

**Texas Workforce Commission**

**Child Care Services Guide**

**September 2015**

## Table of Contents

<b>OVERVIEW OF GUIDE</b> .....	<b>8</b>
<b>PART A – DEFINITIONS</b> .....	<b>9</b>
A-100: ESSENTIAL DEFINITIONS.....	9
<b>PART B – GENERAL MANAGEMENT</b> .....	<b>12</b>
B-100: BOARD RESPONSIBILITIES.....	12
B-200: BOARD PLAN FOR CHILD CARE SERVICES.....	13
<i>B-201: About the Board Plan for Child Care Services</i> .....	13
<i>B-202: Coordination of Child Care Services with School Districts, Head Start and Early Head Start</i> .....	13
B-202.a: Information to Parents.....	13
B-202.b: Eligibility for Children Enrolled in Head Start or After-School Programs.....	14
B-202.c: Local Match.....	14
B-202.d: Other Coordination Activities.....	14
B-300: BOARD POLICIES FOR CHILD CARE SERVICES.....	16
<i>B-301: About Board Child Care Services Policies</i> .....	16
<i>B-302: Required Board Policies</i> .....	16
B-400: PRIORITY FOR CHILD CARE SERVICES.....	18
<i>B-401: First Priority Group – Mandatory</i> .....	18
<i>B-402: Second Priority Group – Subject to Availability of Funds</i> .....	18
B-402.a: Documenting Priority for Children of Parents on Military Deployment.....	18
<i>B-403: Third Priority – Board Determined</i> .....	19
B-500: MAINTENANCE OF A WAITING LIST.....	20
B-600: ASSESSING THE PARENT SHARE OF COST.....	21
<i>B-601: Requirements for Determining the Parent Share of Cost</i> .....	21
B-601.a: Parent Share of Cost – Sliding Fee Scale Based on Family Size and Income.....	21
B-601.b: Other Considerations for Assessing Parent Share of Cost.....	21
<i>B-602: Parents Exempt from the Parent Share of Cost</i> .....	21
<i>B-603: Parent Share of Cost for Teen Parents</i> .....	22
<i>B-604: Reductions in the Assessed Parent Share of Cost</i> .....	22
<i>B-605: Prohibition of a Minimum Parent Share of Cost Amount</i> .....	22
<i>B-606: Policy Regarding Reimbursing Providers for the Parent Share of Cost</i> .....	22
<i>B-607: Parent Share of Cost for Non–Child Care Allocated Funds</i> .....	22
<i>B-608: Submitting Board Parent Share of Cost Policies</i> .....	22
<i>B-609: Entering Parent Share of Cost Amounts into The Workforce Information System of Texas</i> .....	22
B-700: MAXIMUM PROVIDER REIMBURSEMENT RATES.....	24
<i>B-701: About Maximum Provider Reimbursement Rates</i> .....	24
<i>B-702: Reimbursement Rates Based on Categories of Care</i> .....	24
B-702.a: Provider Types.....	24
B-702.b: Age Groups.....	24
<i>B-703: Enhanced Reimbursement Rates</i> .....	24
B-703.a: Minimum Requirements for Enhanced Reimbursement Rates.....	25
B-703.b: Additional Requirements for Enhanced Reimbursement Rates.....	25
<i>B-704: Reimbursement for Transportation</i> .....	25
<i>B-705: Increasing Board Maximum Rates</i> .....	25
<i>B-706: Inclusion Assistance Rate for Children with Disabilities</i> .....	26
B-706.a: Information Regarding the Americans with Disabilities Act.....	26
B-706.b: Intent of the Inclusion Assistance Rate.....	26
B-706.c: Authorizing the Inclusion Assistance Rate.....	26
<i>B-707: Determining the Amount of the Provider Reimbursement</i> .....	28
B-707.a: Provider Published Rates.....	28
B-707.b: Calculating Providers’ Published Rates.....	28

<i>B-708: Methods of Reimbursement to Providers</i> .....	29
<b>PART C – CHILD CARE LOCAL MATCH PROCESS</b> .....	<b>30</b>
C-100: CHILD CARE LOCAL MATCH .....	30
C-200: TYPES OF LOCAL MATCH .....	31
C-201: <i>Private Donations</i> .....	31
C-202: <i>Public Transfers and Certifications</i> .....	31
C-202.a: <i>Verification of Public Certifications for Direct Child Care Services</i> .....	31
C-300: USE OF FEDERAL FUNDS DRAWN FROM LOCAL MATCH.....	33
C-400: SECURING LOCAL MATCH.....	34
C-401: <i>About Local Match</i> .....	34
C-402: <i>Time Frames for Securing Local Match</i> .....	34
C-403: <i>Child Care Local Match Agreement Start and End Dates</i> .....	34
C-404: <i>Restrictions on Public Prekindergarten Expenditures for Local Match</i> .....	35
C-405: <i>Restrictions on Texas School Ready! Project Expenditures for Local Match</i> .....	35
C-406: <i>Local Match Agreements with Independent School Districts Using Public Expenditures for Before- and After-School Programs</i> .....	35
C-500: CHILD CARE LOCAL MATCH AGREEMENTS .....	36
C-501: <i>About Child Care Local Match Agreement</i> .....	36
C-502: <i>Office of the General Counsel Review of Changes to Agreements</i> .....	36
C-503: <i>Private Entity Restrictions</i> .....	36
C-504: <i>Multiparty Child Care Local Match Agreements</i> .....	36
C-504.a: <i>Presubmission Reviews of Multiparty Child Care Local Match Agreements</i> .....	37
C-600: LOCAL MATCH SUBMISSION .....	38
C-601: <i>General Submission Procedures</i> .....	38
C-602: <i>Private Entity Donations</i> .....	38
C-603: <i>Transfers and Certifications</i> .....	39
C-604: <i>Voluntary Presubmission Review</i> .....	39
C-605: <i>Child Care Local Match Agreement Amendments</i> .....	39
C-606: <i>Notification of Commission Acceptance</i> .....	39
C-700: CHILD CARE LOCAL MATCHING FUNDS ENCUMBRANCE AND BUDGET SETUP .....	41
C-701: <i>General Information</i> .....	41
C-702: <i>Local Match Budgets in TWIST</i> .....	41
C-703: <i>Common Local Match Subcontract Numbers in TWIST</i> .....	42
C-800: PROCESS FOR PLEDGE REMITTANCES AND CERTIFICATION OF EXPENDITURES.....	43
C-801: <i>Pledge Remittances for Transfers and Donations</i> .....	43
C-802: <i>Pledge Remittances for Certifications</i> .....	44
C-900: MONITORING LOCAL MATCH .....	45
C-901: <i>General Information</i> .....	45
C-902: <i>Documentation</i> .....	45
C-903: <i>Record Retention</i> .....	45
<b>PART D – ELIGIBILITY FOR CHILD CARE SERVICES</b> .....	<b>46</b>
D-100: ELIGIBILITY FOR CHILD CARE SERVICES .....	46
D-101: <i>A Child’s General Eligibility for Child Care Services</i> .....	46
D-101.a: <i>Children of Parents on Military Deployment</i> .....	46
D-101.b: <i>Board Policies for Parents Attending Educational Programs</i> .....	47
D-102: <i>Child Care Eligibility Determination and Verification</i> .....	47
D-103: <i>Child’s Age and Citizenship or Immigration Status</i> .....	47
D-103.a: <i>Verifying Age and Citizenship or Immigration Status</i> .....	47
D-103.b: <i>Termination of Services at a Child’s 13th Birthday</i> .....	49
D-104: <i>Residence</i> .....	50
D-104.a: <i>Residency for Children of Parents Attending an Educational Program</i> .....	50

D-104.b: Residency for Children of Parents on Military Deployment.....	50
D-104.c: Residency During Custody and Visitation Arrangements.....	50
D-105: <i>Determining the Family Size</i> .....	50
D-105.a: Family and Household Dependents.....	50
D-105.b: Parent.....	51
D-105.c: In Loco Parentis.....	51
D-106: <i>Family Income</i> .....	53
D-106.a: Monthly Family Income.....	53
D-106.b: Income Sources.....	53
D-106.c: Income Exclusions.....	54
D-106.d: Income Deductions.....	56
D-106.e: Income Verification.....	56
D-200: AT-RISK CHILD CARE.....	58
D-201: <i>Eligibility for At-Risk Child Care</i> .....	58
D-201.a: Higher Income Limits for Certain Populations.....	58
D-201.b: Income and Family Size for Teen Parents.....	58
D-202: <i>Calculating Activity Hours</i> .....	58
D-202.a: Calculating Education Hours.....	58
D-202.b: Work Hours for Self-Employed Individuals.....	59
D-202.c: Allowable Reductions in Activity Hours.....	59
D-203: <i>Child Care During Temporary Interruptions</i> .....	59
D-203.a: Child Care During Temporary Interruptions in Work, Education or Job Training.....	59
D-203.b: Child Care During Temporary Medical Incapacitations.....	60
D-203.c: Requirements for Suspension of Child Care Services.....	60
D-203.d: Resumption of Child Care Services.....	60
D-204: <i>Identity Verification for At-Risk Child Care</i> .....	60
D-204.a: Identity Verification Data Elements.....	60
D-204.b: Resolving Data Mismatches.....	61
D-204.c: Reporting Multiple Use of an SSN.....	62
D-300: CHOICES CHILD CARE.....	63
D-301: <i>Eligibility for Choices Child Care</i> .....	63
D-302: <i>In Loco Parentis for Choices Child Care</i> .....	63
D-400: TEMPORARY ASSISTANCE FOR NEEDY FAMILIES APPLICANT CHILD CARE.....	64
D-401: <i>Eligibility for TANF Applicant Child Care</i> .....	64
D-402: <i>Time Limits for TANF Applicant Child Care</i> .....	64
D-500: SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM EMPLOYMENT AND TRAINING CHILD CARE.....	65
D-600: TRANSITIONAL CHILD CARE.....	66
D-601: <i>Transitional Child Care Eligibility</i> .....	66
D-602: <i>Former TANF Recipients Employed at TANF Denial</i> .....	66
D-603: <i>Former TANF Recipients Not Employed at TANF Denial</i> .....	66
D-604: <i>Calculating Activity Hours and Activity-Hour Reductions for Transitional Child Care</i> .....	66
D-605: <i>In Loco Parentis for Transitional Child Care</i> .....	67
D-700: CHILD CARE FOR CHILDREN IN PROTECTIVE SERVICES.....	68
D-701: <i>General Requirements</i> .....	68
D-702: <i>In Loco Parentis for CPS Child Care</i> .....	68
D-703: <i>Priority for Children in Protective Services</i> .....	68
D-704: <i>Authorizations of Care for Children in Protective Services</i> .....	68
D-705: <i>CPS Child Care Early Terminations Reports</i> .....	69
D-800: CHILD CARE DURING JOB SEARCH.....	71
D-801: <i>Child Care during Job Search Using Child Care Allocated Funds</i> .....	71
D-802: <i>Child Care During Job Search Using Non-Child Care Allocated Funds</i> .....	71
D-900: CONTINUITY OF CARE.....	72
D-901: <i>General Information</i> .....	72
D-902: <i>Continuity of Care for Children in Protective Services</i> .....	72
D-903: <i>Continuity of Care for Children of Parents in Military Deployment</i> .....	73

