


## TEXAS WORKFORCE COMMISSION LETTER

**ID/No:** WD 01-06

**Date:** January 26, 2006

**Keyword:** Child Care

**To:** Local Workforce Development Board Executive Directors  
Commission Executive Staff  
Integrated Service Area Managers

**From:**  Luis M. Macias, Director, Workforce Development Division

**Subject:** **Application of Child Care and Development Rules for  
Non-Child Care and Development Fund Services**

---

### **PURPOSE:**

To provide Local Workforce Development Boards (Boards) with information on the application of Texas Workforce Commission (Commission) Child Care and Development rules regarding child care services funded through non-Child Care and Development Fund (CCDF) sources.

### **REFERENCE:**

United States Department of Health and Human Services, Child Care and Development Fund, 45 C.F.R. Chapter 98  
Texas Workforce Commission General Administration Rules: 40 TAC, Chapter 800, Subchapter B  
Texas Workforce Commission Child Care and Development Rules: 40 TAC, Chapter 809

### **FLEXIBILITY RATINGS:**

**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. Federal and state laws, rules, policies, and required procedures with a “No Local Flexibility” rating are indicated by the acronym, **NLF**, in the margin to the right of the applicable paragraph. Additionally, all information with a “No Local Flexibility” rating is indicated by “must” or “shall.”

Failure to comply with the federal and state laws, rules, policies, and required procedures with a “No Local Flexibility” rating may result in corrective action, up to and including sanction and penalty.

**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 guidance or recommended practices with a “Local Flexibility” rating are indicated by the acronym, **LF**, located in the margin to the right of the applicable paragraph. Additionally, guidance or recommended practices with a “Local Flexibility” rating are indicated by “may” or “recommend.”

Boards are not subject to corrective action for failure to comply with guidance or recommended practices with a “Local Flexibility” rating.

**BACKGROUND:**

The Commission and the Boards subsidize child care services using a variety of funding sources, including CCDF funds. The Commission allocates CCDF funds to local workforce development areas (workforce areas) as provided in §800.58 of the Commission’s General Administration rules.

The Commission allocates non-CCDF funds, including Food Stamp Employment and Training (FSE&T) and Workforce Investment Act (WIA) funds, as provided in Chapter 800, Subchapter B.

Chapter 809 of the Commission’s Child Care and Development rules governs the use of subsidized child care services funded by the Commission. Specifically, §809.2(2) defines *child care* as child care services funded through the Commission, which may include services funded through CCDF, FSE&T, WIA, and other funds available to the Commission or Boards.

This WD Letter supersedes and rescinds:

- WD Letter 65-00, issued October 10, 2000, and entitled “Application of Child Care Rules to Other Categories of Funding for Child Care Services”; and
- WD Letter 65-00, Change 1, issued June 28, 2001, and entitled “Application of Child Care Rules to Other Categories of Funding for Child Care Services: Clarification.”

**PROCEDURES:**

Except as otherwise provided in this WD Letter, Boards must ensure that the Chapter 809 rules are applied to Commission-funded child care services, including child care services funded through FSE&T, WIA, and other Commission funds allocated to the workforce areas.

NLF

The following exceptions apply:

**Eligibility**

Boards must ensure that appropriate staff:

NLF

- is responsible for eligibility determination, redetermination, documentation, verification, and duration of child care services using non-CCDF funds; and
- follows the specific eligibility requirements and procedures established for the programs (e.g., FSE&T, WIA, and other workforce programs funded by the Commission).

Boards must ensure that the following subchapters of Chapter 809 relating to eligibility are **not** applied to non-CCDF child care services:

NLF

- Subchapter F, General Eligibility for Child Care
- Subchapter G, Child Care for People Transitioning Off Public Assistance

- Subchapter H, Children of Parents at Risk of Becoming Dependent on Public Assistance

**Notice of Termination and Appeals**

Boards must ensure that notice of termination of child care services, and subsequent appeals filed as a result of a parent’s noncompliance with Chapter 809, are handled as set forth in the following sections of Chapter 809:

NLF

- Section 809.72(5), relating to written notice of termination
- Section 809.76, relating to a parent’s right to appeal
- Sections 809.271–809.273, relating to the child care appeal process

Additionally, Boards must ensure that notice of termination of child care services and subsequent appeals filed by a parent as a result of reduction or denial of services or noncompliance with specific program requirements (e.g., FSE&T, WIA, and other workforce programs funded by the Commission) are handled in accordance with the specific program’s appeal process.

NLF

**ACTIONS REQUIRED:**

Boards must ensure that appropriate staff is apprised of and complies with the requirements in this WD Letter.

**INQUIRIES:**

Direct inquiries regarding this WD Letter to the assigned contract manager for your local workforce development area.

Rescissions: WD Letter 65-00 WD Letter 65-00, Change 1	Expiration: Continuing
---	------------------------