

TEXAS WORKFORCE COMMISSION LETTER

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Date:	April 28, 2011
Keyword:	Child Care; Recovery Act
Effective:	Immediately

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



From: Laurence M. Jones, Director, Workforce Development Division

Subject: **American Recovery and Reinvestment Act of 2009: Direct Child Care Services—Update**

PURPOSE:

To provide Local Workforce Development Boards (Boards) with information and guidance on the use of Child Care and Development Fund (CCDF) funds from the American Recovery and Reinvestment Act (ARRA) of 2009 for direct child care services, in particular:

- separate contracts for direct child care services;
- availability of funds;
- use of the Board's direct child care waiting list; and
- exceptions to Texas Workforce Commission (Commission) Chapter 809, Child Care Services rules when using CCDF ARRA funds for direct child care.

This WD Letter provides Boards with updated information on CCDF ARRA funds available for direct child care services.

CHANGES TO WD LETTER 27-09:

New information in this WD Letter is in **bold** typeface, which indicates new or clarifying language.

BACKGROUND:

On June 9, 2009, the Commission approved the allocation of \$151,202,053 in CCDF ARRA funds to Boards for direct child care services. Commission guidance on the use of these funds was approved on June 9, 2009, and on July 14, 2009.

To allow greater flexibility in providing direct child care services to parents who might otherwise be ineligible under other provisions of Chapter 809, the Commission approved the expenditure of CCDF ARRA funds for direct child care services under the provisions of §809.53, Child Care for Children Served by Special Projects.

WD Letter 20-09, issued June 11, 2009, and entitled “American Recovery and Reinvestment Act of 2009: Child Care Allocations” sets out each Board’s **initial** allocation of the CCDF ARRA direct child care funds.

The Commission is providing Boards options regarding CCDF ARRA-funded direct child care under the following rules:

- §809.41 A Child’s General Eligibility for Child Care Services;
- §809.48 Transitional Child Care and §809.50 At-Risk Child Care; and
- §809.54 Continuity of Care.

The Commission subsequently took several deobligation and reallocation actions that modified the amount available for direct care to \$137,579,856, and modified the local workforce development area allocations. The modified allocations are available at

http://www.twc.state.tx.us/business/fmgc/arra_ccalloc_update.pdf.

PROCEDURES:

Boards must be aware that:

- the Commission will issue a separate contract for CCDF ARRA direct child care services; and
- funds will be available through June 30, 2011.

NLF

Boards may use CCDF ARRA funds to enroll children:

- from the Board’s waiting list; or
- directly, without use of the waiting list.

LF

Boards must ensure that the requirements of Chapter 809 are applied for CCDF ARRA-funded direct child care services—with the following exceptions:

NLF

Child Care for Job Search¹

Boards may use CCDF ARRA funds to:

- provide child care services to children of parents who are unemployed but actively seeking employment; and
- continue child care services to currently enrolled parents who have lost their jobs, exhausted the four week job search limitations in §809.41(d), and are actively seeking employment.

LF

¹ As required by Commission rule §802.1(f) and as detailed in WD Letter 10-07, a Board’s decision on the use of the CCDF ARRA funds must be taken in an open meeting.

Note: Boards may consider parents actively seeking employment as “working” under the requirements of §809.41(a)(3)(B).

Boards must ensure that direct child care for job search is authorized only:

NLF

- on a temporary, as-needed basis (e.g., part time or drop-in care); and
- during the time that the parent can demonstrate the need to participate in job search activities.

Boards must ensure that parents participating in job search activities demonstrate and document that they are seeking employment:

NLF

- that will result in work of at least 25 hours per week at a wage at least equal to the minimum wage; and
- in a manner that necessitates the need for child care.

Boards must ensure that appropriate staff:

NLF

- verifies job search documentation; and
- does not accept self-attestation as documentation of job search activities.

Boards may use the procedures **set forth in the Choices Guide and the Supplemental Nutrition Assistance Program Employment and Training Guide** at <http://www.twc.state.tx.us/boards/guides/guides.html> to verify job search activities.

LF

Boards may require parents to demonstrate and document job search activities by:

LF

- participating on a regular basis in activities such as:
 - job fairs;
 - directed job search activities at a Workforce Solutions Office;
 - classes or workshops related to job search activities such as résumé writing, interviewing skills, and developing job search strategies; and
 - other activities as determined by the Board that demonstrate and document that the parent is seeking employment in a manner that necessitates child care; and
- engaging in job search activities for a minimum number of hours a week, as determined by the Board, in order to continue CCDF ARRA direct child care services.

Reduction in Work Hours²

Boards may use CCDF ARRA funds to continue direct child care services for employed parents currently enrolled in child care services whose work hours have been reduced—by the employer and not voluntarily by the parent—below the Commission- or Board-determined activity requirements of §809.48 and §809.50.

LF

NLF

² As required by Commission rule §802.1(f) and as detailed in WD Letter 10-07, a Board’s decision on the use of the CCDF ARRA funds must be taken in an open meeting.

Boards must ensure that appropriate staff verifies from the employer that a parent's work hours have been reduced by the employer and not voluntarily reduced by the parent.

Continuity of Care

Boards must:

NLF

- be aware that parents receiving CCDF ARRA-funded direct child care services are not subject to continuity of care under §809.54(a); and
- ensure that these parents are notified that they are not assured of continued child care services following the expiration of CCDF ARRA funding.

INQUIRIES:

Direct inquiries regarding this WD Letter to wfpolicy.clarifications@twc.state.tx.us.

RESCISSIONS:

WD Letter 27-09

REFERENCE:

U.S. Department of Health and Human Services, Administration for Children and Families
Program Instruction: CCDF-ACF-PI-2009-03, "Notification of supplemental CCDF Discretionary grant award funding for FY 2009," April 9, 2009

U.S. Department of Health and Human Services, Administration for Children and Families
Information Memorandum: CCDF-ACF-IM-09-01, "Flexibility in the Child Care and Development Fund (CCDF) Program," June 2, 2009

Texas Workforce Commission Child Care Services Rules: 40 TAC §809.41, §809.48, §809.50, §809.53, and §809.54

Choices Guide, <http://www.twc.state.tx.us/boards/guides/guides.html>

Supplemental Nutrition Assistance Program Employment and Training Guide, <http://www.twc.state.tx.us/boards/guides/guides.html>

WD Letter 10-07, issued February 2, 2007, and entitled "Adoption of Local Workforce Development Board Policies in Open Meetings"

WD Letter 20-09, issued June 11, 2009, and entitled "American Recovery and Reinvestment Act of 2009: Child Care Allocations"

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. All information with an NLF rating is indicated by "must" or "shall."

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 information with an LF rating is indicated by "may" or "recommend."