D-904: Continuity of Care for Court-Ordered Custody or Visitation.....	73
D-1000: MANDATORY WAITING PERIOD FOR REAPPLICATION.....	74
<b>PART E – PARENT RIGHTS AND RESPONSIBILITIES.....</b>	<b>75</b>
E-100: PARENT RIGHTS.....	75
E-101: About Parent Rights.....	75
E-102: Notification of Termination Due to Consecutive Absences.....	76
E-200: PARENT ELIGIBILITY DOCUMENTATION REQUIREMENTS.....	77
E-300: PARENT REPORTING REQUIREMENTS.....	78
E-400: PARENT APPEAL RIGHTS.....	80
E-500: CHILD CARE DURING APPEAL.....	81
E-501: General Information.....	81
E-502: Appeals for Termination Due to Consecutive Absences.....	81
E-600: PARENT RESPONSIBILITY AGREEMENT.....	82
E-601: General Information.....	82
E-602: Local Administrative Procedures for Documenting Child Support Income and Cooperation with the Office of the Attorney General.....	82
E-603: Board Sanction Policies for Noncompliance with the Child Support Provisions of the Parent Responsibility Agreement.....	83
E-700: EXEMPTIONS FROM THE PARENT RESPONSIBILITY AGREEMENT.....	85
E-800: PARENT ATTENDANCE REPORTING REQUIREMENTS.....	86
E-801: Parent Attendance Reporting Procedures.....	86
E-802: Secondary Cardholders.....	86
E-803: Parent Attendance Agreement.....	87
E-804: Board Absence Policies for Parent Failure to Report Attendance.....	87
E-804.a: Non-Child Protective Services Child Care.....	87
E-804.b: Special Provisions for Parents with Variable Schedules.....	88
E-804.c: Special Provisions regarding Choices Child Care.....	88
E-804.d: Child Protective Services Child Care.....	88
<b>PART F – REQUIREMENTS TO PROVIDE CHILD CARE.....</b>	<b>90</b>
F-100: MINIMUM REQUIREMENTS FOR PROVIDERS.....	90
F-101: Eligible Child Care Providers.....	90
F-101.a: Out-of-State Child Care Providers.....	90
F-101.b: Nonrelative Providers Listed with DFPS.....	91
F-102: Relative Providers Listed With DFPS.....	91
F-102.a: Submitting the Listed Home Application Electronically.....	91
F-102.b: Relatives Providing Care in the Child’s Home.....	93
F-103: Other Requirements Placed on Providers.....	94
F-104: Parents as Child Care Providers.....	94
F-200: CHILD CARE PROVIDER RESPONSIBILITIES AND REPORTING REQUIREMENTS.....	95
F-201: Written Notice and Agreement.....	95
F-202: Collecting Parent Share of Cost and Other Child Care Funds.....	95
F-203: Child Attendance Reporting Requirements for Providers.....	95
F-204: Provider Charges to Parents.....	95
F-205: Provider Denials of Referrals.....	96
F-206: Providers Placed on Corrective or Adverse Action by DFPS.....	96
F-300: PROVIDER REIMBURSEMENT.....	97
F-301: General Information.....	97
F-302: Reimbursement for Relative Providers.....	97
F-303: Reimbursement for Providers on a Notice of Freeze or Notice of Levy with TWC.....	98
F-304: Reimbursement for Providers Debarred from the Child and Adult Care Food Program.....	99

F-400: PROVIDERS PLACED ON CORRECTIVE OR ADVERSE ACTION BY THE TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES .....	102
<i>F-401: General Information</i> .....	102
<i>F-402: Providers Placed on Evaluation Corrective Action</i> .....	102
<i>F-403: Providers Placed on Probation Corrective Action</i> .....	103
<i>F-404: Continuation of Care for Children Enrolled at a Provider on Corrective Action</i> .....	103
<i>F-405: Reimbursements for Providers on Corrective Action</i> .....	103
<i>F-406: Providers Placed on Adverse Action</i> .....	103
<i>F-407: Summary of Required Actions for Providers on Corrective or Adverse Action</i> .....	104
<i>F-408: Notification to Boards of Providers Placed on Corrective or Adverse Action by DFPS</i> .....	104
<i>F-409: Written Notification to Parents Regarding Providers Placed on Corrective or Adverse Action</i> .....	104
<i>F-410: Parents Requesting Transfer to Another Eligible Provider</i> .....	105
F-500: PROVIDER AUTOMATED ATTENDANCE AGREEMENT.....	106
<i>F-501: Provider Automated Attendance Agreement Required Notice</i> .....	106
<i>F-502: Regular Review of Attendance by Providers and Reporting Attendance Discrepancies</i> .....	106
<i>F-503: Reimbursement for Unreported Attendance</i> .....	106
<i>F-504: Penalties for Misuse of the CCAA System</i> .....	107
<b>PART G – FRAUD, FACT-FINDING AND IMPROPER PAYMENTS .....</b>	<b>108</b>
G-100: GENERAL FRAUD FACT-FINDING PROCEDURES .....	108
G-200: SUSPECTED FRAUD .....	109
G-300: ACTION TO PREVENT OR CORRECT SUSPECTED FRAUD .....	110
G-400: FAILURE TO COMPLY WITH TWC RULES AND BOARD POLICIES .....	111
G-500: BOARD CORRECTIVE ADVERSE ACTIONS.....	112
<i>G-501: Determining Appropriate Board Corrective Actions</i> .....	112
<i>G-502: Types of Board Corrective Actions</i> .....	112
<i>G-503: Service Improvement Agreements</i> .....	112
<i>G-504: Board Corrective Actions for Violations of Attendance Reporting</i> .....	112
G-600: RECOVERY OF IMPROPER PAYMENTS .....	114
G-700: RECOVERY OF IMPROPER PAYMENTS TO A PROVIDER OR PARENT .....	115
<b>PART H – CONSUMER EDUCATION AND CHILD CARE QUALITY ACTIVITIES.....</b>	<b>116</b>
H-100: PROMOTING CONSUMER EDUCATION .....	116
<i>H-101: General Information</i> .....	116
<i>H-102: Consumer Education on Quality Child Care Indicators</i> .....	116
<i>H-103: Local Quality Indicators</i> .....	117
<i>H-104: Quality Child Care Providers in TWIST</i> .....	118
<i>H-105: Board Cooperation with 2-1-1 Texas</i> .....	119
<i>H-106: Additional Information to Parents</i> .....	119
H-200: QUALITY IMPROVEMENT ACTIVITIES.....	120
<i>H-201: General Information</i> .....	120
<i>H-202: Required Quality Improvement Activities</i> .....	120
H-202.a: Priority for Quality Initiatives .....	120
H-202.b: Restrictions on the Use of Quality Funds.....	120
<i>H-203: Allowable Quality Improvement Activities</i> .....	121
<i>H-204: Training and Professional Development</i> .....	121
<i>H-205: Limitations on Construction</i> .....	122
<i>H-206: Reporting Board Quality Activities</i> .....	123
<i>H-206: Reporting Child Care Quality Expenditures</i> .....	123
<b>PART I – TEXAS RISING STAR PROGRAM .....</b>	<b>124</b>
I-100: TEXAS RISING STAR PROGRAM .....	124
<i>I-101: Texas Rising Star Program Rules</i> .....	124

