

Child Care Attendance Standards Discussion Paper

1 **Background**

2 On March 1, 2021, the Texas Workforce Commission’s (TWC) three-member Commission
3 (Commission) waived TWC rule 40TAC [§809.78](#) which requires parents to ensure that children
4 meet attendance standards for child care services based on the child’s authorization for
5 enrollment. To provide relief to families who may have accumulated absences due to COVID-
6 19, and to simplify the implementation of this change, Local Workforce Development Boards
7 (Boards) were directed to disregard absences that occurred beginning March 1, 2020, and
8 consider all absences to be COVID-19 related. Waiving the attendance standards and absence
9 policy was also necessitated to ensure that child care providers could comply with Child Care
10 Regulation’s Emergency Rules, which direct child care providers to follow Centers for Disease
11 Control guidance to limit parent access within facilities in order to reduce COVID transmission.
12 As child care attendance is recorded electronically on a swipe card machine located within child
13 care facilities, parents were not able to access those devices.

14 **Issue**

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

19 With the implementation of manual procedures to identify children who have excessive child
20 care absences, the Commission should consider the prior waiver of 40 TAC [§809.78](#) to disregard
21 absences accumulated during COVID and develop and issue updated procedures to Boards.

22 **Decision Point**

23 Staff seeks the Commission’s direction on implementing the following effective April 1, 2021:

- 24 • End the prior waiver of 40 TAC [§809.78](#) previously approved at the March 17, 2020
25 Commission Meeting, which allowed children to accrue absences without impacting
26 ongoing eligibility; Boards may still determine, on a case-by-case basis, that a child’s
27 absence is COVID-related, and is not considered an unexplained absence; and
- 28 • Issue guidance on reinstating attendance requirements while a new automated attendance
29 system is procured:
 - 30 ○ In accordance with [§809.92 \(b\)\(4\)](#) regarding provider responsibilities to follow
31 attendance reporting procedures required by the Commission and the Boards,
32 instruct child care programs to provide a notice to the Board if a subsidy referrals
33 accrues five consecutive absences;
 - 34 ○ Instruct Boards to outreach families who have accrued 15 and 30 absences, as set
35 forth in [§809.78 \(d\)\(1\)](#) as follows:
 - 36 ▪ 15-day outreach based upon the receipt of 3 provider notices of five
37 consecutive absences
 - 38 ▪ 30-day outreach based upon the receipt of 6 provider notices of five
39 consecutive absences
 - 40 ○ Instructing Boards that the definition of Excessive Absences, which as set forth in
41 [§809.2 \(10\)](#) is defined as 40 absences, will be based upon:
 - 42 ▪ the receipt of 8 notices