federal- and state-funded services; and
- workforce services are prioritized and targeted for youth transitioning out of the foster care system and for former foster youth.

### **Priority of Service for Support Services**

To ensure that eligible foster youth receive priority over all other equally qualified individuals—except eligible veterans—in the receipt of workforce services, they also must have access to needed support services (for example, child care and transportation).

Implementing priority of service for most support services is not difficult; however, because child care services are unique, the following additional guidance is provided.

### **Child Care**

**NLF:** Boards must be aware that the priority for child care services for eligible foster youth is contingent upon the availability of Texas Workforce Commission (TWC)

child care funds. Boards with a waiting list for TWC-funded child care services must not discontinue care for a child currently enrolled in child care services in order to serve a child of a foster youth.

- NLF:** Boards must be aware that §809.43(a)(1) of TWC Chapter 809 Child Care Services rules establishes that the following populations are assured child care services and are not subject to the child care waiting list:
1. Choices child care as referenced in §809.45
  2. Temporary Assistance for Needy Families Applicant child care as referenced in §809.46
  3. Supplemental Nutrition Assistance Program Employment and Training child care as referenced in §809.47
  4. Transitional child care as referenced in §809.48

Note: Transitional child care is no longer a relevant child care eligibility category. However, Boards must still give priority to former Choices child care recipients who are within 12 months of TANF denial or withdrawal due to increased earnings or employment and who are eligible for At-Risk care.

- NLF:** Boards must be aware that §809.43(a)(2) provides that the following populations are served subject to the availability of funds, and include, in priority order:
1. Children who need to receive protective services child care as referenced in §809.49
  2. Children of a qualified veteran or qualified spouse as defined in TWC Chapter 801 Local Workforce Development Boards rule §801.23
  3. Children of an eligible foster youth as defined in §801.23
  4. Children experiencing homelessness as defined in §809.2 and described in §809.52
  5. Children of parents on military deployment as defined in §809.2 whose parents are unable to enroll in military-funded child care assistance programs
  6. Children of teen parents as defined in §809.2
  7. Children with disabilities as defined in §809.2

#### **Data Collection**

- NLF:** Boards must document the receipt of staff-assisted workforce services in The Workforce Information System of Texas (TWIST) or WorkInTexas.com.

#### **INQUIRIES:**

Send inquiries regarding this WD Letter to [wfpolicy.clarifications@twc.state.tx.us](mailto:wfpolicy.clarifications@twc.state.tx.us).

#### **ATTACHMENT:**

Attachment 1: Revisions to WD Letter 43-11, Change 1, Shown in Track Changes

#### **REFERENCES:**

Texas Family Code §264.121  
Texas Workforce Commission Local Workforce Development Boards rules  
Chapter 801  
Texas Workforce Commission Child Care Services rules Chapter 809

WD Letter 25-15, issued October 26, 2015, and titled “Applying Priority of Service and Identifying and Documenting Eligible Veterans and Transitioning Service Members”

WD Letter 38-11, Change 1, issued December 20, 2011, and titled “Local Memoranda of Understanding with the Texas Department of Family and Protective Services to Serve Foster Youth—*Update*”

WD Letter 31-04, issued August 25, 2004, and titled “Serving Foster Care Youth”