<i>I-102: Texas Rising Star Guidelines</i> .....	124
I-200: ELIGIBILITY FOR THE TRS PROGRAM .....	126
<i>I-201: Eligibility for TRS</i> .....	126
<i>I-202: TRS Application Restrictions for Providers on Corrective Action</i> .....	126
<i>I-203: TRS Application Restrictions for Providers with DFPS Deficiencies</i> .....	126
I-300: IMPACT OF CERTAIN DEFICIENCIES ON TRS CERTIFICATION .....	127
<i>I-301: Loss of TRS Certification</i> .....	127
<i>I-302: TRS Providers with Critical Licensing Deficiencies</i> .....	127
<i>I-303: TRS Providers with High or Medium-High Deficiencies</i> .....	127
<i>I-304: Probation for TRS Providers</i> .....	127
<i>I-305: Reinstatement of TRS Star Level or TRS Certification</i> .....	128
I-400: APPLICATION FOR THE TRS PROGRAM .....	129
I-500: TRS PROGRAM ASSESSMENTS AND MONITORING.....	130
<i>I-501: TRS Program Assessments</i> .....	130
<i>I-502: TRS Program Monitoring</i> .....	130
I-600: TRS ASSESSORS AND MENTORS .....	131
<i>I-601: Minimum Education Requirements for TRS Assessors and Mentors</i> .....	131
<i>I-602: Minimum Work Experience for TRS Assessors and Mentors</i> .....	131
<i>I-603: Duties for TRS Assessors and Mentors</i> .....	131
<i>I-604: Other Requirements for TRS Assessors and Mentors</i> .....	132
<i>I-605: Reporting TRS Assessor and Mentor Personnel Expenditures</i> .....	132
I-700: TRS PROCESS FOR RECONSIDERATION .....	133
<b>PART J – APPENDIX .....</b>	<b>134</b>
J-100: FORMS AND DESK AIDS .....	134
<i>Determining the Parent Share of Cost</i> .....	134
<i>Child Care Local Match</i> .....	134
<i>Attendance</i> .....	134
<i>Requirements for Provision of Child Care</i> .....	134
<i>Quality Improvement</i> .....	134
<b>LIST OF REVISIONS .....</b>	<b>135</b>

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# Child Care Services Guide

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## Overview of Guide

### Purpose

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The purpose of this guide is to provide the following:

- Information about the Texas Workforce Commission's (TWC) Child Care Services rules at 40 Texas Administrative Code, Chapter 809, and child care policies and procedures
- Guidance and instruction for Workforce Development Boards (Boards) and their contractors on the child care services process

### Objectives

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The objectives of this guide are to:

- Establish the minimum standards for delivery of child care services
- Ensure consistency in the provision of child care services

### List of Revisions

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The [List of Revisions](#) includes a comprehensive list of changes made to this guide, including the revision date, the section revised and a brief explanation of the specific revision.

# Child Care Services Guide

## Part A – Definitions

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### A-100: Essential Definitions

**Attending a job training or educational program**—An individual is considered to be attending a job training or educational program if the individual:

- Is considered by the program to be officially enrolled
- Meets all attendance requirements established by the program
- Is making progress toward successful completion of the program as determined by the Workforce Development Board (Board).

**Child**—An individual who meets the general eligibility requirements contained in this guide for receiving child care services.

**Child care contractor**—The entity or entities under contract with the Board to manage child care services. This includes contractors involved in determining eligibility for child care services, contractors involved in the billing and reimbursement process related to child care subsidies, and contractors involved in the funding of quality improvement activities.

**Child care services**—Child care subsidies and quality improvement activities funded by the Texas Workforce Commission (TWC).

**Child care subsidies**—TWC-funded child care reimbursements to an eligible child care provider for the direct care of an eligible child.

**Child with disabilities**—A child who is mentally or physically incapable of performing routine activities of daily living within the child’s typical chronological range of development. A child is considered mentally or physically incapable of performing routine activities of daily living if the child requires assistance in performing tasks (major life activities) that are within the typical chronological range of development, including, but not limited to, caring for oneself; performing manual tasks; walking; hearing; seeing; speaking, and breathing; learning; and working.

**Educational program**—A program that leads to one of the following:

- High school diploma
- GED credential
- Postsecondary degree from an institution of higher education

**Family**—The unit composed of a child eligible to receive child care services, the parents of that child and household dependents.

**Household dependent**—An individual living in the household who is one of the following:

- Adult considered as a dependent of the parent for income tax purposes
- Child of a teen parent
- Child or other minor living in the household who is the responsibility of the parent

**Improper payments**—Payments to a provider or Board’s child care contractor for goods or services that are not in compliance with federal or state requirements or applicable contracts.

**Job training program**—A program that provides training or instruction leading to one of the following:

- Basic literacy
- English proficiency
- An occupational or professional certification or license
- The acquisition of technical skills, knowledge and abilities specific to an occupation

**Listed family home**—A family home, other than the eligible child’s own residence, that is listed, but not licensed or registered with, the Texas Department of Family and Protective Services (DFPS).

**Military deployment**—The temporary duty assignment away from the permanent military installation or place of residence for reserve components of the single military parent or dual military parents. This includes deployed parents in the regular military, military reserves or National Guard.

**Parent**—An individual who is responsible for the care and supervision of a child and is identified as the child’s natural parent, adoptive parent, stepparent, legal guardian, or person standing in loco parentis (as determined in accordance with TWC policies and procedures). Unless otherwise indicated, the term applies to a single parent or both parents.

**Protective services**—Services provided in any of the following circumstances:

- When a child is at risk of abuse or neglect in the immediate or short-term future and the child’s family cannot or will not protect the child without DFPS Child Protective Services intervention
- When a child is in the managing conservatorship of DFPS and residing with a relative or a foster parent
- When a child has been provided with protective services by DFPS within the previous six months and requires services to ensure the stability of the family

**Provider**—A provider is one of the following:

- Regulated child care provider
- Relative child care provider
- Listed family home

**Regulated child care provider**—A provider caring for an eligible child in a location other than the eligible child’s own residence and is one of the following:

- Licensed by DFPS
- Registered with DFPS

- Licensed by the Texas Department of State Health Services as a youth day camp
- Operated and monitored by the United States military services

**Relative child care provider**—An individual who is at least 18 years of age, and is, by marriage, blood relationship or court decree, one of the following:

- The child's grandparent
- The child's great-grandparent
- The child's aunt
- The child's uncle
- The child's sibling (if the sibling does not reside in the same household as the eligible child)

**Residing with**—Unless otherwise stated in this guide, a child is considered to be residing with the parent when the child is living with and physically present with the parent during the time period for which child care services are being requested or received.

**Teen parent**—An individual 18 years of age or younger, or 19 years of age and attending high school or the equivalent, who has a child.

**Working**—Working is defined as participation in:

- Activities for which one receives monetary compensation such as a salary, wages, tips and commissions
- Job search activities
- Choices or Supplemental Nutrition Assistance Program Employment and Training activities

Rule Reference: [§809.2](#)

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# Child Care Services Guide

## Part B – General Management

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### **B-100: Board Responsibilities**

Workforce Development Boards (Boards) are responsible for administration of the state's subsidized child care program and must do so in a manner consistent with Texas Government Code, Chapter 2308, as amended, and related provisions under Chapter 801 of this title relating to Boards.

A Board must ensure that access to child care services is available through all Workforce Solutions offices within its local workforce development area (workforce area).

Child care services are support services for workforce employment, job training and other services under Texas Government Code, Chapter 2308, and Chapter 801.

Upon request, a Board (or the Board's contractor) must provide the Texas Workforce Commission (TWC) with access to child care administration records and submit related information for review and monitoring, pursuant to TWC rules and policies.

Rule Reference: [§809.11](#)

## **B-200: Board Plan for Child Care Services**

### **B-201: About the Board Plan for Child Care Services**

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A Board must, as part of its Texas Workforce Development Board Plan (Board plan), develop, amend and modify the Board plan to incorporate and coordinate the design and management of delivery of child care services with delivery of other workforce employment, job training and educational services identified in Texas Government Code §2308.251, et seq., as well as other workforce training and services included in the Texas workforce system.

The goal of the Board plan is to:

- Coordinate workforce training and services
- Leverage private and public funds at the local level
- Fully integrate child care services for low-income families with the network of workforce training and services under Board administration

Boards must design and manage the Board plan to maximize the delivery and availability of safe and stable child care services that assist families seeking to become independent from, or at risk of becoming dependent on, public assistance with child care while parents are either working or attending job training or educational programs.

Rule Reference: [§809.12](#)

### **B-202: Coordination of Child Care Services with School Districts, Head Start and Early Head Start**

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A Board must coordinate with federal, state and local child care and early development programs, and with representatives of local government, in developing its Board plan and policies for the design and management of the delivery of child care services. Boards also must maintain written documentation of coordination efforts.

Pursuant to Texas Education Code (TEC) §29.158, and in a manner consistent with federal law and regulations, Boards must coordinate with school districts, Head Start and Early Head Start program providers to ensure, to the greatest extent practicable, that full-day, full-year child care is available to meet the needs of low-income parents working or attending job training or educational programs.

Rule Reference: [§809.14](#)

#### **B-202.a: Information to Parents**

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Board coordination of subsidized child care services must include providing the following contact information to applicants and to families whose subsidized child care is being terminated:

- Contact information for child care resource and referral agencies serving the relevant community
- Other providers of information and referrals serving the relevant community
- When appropriate, the local independent school district's prekindergarten (pre-K) program or the Head Start program administrator serving the relevant community

### **B-202.b: Eligibility for Children Enrolled in Head Start or After-School Programs**

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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.

As described in D-200: At-Risk Child Care, Boards may develop a policy establishing a higher eligibility limit, not to exceed 85 percent of the state median income, for families with a child enrolled in Head Start, Early Head Start or public pre-K.

### **B-202.c: Local Match**

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When seeking local funds to match Child Care and Development Fund (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.

Note: Local funds must meet the requirements described in Part C of this guide.

