

TEXAS WORKFORCE COMMISSION LETTER

ID/No: WD 57-03

Date: December 29, 2003

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: Local Coordination between Subsidized Child Care Services and Other
Early Childhood Programs

PURPOSE:

To provide Local Workforce Development Boards (Boards) with child care requirements enacted by the 78th Texas Legislature, Regular Session, and the 77th Texas Legislature, Regular Session, affecting the coordination between Texas Workforce Commission (Commission) subsidized child care services and other early childhood education and child care programs.

REFERENCE:

Senate Bill 76, as passed by the 78th Legislature, Regular Session
Senate Bill 280, as passed by the 78th Legislature, Regular Session
Texas Human Resource Code, Section 72.003
Texas Government Code, Sections 2308.3165 and 2308.317
Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g)

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:

Senate Bill (S.B.) 76, enacted by the 78th Texas Legislature, Regular Session, amends Chapter 29 of the Texas Education Code to require coordination of services between the State’s subsidized child care system, independent school districts’ (ISDs) pre-kindergarten (Pre-K) programs, and local Head Start or Early Head Start programs.

S.B. 280, enacted by the 78th Texas Legislature, Regular Session, amends §302.0046 of the Texas Labor Code to require Boards, when terminating child care services, to provide information and referral to parents regarding other early education and child care programs for which the recipient may be eligible.

These other child care programs, if available in the recipient’s community, include but are not limited to: Head Start, Early Head Start, Pre-K, and child care services provided by the city or county or both.

Texas Government Code §2308.3165 [House Bill (H.B.) 2769 as passed by the 77th Legislature, Regular Session] allows a child who is eligible for child care services to be eligible to receive the services while enrolled in a federal Head Start program or in after-school care provided at a school. The law does not entitle subsidized child care services for eligible children in the Head Start program or in after-school care at a school site. The intent is to maximize the availability of full-day/full-year care by requiring local coordination between Commission- subsidized, Board-administered child care services and ISD-sponsored after-school care, Head Start, and Early Head Start programs.

Texas Human Resources Code §72.003, (S.B. 1293, as passed by the 77th Legislature, Regular Session) requires the Commission and Boards to coordinate with Head Start and Early Head Start programs. It also identifies specific activities the coordination *must* include and other activities it *may* include.

These statutes are consistent with the increased emphasis placed on local coordination among early childhood programs in the federal guidelines issued with the Child Care and Development Fund (CCDF) State Plan preprint for grant years 2004-2005.

Texas Government Code §2308.317, (H.B. 2763, as passed by the 77th Texas Legislature, Regular Session) requires Boards to explore the possibility of certifying and/or transferring public funds used to serve CCDF-eligible children who are not receiving CCDF subsidies when seeking local funds to match CCDF

federal matching funds. An emphasis is given to CCDF-eligible children enrolled in after-school care at school or Head Start sites.

PROCEDURES:

Boards must coordinate services to ensure that, to the greatest extent practicable, full-day/full-year child care services are available to meet the needs of low-income parents who are working or participating in workforce training or education. The coordination must include providing the following information to applicants for subsidized child care services, and to a family whose subsidized child care is being terminated:

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- Child care resource and referral agencies serving the applicant’s community;
- Information and referral providers serving the applicant’s community; and,
- When appropriate, the local ISD’s Pre-K program or the Head Start program administrator serving the applicant’s community.

Boards must allow children who are eligible for child care services to receive the services while enrolled in a federal Head Start program or in after-school care provided at a school, subject to Board policy regarding the waiting list and priorities for services.

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Boards must take the lead in ensuring that the options and practices listed above are explored and, to the greatest extent practicable, implemented in their respective local workforce development areas.

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When seeking local funds to match CCDF federal matching funds, Boards must explore the possibility of certifying and/or transferring public funds used to serve CCDF-eligible children who are not receiving CCDF subsidies, including CCDF-eligible children enrolled in after-school care at school or Head Start sites.

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Boards may further coordinate by:

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- Cooperating with the Commission or the Texas Education Agency (TEA) in conducting studies of early childhood programs;
- Collecting data necessary to determine a child’s eligibility for subsidized child care services and for Pre-K, Head Start, Early Head Start, and after-school child care programs, to the extent that the collection of data does not violate the privacy restrictions detailed in 20 U.S.C. §1232g;
- Sharing facilities or staff or both across early childhood programs;
- Identifying and utilizing child care facilities located at school sites or in close proximity to Pre-K, Head Start, or Early Head Start programs to promote access to after-school child care;

- Coordinating transportation between child care facilities and the Pre-K, Head Start, or Early Head Start programs;
- Increasing the enrollment capacity of early childhood programs;
- Cooperating in the provision of staff training and professional development activities;
- Identifying and developing methods for the collaborative provision of subsidized child care services and Pre-K, Head Start, Early Head Start, or after-school child care programs provided at school sites, including operating a combined system for eligibility determination and/or enrollment so an applicant may apply for all services available in the applicant's community through a single point of access; and
- Coordinating with the State Center for Early Childhood Development to develop longitudinal studies to measure the effects of quality early childhood care and education programs on educational achievement, including high school performance and completion.

ACTIONS REQUIRED:

Boards must ensure that appropriate 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.

Rescissions: None	Expiration: Continuing
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