



## Policy

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<b>CATEGORY:</b>	<b>Workforce Programs - Childcare</b>	<b>No: 4.3.100.07</b>
<b>TITLE:</b>	<b>Child Care Eligibility</b>	
<b>SUPERSEDES:</b>	<b>4.3.100.06 dtd June 16, 2017</b>	
<b>EFFECTIVE:</b>	<b>September 18, 2020</b>	
<b>BOARD APPROVAL:</b>	<b>September 17, 2020</b>	
<b>DATE OF LAST REVIEW:</b>	<b>August 21, 2020</b>	

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### I. PURPOSE:

To establish eligibility criteria to receive child care services.

### II. DEFINITIONS:

*Child*- An individual who meets the general eligibility requirements contained in Chapter 809 Child Care Services. A child includes persons born to the parents, persons adopted by either or both parents, the person for whom the parents have legal responsibility granted by the court, or persons provided supervision and care by the parents.

*Child Care Services* - Child care subsidies and quality improvement activities funded by the Texas Workforce Commission.

*Child Care Contractor*-The entity or entities under contract with the Board to manage child care services. This includes contractors involved in determining eligibility for child care services, contractors involved in the billing and reimbursement process related to child care subsidies, and as contractors involved in the funding of quality improvement activities.

*Parent* – An individual who is responsible for the care and supervision of a child and is identified as the child’s natural parent, adoptive parent, stepparent, legal guardian, or person standing in loco parentis (as determined in accordance with TWC policies and procedures). Unless otherwise indicated, the term applies to a single parent or both parents.

*Satisfactory Progress* - Progressing satisfactorily as determined by the educational institution attended.

*Suspension* – A temporary interruption of child care services of ninety calendar days or less.

*Teen Parent* – An individual 18 years of age or younger, or 19 years of age and attending high school or the equivalent, who has a child.

### **III. POLICY STATEMENT:**

#### **Eligibility for At-Risk Child Care Services**

A child is eligible for At- Risk child care services if the following conditions are met at initial eligibility determination and at eligibility redetermination(s):

- The child’s family income does not exceed the income limit established by the Board.
  - The child’s family income does not exceed 85 percent of the state median income (SMI).
  - Child care is required for the child’s parent to work or attend a job training or educational program for a combination of at least an average of 25 hours per week for a single-parent family or 50 hours per week for a two-parent family.
- A Child’s General Eligibility for Child Care Services.
    - (a) Except for a child receiving or needing protective services as described in (D-700) §809.49, eligibility for subsidized child care services requires the following at the time of eligibility determination or redetermination, :

The child is under 13 years of age, or at the option of the Board, is a child with disabilities under 19 years of age.

- (1) The child is a U. S. citizen or legal immigrant under applicable federal laws, regulations, and guidelines, and
- (2) The child resides with one of the following:
  - a family within the Board’s Local workforce development area (Workforce area): whose income does not exceed the income limit established by the Board - which cannot exceed 85 percent of the state median income (SMI) for a family of the same size -

- (1) whose assets do not exceed \$1,000,000 as certified by a family member, and with parents who require child care in order to work or attend job training or an educational program,
- (2) A family that meets the definition of experiencing homelessness as defined in §809.41(a)

A person standing in loco parentis for the child while the child's parent or parents are on military deployment and the deployed military parent's income does not exceed the Board's income limits

### **Priority for Child Care Services**

- Section 98.46 (a) of the Child Care Development Fund (CCDF) regulations requires that states give priority of services to the following, Children of families with very low income, Children with special needs, which may include any vulnerable populations as defined by the lead agency including Children experiencing homelessness.

### **First Priority Group – Mandatory**

The first priority group is assured child care services and includes children of parents eligible for the following:

- Choices child care as referenced in the Child Care Guide Section D-300
- Temporary Assistance for Needy Families Applicant child care as referenced in Section D-400
- Supplemental Nutrition Assistance Program Employment and Training (SNAP E & T) child care as referenced in Section D-500
- At-Risk child care for former Choices child care recipients whose TANF benefits were denied or voluntarily ended within the last 12 months due to employment, timing out of benefits, or an earnings increase.