### **B-202.d: Other Coordination Activities**

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As described in TEC §29.158, Boards may further coordinate child care services in the following ways:

- Cooperating with TWC or the Texas Education Agency (TEA) in conducting studies of early childhood programs
- Collecting the 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 the Family Educational Rights and Privacy Act of 1974
- Sharing facilities and/or staff across early childhood programs
- Identifying and using 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 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 can apply for all services available in the applicant's community through a single point of access
- Coordinating with the Children's Learning Institute to develop longitudinal studies measuring the effects of quality early childhood care and education programs on educational achievement, including high school performance and completion



## **B-300: Board Policies for Child Care Services**

### **B-301: About Board Child Care Services Policies**

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Boards must do the following:

- Develop, adopt and modify their policies for the design and management of the delivery of child care services in a public process in accordance with [Chapter 802](#) of TWC rules
- Maintain written copies of the policies as required by federal and state law, and as requested by TWC, and make such policies available to TWC and the public upon request
- Submit any modifications, amendments or new policies to TWC no later than two weeks after Board adoption of the policy

Rule Reference: [§809.13](#)

### **B-302: Required Board Policies**

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At a minimum, a Board must develop policies for the following:

- How the Board determines that the parent is making progress toward successful completion of a job training or educational program as described in the A-100 definition of “Attending a job training or educational program”
- Maintenance of a waiting list as described in B-500
- Assessment of a parent share of cost as described in B-600, including the reimbursement of providers when a parent fails to pay the parent share of cost
- Maximum reimbursement rates as provided in B-700, including policies related to reimbursement of providers that offer transportation
- Family income limits as described in Part D
- Provision of child care services to a child with disabilities up to the age of 19 as described in D-101
- Minimum activity requirements for parents as described in D-200 and D-600
- Time limits for the provision of child care while the parent is attending an educational program as described in D-101.b
- Frequency of eligibility redetermination as described in D-102
- Board priority groups as described in B-400
- Transfer of a child from one provider to another as described in E-100
- Provider eligibility for listed family homes as provided in F-101.b, if the Board chooses to include listed family homes as eligible providers
- Attendance standards and procedures as provided in F-203, including provisions consistent with D-900 (relating to Continuity of Care for custody and visitation arrangements)
- Providers charging the difference between their published rate and the Board’s reimbursement rate as provided in F-204
- Procedures for fraud fact-finding as provided in G-100
- Procedures for imposing sanctions when a parent fails to comply with the provisions of the parent responsibility agreement as described in E-603
- Mandatory waiting period for reapplying or being placed on the waiting list for child care services as described in D-1000

- Policies and procedures to ensure that appropriate corrective actions are taken against a provider or parent for violations of the automated attendance requirements specified in G-500  
Rule Reference: [§809.13](#)

## **B-400: Priority for Child Care Services**

### **B-401: First Priority Group – Mandatory**

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Boards must ensure that child care services are prioritized as required by federal statutes and TWC rules.

The first priority group is assured child care services and includes children of parents eligible for the following:

- Choices child care as referenced in D-300
- Temporary Assistance for Needy Families Applicant child care as referenced in D-400
- Supplemental Nutrition Assistance Program Employment and Training (SNAP E&T) child care as referenced in D-500
- Transitional child care as referenced in D-600

Rule Reference: [§809.43](#)

### **B-402: Second Priority Group – Subject to Availability of Funds**

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The second priority group is served subject to the availability of funds and includes, in order of priority:

1. Children who need to receive protective services child care as referenced in D-700
2. Children of a qualified veteran or qualified spouse as defined in [§801.23](#)
3. Children of a foster youth as defined in [§801.23](#)
4. Children of parents on military deployment as defined in A-100 whose parents are unable to enroll in military-funded child care assistance programs
5. Children of teen parents as defined in A-100
6. Children with disabilities as defined in A-100

Rule Reference: [§809.43](#)

#### **B-402.a: Documenting Priority for Children of Parents on Military Deployment**

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Boards must ensure that children of deployed military parents who are not eligible for child care assistance through the military are added to the second priority group and served subject to the availability of funds.

Boards also must ensure that appropriate staff work within the local community to determine the availability of military-funded child care programs.

If military-funded child care programs are available in the community or workforce area, Boards must ensure that parents provide documentation of the unavailability of space or denial of care by these programs. Documentation can include a written statement from the military program; however, Boards must ensure that staff do not accept self-attestation unless no other options are available to the parent.

If military-funded child care programs are not available in the community or workforce area, Boards must ensure that parents are not required to provide documentation of that unavailability during certification or recertification for child care services.

### **B-403: Third Priority – Board Determined**

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The third priority group includes any other priority adopted by the Board. However, a Board must not establish a priority group based on parent choice of an individual provider or provider type.

Rule Reference: [§809.43](#)

## **B-500: Maintenance of a Waiting List**

The Board must ensure that a list of parents waiting for child care services due to lack of funding or lack of providers is maintained and available to TWC on request.

Boards must establish a policy for maintenance of the waiting list that includes, at a minimum:

- a process for determining parents' potential eligibility for child care services before they are placed on the waiting list; and
- the frequency at which parent information is updated and maintained on the waiting list.

Rule Reference: [§809.18](#)

## **B-600: Assessing the Parent Share of Cost**

### **B-601: Requirements for Determining the Parent Share of Cost**

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Federal CCDF regulations at 45 CFR §98.42 require that parents receiving child care assistance be assessed a parent share of cost. Parent share of cost must be on a sliding fee scale based on family size and income.

Boards must set a parent share of cost policy that provides for the parent share of cost:

- Being assessed to all parents, except when one of the exemptions described in B-602 applies
- Being an amount determined on a sliding fee scale based on family size and gross monthly income (number of children in care may also be considered)
- Not exceeding the Board's maximum reimbursement rate or the provider's published rate, whichever is lower

Rule Reference: [§809.19\(a\)\(1\)](#)

#### **B-601.a: Parent Share of Cost – Sliding Fee Scale Based on Family Size and Income**

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Boards must ensure that the sliding fee scale is based on family size and gross family income expressed as a percent of the U.S. Department of Health and Human Services Poverty Guidelines (aka federal poverty guidelines) or state median income for the appropriate fiscal year, as shown in the [Parent Share of Cost Sliding Fee Scale](#).

#### **B-601.b: Other Considerations for Assessing Parent Share of Cost**

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In establishing a parent share of cost policy, Boards also may consider the following:

- The number of children in care, by including an additional amount for each additional child in care
- Adjustments to the parent share of cost amount based on other factors, such as one of the following:
  - The family requiring only part-time care
  - The family requiring only before- or after-school care
  - The family requiring only part-week care

### **B-602: Parents Exempt from the Parent Share of Cost**

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Parents meeting one or more of the following criteria are exempt from paying the parent share of cost:

- Parents participating in Choices
- Parents participating in SNAP E&T
- Parents with children receiving protective services child care, including parents of children authorized by DFPS for former protective services child care, as described in D-901, unless DFPS assesses a parent share of cost

Rule Reference: [§809.19\(a\)\(2\)](#); [§809.54\(c\)\(1\)](#)

### **B-603: Parent Share of Cost for Teen Parents**

---

Teen parents not covered under exemptions listed in B-602 must be assessed a parent share of cost. Teen parent share of cost is based solely on the teen parent's income and family size as defined in A-100.

Rule Reference: [§809.19\(a\)\(3\)](#)

### **B-604: Reductions in the Assessed Parent Share of Cost**

---

The Board or its child care contractor may review an assessed parent share of cost for possible reduction if there are extenuating circumstances that jeopardize a family's self-sufficiency, and may reduce the assessed parent share of cost if warranted by the circumstances.

Rule Reference: [§809.19\(d\)](#)

However, if the parent is not covered by one of the exemptions specified in B-602, then the Board or its child care contractor must not waive the assessed parent share of cost under any circumstances.

Rule Reference: [§809.19\(e\)](#)

### **B-605: Prohibition of a Minimum Parent Share of Cost Amount**

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If the parent share of cost, based on family income and family size, is calculated to be zero, then the Board or its child care contractor must not charge the parent any minimum share of cost amount.

Rule Reference: [§809.19\(f\)](#)

### **B-606: Policy Regarding Reimbursing Providers for the Parent Share of Cost**

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Boards must establish a policy regarding reimbursement of providers when parents fail to pay the parent share of cost.

Rule Reference: [§809.19\(c\)](#)

### **B-607: Parent Share of Cost for Non-Child Care Allocated Funds**

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For child care services funded by sources other than those specified in B-601, a Board must set a parent share of cost policy based on a sliding fee scale. However, the sliding fee scale may differ from the requirements of B-601.

Rule Reference: [§809.19\(b\)](#)

### **B-608: Submitting Board Parent Share of Cost Policies**

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As described in B-300, Boards must submit modifications to the parent share of cost policy no later than two weeks after adoption of the policy.

### **B-609: Entering Parent Share of Cost Amounts into The Workforce Information System of Texas**

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Boards must enter sliding fee scale and parent share of cost amount into The Workforce Information System of Texas (TWIST) under the WDA Administration – Share of Cost tab.

Additional information is available in [Technical Assistance Bulletin 252, Entering Board Contract Year Parent Share of Cost Amounts into The Workforce Information System of Texas](#).

## **B-700: Maximum Provider Reimbursement Rates**

### **B-701: About Maximum Provider Reimbursement Rates**

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Based on local factors, including a market rate survey provided by TWC, a Board must establish maximum reimbursement rates for child care subsidies to ensure that the rates provide equal access to child care in the local market and in a manner consistent with state and federal statutes and regulations governing child care. (As required by TWC rule at 40 TAC §802.1(f) and as detailed in WD Letter 10-07, Board members must take such actions in an open meeting.)

Rule Reference: [§809.20\(a\)](#)

### **B-702: Reimbursement Rates Based on Categories of Care**

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#### **B-702.a: Provider Types**

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At a minimum, Boards must establish reimbursement rates for full-day and part-day units of service, as described in F-300, for the following provider types:

- Licensed child care centers, including before- or after-school programs and school-age programs, as defined by DFPS
- Licensed child care homes as defined by DFPS
- Registered child care homes as defined by DFPS
- Relative child care providers as defined in A-100

Rule Reference: [§809.20\(a\)\(1\)](#)

#### **B-702.b: Age Groups**

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At a minimum, Boards must establish reimbursement rates for full-day and part-day units of service, as described in F-300, for the following age groups in each provider type:

- Infants age zero to 17 months
- Toddlers age 18 to 35 months
- Preschool children age 36 to 71 months
- Schoolchildren age 72 months and older

Rule Reference: [§809.20\(a\)\(2\)](#)

### **B-703: Enhanced Reimbursement Rates**

---

Boards must establish enhanced reimbursement rates for all age groups at Texas Rising Star (TRS) provider facilities.

