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## POLICY

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<b>CATEGORY:</b>	<b>Workforce Programs - Childcare</b>	<b>No: 4.3.100.09</b>
<b>TITLE:</b>	<b>Child Care Eligibility</b>	
<b>SUPERSEDES:</b>	<b>4.3.100.08, dtd February 24, 2022</b>	
<b>EFFECTIVE:</b>	<b>December 9, 2022</b>	
<b>BOARD APPROVAL:</b>	<b>December 8, 2022</b>	
<b>DATE OF LAST REVIEW:</b>	<b>October 26, 2022</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 Rules. 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, as well as contractors involved in the funding of quality improvement activities as described in §809.16.

*Child Care Desert* – An area in which the number of children under the age of six with working parents is at least three times greater than the capacity of license child care providers in the area, based on data published annually by the Commission.

*Education Program* - a program leading to a High School diploma, Certificate of High School Equivalency, or an undergraduate degree that one may be obtaining or working towards.

*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 Commission policies and procedures). Unless otherwise indicated, the term applies to a single parent or both parents.

*Satisfactory Progress* –toward successful completion of a job training or education program is demonstrated through continued enrollment in the training or educational program.

*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.

*Working* – activities for which monetary compensation is received, participation in Choices and SNAP E&T and engaging in job search.

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

#### A Child’s General Eligibility for Child Care Services.

- (a) Except for a child receiving or needing protective services as described in §809.49, for a child to be eligible to receive child care services, at the time of eligibility determination or redetermination, the Board shall ensure that the child:
  - (1) Meets one of the following age requirements:
    - (a) be under 13 years of age; or
    - (b) be a child with disabilities up to age 19;
  - (2) Is a U. S. citizen or legal immigrant as determined under applicable federal laws, regulations, and guidelines; and
  - (3) Resides with:
    - (a) a family within the Board’s workforce area:
      - (1) whose income does not exceed 85 percent of the state median income (SMI) for a family of the same size; and
      - (2) whose assets do not exceed \$1,000,000 as certified by a family member
      - (3) or that meets the definition of experiencing homelessness as defined in §809.2
- (b) parents who require child care in order to work or attend a job training or educational program; or engage in job search.
- (c) A person standing in loco parentis for the child while the child’s parent is on military deployment and the deployed military parent’s income does not exceed the limits set forth in subparagraph (a) of this paragraph.

### 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 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 undergraduate educational program for 25 hours per week for a single-parent family or 50 hours per week for a dual-parent family. The minimum weekly activity requirement of 50 hours per week for a dual-parent family is a combined total from both parents. There is no minimum activity requirement for each parent.

### Priority for Child Care Services

Consistent with the Child Care Development Fund (CCDF) regulations, the first priority group consists of children residing in families with very low incomes. The second priority group consists of children with special needs, including children experiencing homelessness. The third priority group includes any other priority adopted by the Board.

#### 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
- Transitional child care as referenced in D-650

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

Third Priority Group – Subject to Availability of Funds

The third priority group is served subject to the availability of funds and includes,

- Sibling(s) – a child(ren) who share the same parent or parents may be added to a customer’s existing child care case.

Children in the first and second priority groups must be enrolled before children in the third priority group.

Wait List Applications

Parents must complete a Wait List Application to have their names and their child or children’s names placed on the Wait List for child care services. The Contractor shall enter the child’s name onto the Wait List maintained in the automated system. Parents must update their Wait List application every sixty (60) days to remain on the wait list. Children who are directly referred from a recognized pre-K or Head Start/Early Head Start partnership are exempted from the waiting list.

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).

### Child Care During Initial Job Search

Child care during initial job search states the following:

- a parent, including a parent in a dual-parent family, is eligible for child care services at initial eligibility if the family does not meet the minimum participation requirements for At-Risk Child Care.
- allows parent to self-attest that the parent does not meet the At-Risk participation requirements.
- limits child care for job search to three months. Child care services will continue following this three-month period, if, by the end of the three months, the family meets family income eligibility and the following activity requirements:
  1. 25 hours for a single parent, with at least 12 hours in employment, or
  2. 50 hours combined for dual-parent families, with at least 25 combined hours in employment.
- If the above participation requirements are met within or by the end of the three-month period, care will continue for 12 months, inclusive of the care provided during the initial job search period.
- limits child care during the initial job search period to one such period within a 12-month period.
- Requires the parent in child care job search:
  1. Register with the state's labor exchange system (currently, WorkinTexas.com); and
  2. has access to the appropriate services available through the one-stop delivery network.

### Parent Eligibility Documentation Requirements

Boards will gather all information necessary to determine eligibility according to the Boards administrative policies and procedures. A child whose parents are conducting an initial job search and a child experiencing homelessness under the respective rule provisions for these

conditions may receive child care services without the parent first providing the Board's child care contractor with all information necessary to determine initial eligibility.

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).

### 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

### Education Programs

Parents enrolled in an undergraduate educational program which allows them to participate in the CCS Program may receive child care services for a cumulative total of 60 months. The limit applies only to parents enrolled full-time in an undergraduate educational program.

Parents participating in an educational or training program demonstrate progress toward successful completion of the educational or job training program through continued enrollment in the educational or training program.

**Workforce Solutions of Coastal Bend does not allow parents to receive child care services while pursuing a graduate or advanced degree, i.e., Masters or Doctoral degrees.**

### 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.
- 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.*

There is a mandatory two-week (14 days) waiting period before the effective date of a transfer, except in cases in which the provider is placed on corrective action by Child Care Regulation (CCR), when the transfer is authorized by Child Protective Services (CPS) for a child in protective services, or on a case-by-case basis as determined by the Board.

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

Boards must be aware that except for a child experiencing homelessness, 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 85 percent 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

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

A permanent cessation of work, education, or training must be the 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.

Childcare will be provided during all brief interruptions of education caused by school breaks, except as identified in the following paragraph.

#### Suspensions of Care During Interruptions in Activities

Suspension 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 suspensions 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:**

40 TAC Chapter 809, Child Care Services

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, November 2022

#### **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

Policy Title: Child Care Eligibility

Policy Number: 4.3.100.09

Date: 01/26/2022

Updated: 10/27/2022



VIII. DISTRIBUTION:  Board  Board Staff  Contracted Staff

IX. SIGNATURES:

  
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Reviewed by EO Officer

12/16/22  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
President/CEO

12/16/22  
\_\_\_\_\_  
Date