

TEXAS WORKFORCE COMMISSION
Workforce Development Letter

ID/No:	WD 13-21, Change 1
Date:	January 21, 2022
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: **Initial Job Search Child Care—Update**

PURPOSE:

The purpose of this updated WD Letter is to provide Local Workforce Development Boards (Boards) with guidance on the implementation of child care for At-Risk parents engaged in job search at the time of eligibility determination or redetermination.

RESCISSIONS:

WD Letter 13-21

BACKGROUND:

Under federal Child Care Development Block Grant (CCDBG) regulation 45 CFR [§98.21\(a\)\(2\)\(iii\)](#), states may initially qualify a family for assistance if the parent is seeking employment or engaging in job search and may end assistance after a minimum of three months if the parent has not found employment.

However, unemployed parents who are looking for work are not initially qualified to receive child care subsidies under Texas Workforce Commission (TWC) Chapter 809 Child Care Services rule [§809.41](#). According to [§809.50\(a\)\(2\)](#), only families in which the parents are working or in education and/or training for at least 25 hours a week for a single-parent family or 50 hours a week for a two-parent family are initially qualified to receive child care subsidies. Once determined eligible and receiving child care, if a parent has a permanent job loss, the parent is afforded a three-month period of child care under [§809.51\(b\)](#) to provide the parent with an opportunity to become reemployed.

Additionally, CCDBG regulations set forth parameters for how states are required to establish the parent co-payment. Per [45 CFR §98.45\(k\)\(2\)](#), co-payments must be based on family income and size. According to 45 CFR [§98.21\(a\)\(3\)](#), “Lead Agencies cannot increase family co-payment amounts, established in accordance with §98.45(k), within the minimum 12-month eligibility period....”

On June 15, 2021, TWC’s three-member Commission (Commission) approved a temporary waiver for [§809.41\(a\)\(3\)\(B\)](#) to provide additional flexibility, allowable under federal CCDBG law and regulations, to support families who do not meet the activity

requirements when eligibility is determined. This waiver will allow up to three months of child care, with zero parent share of cost (PSOC) for parents searching for work.

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.”

NLF: Boards must be aware that, effective July 1, 2021, through September 30, 2022, families that do not meet the minimum participation requirements for At-Risk child care eligibility but that are otherwise eligible shall qualify for child care while searching for work that will meet the minimum employment activity requirements.

NLF: Boards must be aware that two-parent families qualify for Initial Job Search Child Care if their combined hours do not meet the weekly employment activity requirement as defined in [§809.50](#).

NLF: Boards must allow parents to self-attest their need for job search child care and that their family income is below 85 percent of the state median income.

NLF: Boards must be aware that at the end of the initial three months of eligibility, if the family still does not meet minimum employment activity requirements, care must be terminated.

NLF: Boards must be aware that if child care is terminated, the family must receive written notification, including parent rights and parent appeal rights, pursuant to [§809.71](#) and [§809.74](#), at least 15 calendar days before termination of child care.

NLF: Boards must be aware that The Workforce Information System of Texas (TWIST) will be updated to include a new special projects code value for initial job search (12–Job Search). Boards must ensure that staff uses the new special projects code when setting up child care services for initial job search.

NLF: Boards must be aware that if employment participation requirements (25/50 hours per week) are met within three months, eligibility will continue for a total of 12 months, inclusive of the three-month initial job search period. If participation requirements are met, staff will end the Job Search program detail and open a Low Income program detail for the remainder of the 12-month time frame.

LF: Boards may extend an initial job search period for a maximum of 30 calendar days to ensure continuity of care while staff completes the paperwork to determine eligibility for a parent who has gained employment that meets activity requirements. Any extensions for the initial three months of eligibility must be clearly documented in TWIST Counselor Notes and will be counted in the total 12-month eligibility time frame. PSOC

will remain at zero during the extension, ensuring that when PSOC is resumed it is based upon a full income determination.

NLF: Boards must not collect income information or activity hours for parents that qualify for Initial Job Search Child Care. However, Boards must collect all other eligibility information that is normally required for At-Risk child care, as outlined in TWC's Child Care Services Guide, Section D-100.

NLF: Boards must ensure that parents are aware of the requirement to report non-temporary changes in work attendance, including gaining employment, pursuant to [§809.73](#). If a parent reports meeting the employment activity requirement within the three-month period, the Board must determine eligibility for continued care under At-Risk child care and collect required eligibility documentation for income and activity hours.

NLF: Boards must ensure that PSOC is initially assessed at the Board's highest amount based on the family's size and number of children in care. The initially assessed amount will immediately be waived, and no PSOC will be collected by the child care provider for the duration of the initial job search period. This provision includes two-parent families in which one parent is working but the participation requirement of 50 hours per week is not being met.

NLF: Boards must ensure that the initially assessed PSOC is documented in TWIST Counselor Notes. The maximum PSOC amount, based on family size and the number of children in care, must be documented in TWIST Counselor Notes and communicated to the family.

NLF: Boards must be aware that if the parent begins to meet participation requirements within or by the end of the three months, PSOC must be reinstated either at the initially assessed PSOC or at an amount based on the actual family income, whichever is lower.

NLF: Boards must be aware that Metrix courses may not be counted toward participation hours and that 100 percent of participation hours must come from employment for child care to continue beyond the initial three-month time frame.

NLF: Boards must ensure that priority of service, as outlined in [§809.43](#), is followed when serving initial job search cases.

NLF: Boards must update online screening questions and applications to allow job search applicants to apply for child care services.

NLF: Boards must update their Board/contractor websites to include information for parents about the availability of and eligibility requirements for Initial Job Search Child Care.

INQUIRIES:

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

ATTACHMENTS:

Attachment 1: Revisions to WD 13-21 Shown in Track Changes

REFERENCES:

Child Care and Development Fund, 45 CFR [§98.21\(a\)\(2\)\(iii\)](#), [§98.21\(a\)\(3\)](#) and [§98.45\(k\)\(2\)](#)

Texas Workforce Commission Chapter 809 Child Care Services Rules

Texas Workforce Commission Child Care Services Guide