

TEXAS WORKFORCE COMMISSION LETTER

ID/No: WD 18-03

Date: April 17, 2003

Key Word: Child Care

To: Local Workforce Development Board Executive Directors
Commission Executive Staff
LWDA Coordinators
Commission Local Offices

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

Subject: Texas Workforce Commission Subsidized Child Care: Revising Age Eligibility

PURPOSE:

To provide Local Workforce Development Boards (Boards) with updated information that requires Boards to terminate Texas Workforce Commission (Commission) subsidized child care effective on the date of a child's 13th birthday.

REFERENCE:

United States Department of Health and Human Services, Child Care and Development Fund Final Rule, 45 CFR, Part 98, Section 98.20
Texas Workforce Commission Child Care and Development Rules: 40 TAC, Part 20, Sections 809.72, 809.92, and 809.122

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:

Based on a precedent established under the former Aid to Families with Dependent Children program, many Boards have allowed children who observed their 13th birthdays before the last day of a month to retain eligibility for subsidized child care until the last day of that month.

The U.S. Department of Health and Human Services Administration for Children and Families has issued an official clarification disallowing that practice, and stating that under 45 CFR §98.20 only children younger than 13 years old, with few exceptions, are eligible for subsidized child care.

Therefore, the information included in this WD Letter:

- Supersedes the earlier interpretation of this issue, and
- Is intended to ensure that all Boards terminate subsidized child care effective on the date of a child’s 13th birthday.

PROCEDURES:

In accordance with the regulatory definitions in 45 CFR §98.20 and 40 TAC §809.92, as they relate to age, Boards must:

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- Terminate subsidized child care effective on a child’s 13th birthday;
- Provide written notification to the parent at least 15 days before a child’s 13th birthday;
- Ensure that when a child reaches his or her 13th birthday before the last day of a calendar month, the provider reimbursement and the parent’s share of cost for that month are prorated; and
- Ensure that eligibility is extended to age 18 for children subject to court supervision if so requested by the Texas Department of Protective and Regulatory Services.

It is recommended that Boards use Report # CC0003, “Clients Too Old For Care,” in the Child Care Service Delivery Application, to identify children who are within 30 to 45 days of their 13th birthdays. Boards may use that information to provide notice of termination of subsidized child care to the parent at least 15 days before the effective termination date.

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Additionally, Boards may extend eligibility, in accordance with local policy, to age 19 for children with documented physical or mental disabilities that prevent those children from caring for themselves.

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ACTIONS REQUIRED:

Boards must ensure that appropriate Board and contractor staff are apprised of and comply with the requirements in this WD Letter.

INQUIRIES:

Direct inquiries to Child Care Program Assistance at (512) 936-3137 or by e-mail to childcare.programassistance@twc.state.tx.us.

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| Rescissions: None | Expiration: Continuing |
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