Temporary TWC COVID-19 Essential Worker Child Care Discussion Paper

Background

On March 27, 2020, House Resolution 748, the Coronavirus Aid, Relief, and Economic Security (CARES) Act was signed into law. This law provides an increase in Child Care and Development Block Grant (CCDBG) funds and authorizes states to use these funds to provide child care to COVID-19 Frontline Essential Workers without regard to income eligibility requirements.

Texas Workforce Commission’s (TWC) three-member Commission (Commission) has authorized TWC and Boards to implement emergency child care in response to the global pandemic of COVID-19 using its current CCDBG funding. The Commission’s actions included the following:

- Expanding TWC’s definition of children needing protective services to include children of COVID-19 Frontline Essential Workers
- Implementing a statewide modified income eligibility threshold for frontline essential workers that require child care subsidies in order to work, pending approval of a federal waiver
- Implementing a supplemental distribution to Boards to fund direct care for workers deemed frontline essential during the COVID-19 emergency

With a Workforce Development Letter (WD 09-20, Change 1), TWC instructed Boards to authorize three months of care for essential workers. Some of the families receiving temporary care for TWC COVID-19 Essential Workers may meet income eligibility requirements for At-Risk care. During the emergency, these Essential Workers are classified as a priority population in Protective Services care. However, they may not be in a priority group otherwise.

Issue

Child Care Rule §809.54(a) requires that enrolled children receive child care through the end of the typical 12-month eligibility period. Additionally, §809.54(b) requires that nothing in the chapter shall be interpreted in a manner as to result in a child being removed from care.

While the COVID-19 emergency warrants ensuring that TWC COVID-19 Essential Workers have immediate access to subsidized child care, this emergency and the funding that enables such a robust response are temporary. TWC’s planning estimates for regular allocation for 2020 did not account for these families continuing care under the At-Risk category.

Decision Point

For children of TWC COVID-19 Essential Workers, staff seeks direction on:

- waiving the following Continuity of Care provisions:
  - §809.54(a) – regarding a minimum 12-month eligibility period; and
  - §809.54(b) – regarding not removing a child from care;
- authorizing a three-month eligibility period that is not subject to automatic redetermination; and
- authorizing staff to recommend eligibility extensions based on ongoing analysis of need.