Boards must establish enhanced reimbursement rates only for preschool-age children at the following:

- Child care providers that obtain school readiness certification pursuant to TEC §29.161
- Child care providers participating in integrated school readiness models pursuant to TEC §29.160, the Texas School Ready! (TSR!) project

Rule Reference: [§809.20\(b\)](#)

Boards must be aware that TRS-certified providers—including TRS-certified providers that are also either KRS certified or participating in the TSR! project—receive the enhanced reimbursement rate for all age groups.

### **B-703.a: Minimum Requirements for Enhanced Reimbursement Rates**

The minimum enhanced reimbursement rates established under B-703 must be greater than the maximum rate established for the same category of care as providers not meeting the requirements of B-703 up to, but not to exceed, the enhanced care provider's published rate.

The maximum enhanced provider rate must be at least:

- 5 percent greater for a TRS 2-Star Program Provider, TSR! Project participant, or a provider certified pursuant to TEC §29.161 (if such certification is available)
- 7 percent greater for a TRS 3-Star Program Provider
- 9 percent greater for a TRS 4-Star Program Provider

Rule Reference: [§809.20\(c\)](#)

### **B-703.b: Additional Requirements for Enhanced Reimbursement Rates**

Boards may establish a higher enhanced reimbursement rate than those specified in B-703.a, as long as there is a minimum 2 percent difference between each star level.

Rule Reference: [§809.20\(d\)](#)

## **B-704: Reimbursement for Transportation**

The Board must determine whether to reimburse providers that offer transportation—as long as the combined total of the provider's published rate, plus the transportation rate, does not exceed the maximum reimbursement rate established in B-702 and B-703.

Rule Reference: [§809.20\(f\)](#)

## **B-705: Increasing Board Maximum Rates**

A Board intending to increase maximum reimbursement rates must ensure that the rate increases will allow the Board to:

- Meet its contracted target for the Average Number of Children Served per Day performance measure
- Keep expenditures within its child care allocation

Boards must be aware that that failure to meet the above performance standards may result in Board corrective actions pursuant to the Texas Workforce Commission's (TWC) General Administration rules, Chapter 800, Subchapter E. Boards may consult with TWC's Division of Operational Insight (DOI) and use the interactive Child Care Reimbursement Rate Tool (Rate Tool) developed by DOI as part of the consultation.

The [Rate Tool](#) is available on the Intranet (the Intranet is not available to the general public).

## **B-706: Inclusion Assistance Rate for Children with Disabilities**

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A Board or its child care contractor must ensure that providers that are reimbursed for additional staff or equipment needed to assist in the care of a child with disabilities are paid a rate up to 190 percent of the provider's reimbursement rate for a child without disabilities of that same age.

The higher rate must take into consideration the estimated cost of the additional staff or equipment needed by a child with disabilities.

The Board must ensure that a qualified professional familiar with assessing the needs of children with disabilities certifies the need for the higher reimbursement rate.

Rule Reference: [§809.20\(d\)](#)

### **B-706.a: Information Regarding the Americans with Disabilities Act**

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The Americans with Disabilities Act (ADA) of 1990 protects children with disabilities and requires child care providers to serve children with disabilities if reasonable accommodations can be made. However, child care providers cannot charge parents for the cost of making such accommodations available.

[Commonly Asked Questions about Child Care Centers and the Americans with Disabilities Act](#), published by the U.S. Department of Justice, Civil Rights Division, Disability Rights Section, is a useful resource for child care providers regarding ADA.

### **B-706.b: Intent of the Inclusion Assistance Rate**

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While child care providers are legally responsible for making reasonable modifications for any child with disabilities, the inclusion assistance rate is made available to providers serving low-income families to assist them in making such reasonable accommodations. The inclusion assistance rate also is available to assist providers and families if a child's disability requires more than just reasonable modifications for the child to be fully included in the child care provider's daily activities.

### **B-706.c: Authorizing the Inclusion Assistance Rate**

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Boards must be aware of the following two-step process for authorizing the inclusion assistance rate:

#### **1. Verifying a Child's Eligibility for the Inclusion Assistance Rate**

Boards must ensure that Workforce Solutions office staff verify a child's eligibility for the inclusion assistance rate by confirming the child's enrollment in or receipt of benefits from one or more of the following programs:

- Supplemental Security Income (SSI) benefits
- Social Security Disability Insurance (SSDI) benefits
- Texas Department of Assistive and Rehabilitative Services Early Childhood Intervention (ECI) program
- A Head Start program that identified the child as having a disability

- Public school special education services, including preschool programs for children with disabilities (PPCD)

## **2. Assessing the Provider’s Need for the Inclusion Assistance Rate**

Verification of a child’s participation in one of the programs listed above does not approve the child care provider for the inclusion assistance rate. Under TWC rule §809.20(d), described in B-706, Boards must ensure that a qualified professional familiar with assessing the needs of children with disabilities certifies the need for the inclusion assistance rate.

Boards must develop a procedure for designating qualified professionals familiar with assessing the needs of children with disabilities to certify the need for the inclusion assistance rate.

Boards must ensure that designated qualified professionals consider the cost of the following when certifying a need for the inclusion assistance rate:

- Additional staff and necessary training
- Necessary equipment
- Necessary minor renovations
- Expected duration of the inclusion assistance rate
- The percentage of the increase rate, which is not to exceed 190 percent of the provider’s reimbursement rate

Boards must ensure that the designated qualified professional:

- Uses [Form CC-2419 \(2011\) – Certification for Inclusion Assistance Rate](#), available on the Intranet (the Intranet is not available to the general public), to determine the need for the inclusion assistance rate
- Evaluates the parent and provider questionnaire included in form CC-2419
- Conducts observations at the provider site to confirm a need for the inclusion assistance rate
- Ensures that the provider has met the minimum standards set forth in 40 TAC §746.1315 for CPR and first aid training during the provider’s most recent inspection by the DFPS
- Reviews one of the following, depending on which program the child is enrolled in:
  - Individualized Family Service Plan from the ECI program or Early Head Start
  - Individualized Education Plan from Head Start or public school special education services, including PPCD
  - Other supporting documentation to identify modifications that may include types of equipment recommended for the child

Boards must ensure that child care contractors verify provider compliance with approved activities within 30 calendar days of receiving approval for the inclusion assistance rate.

### **Initiating the Inclusion Assistance Rate Process**

Boards must be aware that the inclusion assistance rate process:

- Can be initiated only by a child’s parent

- Cannot be initiated by child care providers

If a child care provider requests that a child receive the inclusion assistance rate, Boards must ensure that the provider is informed of the following:

- The inclusion assistance rate can be requested only by the parent.
- The provider should discuss with the parent the provider’s concerns regarding the child’s special needs.
- The provider can recommend that the parent contact the Board’s child care contractor to discuss inclusion assistance rate benefits and process.
- The provider can refer the parent to the following appropriate programs and services for children with disabilities:
  - SSI benefits
  - SSDI benefits
  - ECI
  - Public school special education services, including PPCD

## **B-707: Determining the Amount of the Provider Reimbursement**

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The actual reimbursement that the Board or the Board’s child care contractor pays to the provider must be the Board’s maximum daily rate or the provider’s published daily rate, whichever is lower, less the following amounts:

- The parent share of cost assessed (and adjusted when the parent share of cost is reduced)
- Any child care funds received by the parent from other public or private entities

Rule Reference: [§809.21\(a\)](#)

### **B-707.a: Provider Published Rates**

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The Board or its child care contractor must ensure that the provider’s published daily rates are calculated according to TWC guidance and include the provider’s enrollment fees, supply fees and activity fees.

Rule Reference: [§809.21\(a\)](#)

### **B-707.b: Calculating Providers’ Published Rates**

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Boards must be aware that the published daily rate is the sum of calculated daily rates and calculated daily fees.

Boards must ensure that child care contractors use the following methodology to calculate providers’ published rates and applicable fees upon renewal of provider agreements:

#### Calculating Daily Rates

Provider types	To obtain the daily rate:
Providers with monthly rates	Divide the rate by 4.33, then divide the result by 5
Providers with biweekly rates	Divide the rate by 2.165, then divide the result by 5
Providers with weekly rates	Divide the weekly amount by 5
Providers with hourly rates	Multiply the hourly rate by 12 to calculate the full-

	day rate and by 6 to calculate the part-day rate
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Providers with multiple rates within an age category, as defined in §809.20(a)(2), will average all applicable rates to obtain the published rate for the age category, then determine the daily rate using the appropriate method.

Daily fees include the following:

- Enrollment and registration fees
- Supply fees
- Activity fees

The calculated daily fee amount is the total reported fees prorated by the number of days in the provider's program year.

Calculating Daily Fees

Program Type	Program Days
Full Year	260
School Year	194
Summer Only	66

When identifying applicable fees, Boards must be aware that activity fees include only the fees that all parents are required to pay and do not include fees for optional activities such as field trips or optional classes.

### **B-708: Methods of Reimbursement to Providers**

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Boards must reimburse child care providers using either Electronic Funds Transfer (EFT) or debit card payments.

Boards may determine which of the following payment methods is most practical for its workforce area:

- EFT and debit card
- EFT only
- Debit card only

In exceptional circumstances, Boards may determine that a check is required. These exceptions are to enable Boards to provide payment only when the EFT and/or debit card is not a viable payment method.

Boards must ensure that a justification for the exception check is documented.

