

Amendments to Chapter 809
Child Transfer Policies
Policy Concept

Background

The Child Care and Development Block Grant Act (CCDBG) of 2014 includes provisions to ensure equal access to child care for families receiving subsidies as compared to families that do not receive subsidies. To support equal access, the final federal rule, Title 45 Code of Federal Regulations §98.45(3), requires states to ensure that payments for subsidized child care “reflect generally accepted payment practices of child care providers that serve children who do not receive CCDF subsidies.” Additionally, §98.45(5) requires states to ensure that child care providers receive prompt notice of changes to a family’s status, which may impact payment.

Providers commonly have policies for private-pay families that require families to give notice before withdrawing their child from the program. Typically, these policies range from two weeks to a full month. These waiting periods help providers to manage their enrollment efficiently and ensure that they have adequate time to fill empty spots.

Texas Workforce Commission (TWC) Child Care Services rule §809.13(c)(10) requires Local Workforce Development Boards (Boards) to establish a policy for transfer of a child from one provider to another. However, the rule does not require Boards to establish a waiting period for families that request to transfer a child.

Issue

Waiting periods for transfer requests are not included in most Board policies. Parents may request a transfer and their child can be immediately removed from care without any notice to the provider. Such policies are not in keeping with private-pay practices and can negatively impact providers’ enrollment efficiency and financial stability.

TWC’s three-member Commission could consider instituting a two-week waiting period, which would support better alignment with CCDBG and greater stability for subsidy providers. This two-week policy would be effective, except in cases in which the child’s safety is jeopardized, as indicated by a provider undergoing a CCR investigation, or formal corrective or adverse action by Child Care Regulation (CCR).

Additionally, Boards could be provided with the flexibility to develop procedures for timely consideration of exceptions on a case-by-case basis, as in the following examples:

- During a pandemic, such as COVID-19, a provider may close due to COVID-19 exposure. A two-week waiting period would help to ensure that children who may have been exposed do not immediately transfer to a new facility, risking further transmission. However, if a child is tested for COVID-19, and the test is negative, then an exception to the two-week period could be authorized.

- 1 • A child care center experiences an outbreak of an infection—for example, lice—and closes to
2 address the outbreak. If a parent is able to demonstrate that his or her child does not have lice,
3 through a doctor’s note or some other mechanism an exception to the two-week period could be
4 authorized.

5 **Decision Point**

6 Staff seeks direction on amending §809.13(c)(10) to establish a two-week waiting period in the Board
7 policy to request transfers. The waiting period shall apply only to transfer requests that are unrelated to a
8 status with CCR.

9 Additionally, staff seeks direction on amending §809.13(c)(10) to authorize Boards to establish
10 procedures to consider exceptions on a case-by-case basis.