

TEXAS WORKFORCE COMMISSION LETTER

ID/No: WD 48-04

Date: November 3, 2004

Key Word: Child Care

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

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

Subject: **Confirming Child Care Eligibility**

PURPOSE:

To provide Local Workforce Development Boards (Boards) with:

- information on determining child care eligibility when expending federal matching funds; and
- requirements for confirming child care eligibility.

REFERENCE:

United States Department of Health and Human Services, Administration for Children and Families, Child Care and Development Fund; Final Rule (45 CFR §98.20 and §98.53)

Texas Workforce Commission Child Care and Development Rules: 40 TAC §809.20, §809.101, and §809.223

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:

It is the intent of Child Care and Development Fund Final Rule (45 CFR §98.20) and Texas Workforce Commission (Commission) rules, Chapter 809, that:

- subsidized child care be available to eligible families;
- the family’s eligibility be based on income and participation in work, education, and training activities; and
- the family's eligibility be confirmed prior to the authorization of child care services.

Additionally, the Commission intends that any federal funds realized as a result of local match be spent only on families that meet federal, state, and Board-established eligibility criteria.

PROCEDURES:

Boards may use a family’s eligibility for grants or assistance, such as the free and reduced lunch program or the Children’s Health Insurance Program, to determine the amount of certified local funds available for local match.

LF

However, Boards must ensure that federal funds drawn down with certified local match are spent on families that meet Board-established eligibility criteria. Additionally, Boards must ensure that local match funds secured from private donations and public transfers are spent on families that meet Board-established eligibility criteria.

NLF

In accordance with Commission rule §809.223, Boards must ensure that appropriate staff confirms the federal, state, and Board eligibility criteria listed below before authorizing child care services, regardless of the funding source.

NLF

Confirming Eligibility for At-Risk Child Care

Boards must ensure that appropriate staff confirms that parents meet the following eligibility criteria:

NLF

- The family’s income does not exceed the income limit established by the Board.
- The child’s parents participate in training, education, or employment activities for a minimum of:
 - 25 hours per week for a single parent family;
 - 50 hours per week for a two-parent family; or
 - a higher number of hours per week as established by the Board.

Confirming Eligibility for Transitional Child Care

Boards must ensure that appropriate staff confirms that parents meet one of the following eligibility criteria:

NLE

- The parents were Temporary Assistance for Needy Families (TANF) recipients and employed at the time TANF benefits were denied.
- The parents have been denied TANF within the past 30 days because their TANF state or federal time limit expired.

Using SAVERR When Confirming Eligibility for Transitional Child Care

NLE

With the implementation of full family sanction for TANF recipients, the codes entered into the System for Application, Verification, Eligibility, Referral and Reporting (SAVERR) by the Health and Human Services Commission do not definitively indicate a participant’s eligibility for transitional child care benefits. Therefore, Boards must ensure that transitional child care services are provided for children as stated in Commission rule §809.101 and that appropriate staff confirms eligibility through means other than SAVERR.

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: None	Expiration: Continuing
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