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# Child Care Services Guide

## Part C – Child Care Local Match Process

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### C-100: Child Care Local Match

The Texas Workforce Commission (TWC) allocates federal funding for child care services from the U.S. Department of Health and Human Services Child Care and Development Fund (CCDF) to local workforce development areas (workforce areas). For a portion of the CCDF funding, Workforce Development Boards (Boards) are required to secure and submit local matching funds to TWC in accordance with federal regulations and TWC’s Child Care Services rules at 40 Texas Administrative Code (TAC), Chapter 809, and General Administration rules at 40 TAC, Chapter 800.

TWC encourages Boards to secure local public and private funds for the purpose of matching federal funds in order to maximize resources for child care needs in the workforce area.

Rule Reference: [§809.17\(a\)\(1\)](#)

A Board is encouraged to secure additional local funds in excess of the amount required to match federal funds allocated to the Board in order to maximize its potential to receive additional federal funds should they become available.

Rule Reference: [§809.17\(a\)\(2\)](#)

Board performance in securing and leveraging local funds for match may make a Board eligible for incentive awards.

Rule Reference: [§809.17\(a\)\(3\)](#)

Additional information regarding local match is available in [Technical Assistance Bulletin 251, Child Care Local Match Activities and Certified Public Expenditure Sources](#).

## C-200: Types of Local Match

### C-201: Private Donations

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Boards must be aware that TWC accepts funds from private entities that:

- Are donated without restrictions that require their use for:
  - A specific individual, organization, facility or institution
  - An activity not included in the CCDF State Plan or allowed under TWC's Chapter 809, Child Care Services rules
- Do not revert to the donor's facility or use
- Are not used to match other federal funds
- Are certified by both the donor and TWC as meeting these requirements

Rule Reference: [§809.17\(b\)\(1\)](#)

### C-202: Public Transfers and Certifications

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Boards must be aware that TWC accepts funds from public entities that are:

- Transferred without restrictions that would require their use for an activity not included in the CCDF State Plan or allowed under Chapter 809
- Not used to match other federal funds
- Not federal funds, unless authorized by federal law to be used to match other federal funds

Rule Reference: [§809.17\(b\)\(2\)](#)

Boards must be aware that TWC accepts expenditures by a public entity certifying that the expenditures are:

- For an activity included in the CCDF State Plan or allowed under Chapter 809, Child Care Services rules
- Not used to match other federal funds
- Not federal funds, unless authorized by federal law to be used to match other federal funds

Rule Reference: [§809.17\(b\)\(3\)](#)

#### **C-202.a: Verification of Public Certifications for Direct Child Care Services**

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The Board must ensure that a public entity certifying expenditures for direct child care services determines and verifies that the expenditures are for child care provided to an eligible child.

At a minimum, the Board must ensure the public entity verifies the following:

- The child is under 13 years of age, or at the option of the Board, is a child with disabilities under 19 years of age.
- The child resides with the following:
  - A family whose income does not exceed 85 percent of the state median income for a family of the same size
  - A parent who requires child care in order to work or attend a job training or educational program

Rule Reference: [§809.42\(c\)](#)

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

## **C-300: Use of Federal Funds Drawn from Local Match**

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

## **C-400: Securing Local Match**

### **C-401: About Local Match**

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A Board must submit private donations, public transfers and public certifications to TWC for acceptance, with sufficient information to determine that the funds meet the requirements in C-200.

Rule Reference: [§809.17\(c\)](#)

Boards must ensure the following:

- Private donations of cash and public transfers of funds are paid to TWC
- Public certifications are submitted to TWC

Rule Reference: [§809.17\(d\)\(1\)](#)

### **C-402: Time Frames for Securing Local Match**

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Boards must secure local match within the time frames set forth in §800.73 of the General Administration rules:

“By the end of the fourth month following the beginning of the program year, Boards shall secure donations, transfers, and certifications totaling at least 100% of the amount a Board needs to secure in order to access the unmatched federal child care funds available to the workforce area at the beginning of the program year.”

Boards must be aware that CCDF federal matching funds that are not secured with eligible child care local matching funds by the end of the fourth program month can be subject to deobligation.

Boards must complete donations, transfers and certifications as required by the following:

- [§800.73\(a\)\(2\)](#), General Administration rules: “Throughout the program year and by the end of the twelfth month, a Board shall ensure completion of all donations, transfers, and certifications consistent with the contribution schedules and payment plans specified in the local agreements.”
- [§809.17\(d\)\(2\)](#), Child Care Services rules: “Private donations and public transfers are considered complete when the funds have been received by the Commission.” (See C-201.)
- [§809.17\(d\)\(3\)](#), Child Care Services rules: “Public certifications are considered complete to the extent that a signed written instrument is delivered to the Commission that reflects that the public entity has expended a specific amount of funds on eligible activities described in subsection (b)(3) of this section.” (See C-202.)

### **C-403: Child Care Local Match Agreement Start and End Dates**

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Boards may establish a [Child Care Local Match Contribution Agreement](#) (local match agreement) with a start date beginning after, or an end date ending before, the effective period in which the funds are contracted.

### **C-404: Restrictions on Public Prekindergarten Expenditures for Local Match**

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Boards must be aware that TWC cannot accept local expenditure certifications for public prekindergarten (pre-K) programs referenced in 45 Code of Federal Regulations §98.53 because the state is already maximizing pre-K expenditures as match to the fullest extent, and federal regulations prohibit counting the same contribution more than once.

### **C-405: Restrictions on Texas School Ready! Project Expenditures for Local Match**

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Boards must be aware that TWC cannot accept local expenditure certifications for the Texas School Ready! (TSR!) project because the Texas Education Agency certifies state general revenue funds for the TSR! project as match for Child Care and Development Fund (CCDF) federal matching funds.

### **C-406: Local Match Agreements with Independent School Districts Using Public Expenditures for Before- and After-School Programs**

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Boards must be aware that public expenditures by an independent school district for license-exempt before- and after-school child care programs may be certified as local match for CCDF funding.

Boards must ensure that certified expenditures for direct care at before- and after-school programs are for care provided to a child meeting the minimum federal CCDF-eligibility requirements. Specifically, the child must meet the following qualifications:

- Be under 13 years of age, or at the option of the Board, be a child with disabilities under 19 years of age
- Reside with:
  - A family whose income does not exceed 85 percent of the state median income for a family of the same size
  - A parent who requires child care in order to work or attend a job training or educational program

Boards must be aware that expenditures certified for local match by a public entity can include expenditures for any quality improvement activity described in Part H of this guide.

## **C-500: Child Care Local Match Agreements**

### **C-501: About Child Care Local Match Agreement**

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When securing pledges of child care local match, Boards must use the [Child Care Local Match Contribution Agreement Forms](#) to enter into signed, written agreements with contributors that:

- Document the contributor’s pledge and remittance schedule to provide allowable matching funds for child care services
- Contain sufficient information to ensure that the local funds pledged meet federal and state requirements

### **C-502: Office of the General Counsel Review of Changes to Agreements**

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Boards must ensure that any addenda or additional requirements to the local match agreement, as requested by the contributor, is reviewed and approved by TWC’s Office of the General Counsel before the Board submits the complete, signed agreement.

### **C-503: Private Entity Restrictions**

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Boards must be aware that if a private entity contributor is party to an administrative proceeding before TWC’s three-member Commission (Commission), state statutes prohibit TWC from accepting the local match agreement until 30 calendar days after the date that the decision in the proceeding becomes final.

TWC interprets the term “administrative proceeding” in this context to refer to a “contested case,” as defined by Texas Government Code §2001.003, that is, “a proceeding, including a ratemaking or licensing proceeding, in which the legal rights, duties, or privileges of a party are to be determined by a state agency after an opportunity for adjudicative hearing.”

The local match agreement reflects this limitation. This restriction does not apply to transfers or certifications from public entities.

### **C-504: Multiparty Child Care Local Match Agreements**

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Boards must be aware that Multiparty Child Care Local Match Agreements (multiparty local match agreements) exist when two or more Boards agree to share match or “excess match” received for a common local match agreement. Local match agreements arising when multiple Boards independently enter into separate agreements with the same contributor do not constitute multiparty local match agreements.

All Boards benefiting from a multiparty local match agreement must be party to the local match agreement by either of the following:

- Signing the local match agreement (attach additional signature pages, as necessary)

- Signing a separate agreement among benefiting Boards that is incorporated into the local match agreement

Boards must be aware that all multiparty local match agreements are subject to review and approval. This includes multiparty local match agreements in which benefiting Boards enter a separate written agreement that is incorporated into the local match agreement.

It is recommended that Boards participating in a multiparty local match agreement through a separate agreement among benefiting Boards address the following in the separate Board agreement:

- Responsibilities of each Board
- Designation of a lead Board for communications with the contributor
- Program numbers for each Board
- Priority or order in which federal matching funds are distributed upon certification of local matching expenses by the contributor
- Priority or order in which federal matching funds are reduced when there is a reduction in the amount of local matching funds certified by the contributor

#### **C-504.a: Presubmission Reviews of Multiparty Child Care Local Match Agreements**

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Boards entering into multiparty local match agreements must submit the draft agreements, including any draft addenda, to TWC's Board and Special Initiative Contracts department to coordinate a review with TWC's Office of the General Counsel, prior to submitting the agreements to TWC's three-member Commission for approval.

## **C-600: Local Match Submission**

### **C-601: General Submission Procedures**

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Boards must submit local match agreements to TWC for review and acceptance in accordance with federal and state requirements.

Boards must ensure the following:

- The local match agreement start date, end date and program year are within the effective period in which the funds are contracted.
- Activities under Section E: Donation/Transfer Payment(s) and Certification of Expenditures Schedule are completed by the end of the twelfth month of the program year in which the funds are allocated, in accordance with §800.73(a)(2), General Administration rules.
- Expenditures are reported in TWC's Cash Draw and Expenditure Reporting system no later than 60 days following the end of the child care match grant award contract ("CCM" contract alpha).
- The local match agreement is properly signed and executed by the Board(s) and the contributor (signature requirements for multiparty local match agreements are covered in C-504: Multiparty Child Care Local Match Agreements).

