

TEXAS WORKFORCE COMMISSION
Workforce Development Letter

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Date:	April 12, 2021
Keyword:	Child Care
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: **Implementation of TWC Chapter 809 Child Care Services Rule Amendments regarding Direct Referrals from Partnerships, Reductions in Parent Share of Cost for Part-Time Referrals, and Waiting Period Transfer Policies**

PURPOSE:

The purpose of this WD Letter is to provide Local Workforce Development Boards (Boards) with guidance on the implementation of Texas Workforce Commission (TWC) Chapter 809 Child Care Services rules related to direct child care referrals for recognized partnerships, reductions of the parent share of cost (PSoC) for part-time referrals, and a waiting period for child transfers.

RESCISSIONS:

None

BACKGROUND:

On January 5, 2021, TWC's three-member Commission (Commission) amended Chapter 809. These amendments included the following changes:

- The addition of [§809.13\(15\)](#), [§809.18\(c\)](#), and [§809.22](#), allowing children served through recognized partnerships to be directly referred for child care services
- The addition of [§809.19\(k\)](#), allowing Boards to reduce the PSoC for families with part-time care
- The revision of [§809.13\(c\)\(10\)](#), requiring that Board policies for the transfer of children include a minimum waiting period

Chapter 809 rule amendments also included changes to the Texas Rising Star program and new rules supporting the implementation of contracted slots agreements. Those amendments are addressed in separate guidance.

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.”

Direct Child Care Referrals for Recognized Partnerships

NLF: A Board shall establish policies* and procedures supporting direct referrals from recognized child care partnerships, as described in [§809.22](#).

NLF: Boards must be aware that a recognized partnership:

- exists between a child care provider and one of the following:
 - A public school prekindergarten provider
 - A local education agency
 - A Head Start or Early Head Start (HS/EHS) program
- requires both parties to enter into an agreement such as a memorandum of understanding; and
- serves children under age six who are dually enrolled in both programs.

NLF: A Board’s policy must exempt from the Board’s waiting list children directly referred from a recognized partnership, subject to the availability of funding and the availability of subsidized slots at the partnership site.

LF: Boards may outreach wait-listed families of potentially eligible children and provide those families with application and referral information for recognized partnerships.

NLF: Boards must be aware that if funding is limited or if the number of direct referrals exceeds the number of available subsidized slots at a partnership site, Boards must ensure that priority of service, as defined in [§809.43](#), is applied to the pool of direct partnership referrals.

Reduction of Parent Share of Cost for Part-Time Care

NLF: Boards must be aware that part-time care includes part-time, blended, and part-week referrals.

* As required by TWC Chapter 802 Integrity of the Texas Workforce System rule §802.1(f) and as detailed in WD Letter 10-07, issued February 2, 2007, and titled “Adoption of Local Workforce Development Board Policies in Open Meetings,” Board members must take such actions in an open meeting.

- LF:** A Board may establish a policy* that upon the child’s referral for part-time care, the PSoC amount assessed pursuant to [§809.19\(a\)\(1\)\(B\)](#) may be reduced.
- LF:** Boards may require that for a family to be eligible for the reduced PSoC, all children in the family have part-time care.
- NLF:** If Board policy includes both the part-time care reduction and the reduction for selecting a Texas Rising Star program, the Board must ensure that parents who qualify for the reductions receive the greater of the two discounts.
- NLF:** Boards must revert to the originally assessed PSoC amount if a child’s care changes from part-time to full-time care, as the family no longer qualifies for the reduction.
- NLF:** Board policy must specify the timing regarding the effective date of the changes to the PSoC based on changes to the parent referral.
- LF:** The Board may consider a policy to implement a PSoC change effective at the beginning of the first full month after the referral change is implemented.

Board Transfer Policies and Required Waiting Period

- NLF:** Pursuant to [§809.13\(c\)\(10\)](#), Boards must develop and adopt a policy* regarding the transfer of a child from one provider to another, including implementing a waiting period of two weeks before the effective date of a transfer, except in cases in which the provider is subject to a Child Care Regulation probationary status or corrective action, as described in [§809.94](#), or on a case-by-case basis as determined by the Board.

INQUIRIES:

Send inquiries regarding this WD Letter to wfpolicy.clarifications@twc.state.tx.us.

ATTACHMENTS:

None

REFERENCES:

Texas Workforce Commission Chapter 809 Child Care Services Rules

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