Child Care eligibility for non-CCDF funds (e.g. SNAP E&T, WIA, and other workforce programs funded by the Commission) shall be based upon the specific eligibility requirements for the specific program the parent is enrolled in.

### **Second Priority Group – Subject to Availability of Funds**

The second priority group is served subject to the availability of funds and includes, in the following order of priority:

- Children who need to receive protective services child care as referenced in Section D-700
- Children of a qualified veteran or qualified spouse as defined in §801.23
- Children of a foster youth as defined in §801.23
- Children experiencing homelessness as defined in Section A-100 and described in Section D-600
- Children of parents on military deployment as defined in Section A-100 whose parents are unable to enroll in military-funded child care assistance programs
- Children of teen parents as defined in Section A-100
- Children with disabilities as defined in Section A-100

## Parent Eligibility Documentation Requirements

- Except for a child experiencing homelessness pursuant to §809.52 at initial eligibility, before a child can be initially determined or re-determined eligible for child care services and care authorized, parents must provide the Board's child care contractor with all information necessary to determine eligibility according to the Board's administrative policies and procedures.

A parent's failure to submit eligibility documentation will result in denial of child care services or termination of services at the 12-month eligibility redetermination period. Eligibility and documentation for child care shall be dependent upon the specific eligibility requirements of the program that the parent is enrolled in (e.g. SNAP E&T, WIA, CCDF, and other workforce programs funded by the Commission).

## Certification or Training Programs

Parents participating in and attending a certification or training program at a community college or proprietary school must **complete** their chosen certification or training program's course requirements within that program's designated timeframe, i.e. one year, 18 months, or two years.

***The one exception to this requirement is if the eligible child's parent is enrolled in an associate's degree program that will prepare the parent for a job in a high-growth, high-demand occupation (also known as "in-demand or target occupation") as determined by the Board.*** The eligible child's parent must inform the child care contractor of his/her enrollment in a high-growth, high-demand occupation associate's degree program upon initial eligibility determination for child care services. ***Parents enrolled in a Board identified high-growth, high-demand occupation training or certification program will be allowed to receive child care services for up to a maximum of four years.***

Parents who have just begun their current educational program (are in the first year of a four degree program) and who are in their initial eligibility determination for child care services may receive child care services for ***up to a maximum of five (5) years or 130 college credit hours (whichever is obtained first).***

Parents who are in the process of completing an educational program during their initial eligibility determination for child care services, i.e. 30, 40, 50, or more college credit hours may receive child care services based on the length of time needed to complete their chosen educational program, ***not to exceed a maximum of four (4) years or 130 college credits (whichever is obtained first).***

Parents participating in an educational or training program must be continuously enrolled and must maintain a grade point average (GPA) of at least a 2.0 and continued enrollment (each successive school semester) in an educational or training program shall be the measure used to determine satisfactory progress toward successful completion of a job training or educational program. Parents

whose GPA falls below a 2.0 shall be given one semester/quarter to reestablish the 2.0 GPA. Based on extenuating circumstances a waiver of one semester/quarter enrollment may be granted with prior approval of the Board.

### **Wait List Applications**

During periods of closed enrollment, parents must complete a Wait List Application to have their child or children's names placed on the Wait List.

- the Contractor shall enter the child's name onto the Wait List in the automated system. Parents must update their Wait List application every sixty (60) days to remain on the wait list.

### **Written Acknowledgement**

Parents must sign a written acknowledgement indicating their understanding of the attendance standards and reporting requirements at each of the following stages:

- a. Initial eligibility determination
- b. Each eligibility redetermination

### **Income Requirement:**

The Board is aware that unless otherwise required by federal or state law, a family's monthly income for purposes of determining eligibility and the related parent share of cost includes all income sources that are not excluded under section D-106 (see rule §809.44). Families whose income remains at or below the established income limits may continue to receive funded child care as long as the family remains eligible and funds are available.

### **Income and Family Size for Teen Parents**

A teen parent's family income is based solely on the following:

- The teen parent's income
- The size of the teen parent's family as defined in section D-100: Eligibility for Child Care Services (see rule §809.50).