Additionally, Boards submitting multiparty local match agreements must ensure the following:

- Section C: Originating Agreement Information contains the program number for each benefiting Board, or that the program numbers for each benefiting Board are incorporated into any referenced and attached agreement.
- Section D: Utilization of Funds Description is created for each Board as part of the agreement with the contributor.

Consistent with §800.73, General Administration rules, Boards must submit complete, signed local match agreements to their assigned contract manager in TWC's Board and Special Initiative Contracts department by the end of the fourth month following the beginning of the program year by one of the following methods:

- Email: [ccm.agreements@twc.state.tx.us](mailto:ccm.agreements@twc.state.tx.us)
- Fax: 512-936-3223
- U.S. Mail: Texas Workforce Commission  
c/o (Assigned Contract Manager)  
101 East 15th Street, Room 506-T  
Austin, Texas 78778-0001

### **C-602: Private Entity Donations**

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For donations pledged by private entities, Boards must mail three original, signed agreements to TWC when submitting local match agreements (including multiparty local match agreements). Following acceptance by the Commission, two original, signed copies will be returned to the Board, along with an amendment to the Child Care Local Match contract.

### **C-603: Transfers and Certifications**

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For transfers and certifications, Boards must submit an original or a copy of a signed local match agreement (or multiparty local match agreement) to TWC for one of the following:

- Transfer of funds by a public entity
- Certification of local expenditures by a public entity

### **C-604: Voluntary Presubmission Review**

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Boards entering into local match agreements, other than multiparty local match agreements, may email draft agreements to [childcare.programassistance@twc.state.tx.us](mailto:childcare.programassistance@twc.state.tx.us) for presubmission review.

Boards must be aware that the presubmission review does not constitute, or substitute for submission to, or review and acceptance by, TWC. After completion of a presubmission review, Boards still must submit the agreement for review and approval.

### **C-605: Child Care Local Match Agreement Amendments**

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Boards must submit the Child Care Local Match Agreement Amendment Form (local match agreement amendment)—and, if necessary, an updated payment schedule—to TWC’s Board and Special Initiative Contracts department (using the email or physical address in C-600: Submission Procedures) if there is one of the following:

- An increase or decrease in the pledge amount
- A change of certification date
- A change in the use of the federal funds.

Boards also must be aware that Commission acceptance is required for local pledge increases.

### **C-606: Notification of Commission Acceptance**

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Boards must be aware that if the pledge information provided in the local match agreement or amendment (to increase a local pledge amount) meets all federal and state requirements, TWC’s Board and Special Initiative Contracts department:

- Notifies the Board of the date on which the item is placed on the Commission agenda for approval
- Provides notification of the status of the local match agreement or amendment following the scheduled meeting date

- Provides written notification when the Commission approves the local match agreement or amendment

## **C-700: Child Care Local Matching Funds Encumbrance and Budget Setup**

### **C-701: General Information**

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Boards must be aware of the following regarding encumbrance of federal matching funds:

- For individual certified pledge agreements, TWC encumbers and Boards can draw the federal match for the individual certified pledge agreement approximately one week after both of the following have occurred:
  - The Commission has accepted the pledge.
  - A TWC and Board contract or amendment is fully executed.
- For individual donated and transferred pledge agreements, TWC encumbers and Boards can draw funds for individual pledge agreements approximately one week after all of the following have occurred:
  - The Commission has accepted the pledge.
  - A TWC and Board contract or amendment is fully executed.
  - TWC receives the actual cash remittance.

For example, if a Board has a \$50,000 donation/transfer agreement—with remittance dates of January 2 for \$20,000 and June 2 for the remaining \$30,000—and the Commission has accepted the associated pledge, the Board will have access to draw the federal and local funds for the \$20,000 approximately one week after the \$20,000 is received by TWC, and the TWC contract or amendment is fully executed. The Board will then have access to the \$30,000 in local funds and its respective federal share approximately one week after the \$30,000 donation/transfer is received by TWC, and the TWC contract or amendment is fully executed.

### **C-702: Local Match Budgets in TWIST**

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Boards must create budgets in The Workforce Information System of Texas (TWIST) Child Care Claims and Allocations website for the following:

- Donation and transfer budgets—Boards receive the total federal and local amounts because “cash” is remitted to TWC.
- Certification budgets—Boards are reimbursed only the federal share.

Note: Boards cannot draw cash for donations and transfers until TWC receives the local share of the donation or transfer of funds.

Boards must ensure that:

- Expenditures of local and matched federal funds follow TWC policies for the allocated CCDF funds by submitting local contributor amendments as needed
- Budgets in the TWIST Child Care Claims and Allocations website do not exceed the workforce area’s allocated funds

Boards must not create budgets in the TWIST Child Care Claims and Allocations website until after the Commission has approved the pledge agreement.

### **C-703: Common Local Match Subcontract Numbers in TWIST**

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When creating budgets in the TWIST Child Care Claims and Allocations website, Boards may use the ten-digit smart code system, XXXXCCMXXX, when indicating the subcontract number, in which:

- The first seven digits match the first seven digits of the respective TWC contract, to indicate Board number, year, and the CCM contract alpha.
- The eighth digit uses an alpha “C,” “T,” or “D” to indicate the match type as certification, transfer, or donation.
- The last two digits are determined by the Board.

For example, subcontract 0113CCM01 could be used by Board 01 to identify the first subcontract that it funded under TWC contract #013CCM000. Similarly, subcontract #2813CCM05 could be used by Board 28 to identify the fifth subcontract that it funded under TWC contract #2813CCM000.

This system facilitates the tracking of funds by TWC grant award contract.

Boards may contact [childcare.applicationassistance@twc.state.tx.us](mailto:childcare.applicationassistance@twc.state.tx.us) for further assistance with technical issues in setting up budgets in the TWIST Child Care Claims and Allocations website.

## **C-800: Process for Pledge Remittances and Certification of Expenditures**

### **C-801: Pledge Remittances for Transfers and Donations**

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Boards must use the [Local Match Pledge Payment Coupon & Certification of Expenditures Form](#) (the Intranet is not available to the general public) to do the following:

- Remit fund transfers from public entities and donations from private entities
- Submit certifications of expenditures by public entities

Boards must submit remittances for fund transfers from public entities and donations from private entities, along with the payment and certification form, to:

Texas Workforce Commission  
Attn: Revenue Trust Management, Depository Section  
P.O. Box 322  
Austin, Texas 78767-0322

Boards also must:

- Ensure that checks for transfer and donation remittances are made payable to the Texas Workforce Commission by either the Board or an individual contributor
- Direct contributors to deliver all remittances to the respective Board, even if contributors make checks payable to TWC

Boards may consolidate several contributor remittances by requesting that contributors make their checks for transfers or donations payable to the Board so the Board can then endorse a check for the total value payable to the Texas Workforce Commission.

To ensure accountability of pledged funds and certification of expense reports, TWC will not accept contribution remittances without a payment and certification form. Boards must ensure that the payment and certification form is complete and that it lists the specific contributor information in the contributor agreement.

Boards are not required to consolidate multiple contributor remittances when delivering payment to TWC. Boards may do one of the following:

- Submit a separate check payable to the Texas Workforce Commission for each individual remittance that contributors make payable to the Board.
- Permit contributors to remit transfers and donations to the Board in a check made payable to the Texas Workforce Commission.

TWC will return any overpayment of funds to the Boards.

## **C-802: Pledge Remittances for Certifications**

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Boards must do the following:

- Detail the Quality Improvement and Direct Care Services portions of certified child care expenditures in the Certification of Child Care Expenditures section of the payment and certification form
- Ensure that the public entity certifying child care expenditures signs the payment and certification form, and returns the form to the respective Board so that Boards (not contributors) submit forms to TWC
- Submit the Local Match Certification form by e-mail to [childcare.localmatch@twc.state.tx.us](mailto:childcare.localmatch@twc.state.tx.us)

## **C-900: Monitoring Local Match**

### **C-901: General Information**

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Boards must monitor the funds secured for match and the expenditure of any resulting funds to ensure that expenditures of federal matching funds available through TWC do not exceed an amount that corresponds to the private donations, public transfers and public certifications that are completed by the end of the program year.

Rule Reference: [§809.17\(d\)](#)

Boards must be aware that pursuant to CCDF regulations at 45 CFR §98.53(e)(2)(v), expenditures of donations from private sources are subject to the audit requirements in §98.65 of the regulations.

Boards must be aware that TWC's Board and Special Initiative Contracts department reviews receipts of pledge remittances and certifications of expenditures throughout the fiscal year. Appropriate follow-up is conducted when pledges are 30 days past due.

### **C-902: Documentation**

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Boards must provide documentation to TWC's Board and Special Initiative Contracts department for individual agreement actions including cancellations, increases, decreases, delinquencies or lapses in pledge remittances.

### **C-903: Record Retention**

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Boards must be aware that the [Child Care Local Match Contribution Agreement](#) details that contributors must retain records adequate to show that the funds they contribute are eligible for match, for the longer of the following:

- The period specified by the Board's record retention policies for such records
- Three years after the end date of the local match agreement
- Until the completion and resolution of all issues that arise from any litigation, claim, negotiation, audit or other action that began during and was ongoing as of the end of the normal retention period

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# Child Care Services Guide

## Part D – Eligibility for Child Care Services

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### D-100: Eligibility for Child Care Services

#### D-101: A Child's General Eligibility for Child Care Services

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Workforce Development Boards (Boards) must be aware that, with the exception of children receiving or needing protective services as described in D-700, eligibility for subsidized child care services requires the following:

- The child is under 13 years of age or, at the option of the Board, is a child with disabilities under 19 years of age.
- The child is a U.S. citizen or legal immigrant as described in D-103.
- The child resides with one of the following:
  - A family within the Board's local workforce development area (workforce area) whose income does not exceed the income limit established by the Board—which cannot exceed 85 percent of the state median income for a family of the same size—and with parents who require child care in order to work or attend job training or an educational program as defined in Part A
  - A person standing in loco parentis for the child while the child's parent or parents are on military deployment and the deployed military parent's income does not exceed the Board's income limits

Rule Reference: [§809.41\(a\)](#)

#### D-101.a: Children of Parents on Military Deployment

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Boards must be aware that for a child with a parent or parents on military deployment, child care eligibility is based on the income and work, education and job training activities of one of the following:

- The parent on military deployment
- The individual standing in loco parentis for the child

If eligibility is based on the circumstances of the parent on military deployment, it is assumed that military deployment automatically allows the parent to meet the minimum work requirements.