### **Transfer to Another Eligible Provider**

- A parent may request a transfer to another eligible provider in writing or can submit the request over the phone.
- Due to the infectious nature of COVID-19, effective immediately, if a child care facility closes due to an exposure or possible exposure, parents and children participating in the Child Care Development Fund (CCDF) Child Care Services (CCS) Program are required to complete a *mandatory two-week (14 day) waiting period* before a transfer request to a "new" child care provider will be granted.

- There are two types of transfers; voluntary and involuntary.

*A voluntary transfer request is a request by the parent to simply change providers. The parent **must not** be delinquent in the payment of parent share of cost fees to the current provider. If the parent owes parent share of cost fees to the current provider, **the transfer will not be granted until the parent has paid the current provider the parent share of cost fees owed.***

*An involuntary transfer is a transfer request from the current provider whereby the current provider wants the child removed from their child care center due to safety reasons. This type of transfer will be granted.*

- If during the 14 calendar days, the parent requests to transfer the child because the provider is on corrective or adverse action, then the transfer **must not** be counted against the parent under the Board's transfer policy.

### **Child Care During Interruptions in Work, Education, or Job Training**

If a child met all of the applicable eligibility requirements for child care services on the date of the most recent eligibility determination or redetermination, the child is considered eligible and will receive services during the 12-month eligibility period, regardless of any of the following:

- Changes in family income, if the family income does not exceed 85percent of the state median income (SMI) for a family of the same size.
- Temporary changes in the ongoing status of the child's parent as working or attending a job training or education program (as described in Section D-801).

### **Unreported Cessation of Work, Education, or Job Training**

A permanent cessation of work, education, or training must be cause for termination of care. In this situation, child care must continue for a minimum of three months or up until the scheduled redetermination if sooner, to allow the parent to resume participation in an activity.

If a parent fails to report a cessation of work, education, or job training, but the discovery is made after the parent has already resumed participation in work, education, or job training, then care should continue.

If a parent does not report a permanent cessation of work, education, or training that has already exceeded three months and the Board contractor discovers that one has occurred, care must be terminated with proper notice to the parent. Prior to making a determination to end care, however, the Board contractor must verify that the parent has not resumed participation in any activity at any level. Unreported interruptions in participation exceeding three months are subject to fraud fact-finding.

If a parent has a temporary interruption in work, education, or job training activities child care will not be suspended for more than 90 calendar days from the documented effective date of the interruption of these activities.

## **Suspensions of Care During Interruptions in Activities**

Suspensions of child care services during interruptions in parent's work, training, or education status is allowed **only** at the parent's concurrence. Parents may request one suspension per quarter (once every three (3) months) during the child's eligibility or redetermination eligibility period. These suspension(s) must not exceed one week in duration.

## **Court Ordered Visitations**

Child care may continue or be suspended, depending on the particular family and child care arrangements, for custody arrangements of short duration (for example, two weeks during the summer or one week a month) Childcare services in these situations ***may only be suspended at the concurrence of the parent*** (as described in section D-806). The court order regarding the court ordered visitation agreement must be on file with the child care contractor and the provider.

## **IV. PROCEDURES:**

### **V. RELATED POLICY INFORMATION:**

49 TAC 809

45 CFR

TWC WD Letter 34-08, dated August 26, 2008

TWC WD Letter 36-08, dated September 15, 2008

Workforce Solutions Child Care Standard Operating Procedures

Texas Workforce Commission (TWC) Child Care services Guide, March 2017

### **VI. RESPONSIBILITIES:**

The Board's Director of Child Care Programs shall ensure that all relevant staff and the Contractor are informed of and comply with this policy.

The Contractor shall ensure that appropriate procedures are implemented and that relevant staff receive training regarding the requirements of this policy.

### **VII. FORMS AND INSTRUCTIONS:**

Workforce Solutions of the Coastal Bend Child Care Standard Operating Procedures

VIII. DISTRIBUTION:  Board  Board Staff  Contracted Staff

IX. SIGNATURES:

Larry Peterson  
Reviewed by EO Officer

09/17/2020  
Date

Ken Trevino  
Pres/CEO

09/17/2020  
Date