Boards must be aware that it is the responsibility of the deployed military parent or parents to ensure that the information necessary to determine eligibility is made available to the Board's child care contractor. However, the Board also must work with deployed

military parents in situations in which deployment does not allow the parent to provide information within the required time frames.

### **D-101.b: Board Policies for Parents Attending Educational Programs**

Boards must establish policies, including time limits, for the provision of child care services while a parent is attending an educational program (as required by TWC rule at 40 TAC §802.1(f) and as detailed in WD Letter 10-07, Board members must take such actions in an open meeting).

Rule Reference: [§809.41\(b\)](#)

Boards must ensure that time limits for parents attending educational programs include the provision of child care services for four years, if the eligible child's parent is enrolled in an associate's degree program that will prepare the parent for a job in a high-growth, high-demand occupation as determined by the Board.

Rule Reference: [§809.41\(c\)](#)

### **D-102: Child Care Eligibility Determination and Verification**

A Board must ensure that its child care contractor verifies eligibility for child care services prior to authorizing child care.

Eligibility for child care services must be redetermined:

- Any time there is a change in family income or other information that could affect eligibility to receive child care services
- On an established frequency at the Board's discretion

Rule Reference: [§809.42\(a\)](#)

### **D-103: Child's Age and Citizenship or Immigration Status**

Boards must be aware of the following:

- Because the child is the primary beneficiary of child care services, only the child's citizenship or immigration status is subject to documentation.
- Documented receipt of Temporary Assistance for Needy Families (TANF), Supplemental Nutrition Assistance Program (SNAP) benefits, Medicaid or other public assistance in which citizenship or immigration status is a requirement for eligibility and is considered valid documentation of citizenship or immigration status.

Boards must ensure that appropriate staff verify a child's age and U.S. citizenship or legal immigrant status as part of child care services eligibility requirements.

#### **D-103.a: Verifying Age and Citizenship or Immigration Status**

Boards must ensure that appropriate staff:

- Use only the documents listed in this section as acceptable sources for documenting the age and citizenship or immigration status of a child receiving child care services
- Retain appropriate documentation of the child’s citizenship or legal immigration status, as well as age, in the child’s case file
- Do not require documentation of citizenship or immigration status prior to placing a child on a Board’s waiting list

Boards may:

- Request one document that provides both proof of the child’s age and the child’s citizenship or immigration status
- Accept photocopies of the documentation to expedite the eligibility process during the initial enrollment period

Boards must be aware that the following are acceptable primary and secondary verification documents:

Primary verification documents for age and citizenship

- Birth certificate (United States or its possessions)
- Current U.S. passport
- Hospital or public health birth record (United States or its possessions)
- Church or baptismal record (United States or its possessions)
- TANF, SNAP benefits, Medicaid or other related public assistance records

Secondary verification documents for citizenship or immigration status only

If no primary documents for age and citizenship are available, the following are acceptable sources to verify a child’s citizenship or immigration status:

- U.S. Citizen
  - Baptismal certificate (if place of birth is shown)
  - Report of birth abroad of U.S. citizen (FS-240) issued by U.S. Department of State
  - Certificate of Birth (FS-545) issued by a foreign service post
  - Certificate of U.S. Citizenship (N-561)
  - Native American Tribal Document/Card (Form I-872)
- Immigrant/“Qualified Alien”
  - Lawful Permanent Resident Card, also known as “Green Card” (Form I-551)
  - Form I-94 (Form I-94 is an arrival/departure admission form given by U.S. Immigration and Customs Enforcement at the port of entry to nonimmigrant visa holders and must be stamped with the applicable immigration rule citations):  
 For Asylee: Annotated with stamp showing asylum granted under §208 of the Immigration and Nationality Act (INA), a copy of grant letter from the Asylum Office of the U.S. Citizenship and Immigration Services (USCIS) or a copy of the order of an immigration judge granting asylum  
 For Refugee: Annotated with stamp showing admission under INA §207 or Form I-571 (Refugee Travel Document)

For Cuban/Haitian Entrant: Annotated with stamp showing §501(e), Permanent Resident Card, also known as Green Card (Form I-551), unexpired temporary Form I-551, or stamp in foreign passport showing §501(e)

- Alien Whose Deportation or Removal Was Withheld—order from an immigration judge showing deportation or removal withheld
- Alien Granted Conditional Entry—Form I-94 identifying the bearer as “Refugee-Conditional Entry” and a citation of §203(a)(7)
- Alien Who Has Been Declared a Battered Alien or Alien Subjected to Extreme Cruelty—USCIS petition and supporting documentation
- Alien Who Is Paroled—proof of parole under INA §212(d)(5) for a period of at least one year

Secondary verification documentation for age only

If no documentation listed under the primary age and citizenship category is available, the following are acceptable sources to verify a child’s age:

- Adoption papers or records (United States or its possessions)
- Divorce and/or court custody decrees
- Bureau of Indian Affairs or Tribal records
- Immigration and Naturalization Service records
- Child support paternity records
- School records/identification card

### **D-103.b: Termination of Services at a Child’s 13th Birthday**

Boards must do the following:

- Terminate subsidized child care when a child turns 13 years of age, effective on the 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
- Ensure that eligibility is extended to age 19 for children subject to court supervision if so requested by the Texas Department of Family and Protective Services (DFPS)

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.

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.

## **D-104: Residence**

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As defined in A-100: Definitions, a child is considered to be residing with the parent when the child is living with and physically present with the parent during the time period for which child care services are being requested or received.

### **D-104.a: Residency for Children of Parents Attending an Educational Program**

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Boards may establish a policy to allow parents attending an educational program that leads to a postsecondary degree from an institution of higher education to be exempt from residing with the child. (As required by TWC rule at 40 TAC §802.1(f) and as detailed in WD Letter 10-07, Board members must take such actions in an open meeting.)

Rule Reference: [§809.41\(e\)](#)

### **D-104.b: Residency for Children of Parents on Military Deployment**

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Boards must be aware that children of parents on military deployment may reside with a caretaker while the parent is on military deployment.

Rule Reference: [§809.41\(a\)](#)

### **D-104.c: Residency During Custody and Visitation Arrangements**

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Boards must be aware that a child who is temporarily living with a parent on court-ordered visitation is considered to be residing with the parent during the visitation arrangement.

Boards may allow child care to continue or be suspended, depending on the particular family and child care arrangements, for custody arrangements of short duration (for example, two weeks during the summer or one week a month).

## **D-105: Determining the Family Size**

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When determining family size, Boards must be aware of the following definitions.

### **D-105.a: Family and Household Dependents**

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A “family” is the unit composed of a child eligible to receive child care services, the parents of that child and household dependents.

A “household dependent” is an individual living in the household who is one of the following:

- An adult considered as a dependent of the parent for income tax purposes
- The child of a teen parent

- A child or other minor living in the household who is the responsibility of the parent

### **D-105.b: Parent**

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A parent is an individual who is responsible for the care and supervision of a child and is identified as the child's natural parent, adoptive parent, stepparent, legal guardian or person standing in loco parentis (as determined in accordance with TWC policies). Unless otherwise indicated, the term applies to a single parent or both parents.

### **D-105.c: In Loco Parentis**

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Boards must be aware that, in situations in which a child's natural parent, adoptive parent, stepparent or legal guardian is unavailable to care for the child, it is sometimes necessary for the child to be cared for by an individual who is not the child's legal guardian—that is, standing in loco parentis.

TWC defines in loco parentis as the following:

An individual 18 years of age or older who is responsible for the day-to-day care and supervision of the child when the child's natural parent, adoptive parent, stepparent or legal guardian is not available to care for the child. The individual must document the reason the child's parents are unavailable to care for the child and that he or she is exercising parental responsibility for the child.

Boards must be aware that the documentation requirements for DFPS Child Protective Services (CPS) placement set forth in the following table apply only to situations in which CPS has not authorized child care as described in D-700: Child Care for Children in Protective Services.

Boards must ensure that individuals standing in loco parentis provide documentation verifying the following:

- The reason the parent is unavailable to care for the child
- That the caretaker is responsible for the child as set forth in the following table

<b>Reason Parent is Unavailable</b>	<b>Documentation Verifying Reason Parent is Unavailable</b>	<b>Documentation Verifying Caretaker is Responsible for the Child</b>
<p>Medical Incapacitation</p> <p>OR</p> <p>In Treatment or Rehabilitation</p>	<p>A document from a licensed medical professional, for example, physician, psychiatrist or psychologist, stating the medical condition that makes the parent unable to care for his or her child.</p> <p>OR</p> <p>A document from a licensed professional such as a counselor or therapist is an acceptable alternative as long as the recommendation or diagnosis does not exceed the licensed professional’s authority.</p> <p>If the parent is in a treatment or rehabilitation center, a letter from the facility verifying admission must be signed by an authorized representative of the facility and include both the admission and anticipated release date. A copy of the order mandating the placement will suffice.</p>	<p>Caretaker must have a notarized power of attorney or a sworn affidavit of temporary custody/guardianship of the child.</p>
<p>CPS Placement</p>	<p>Documentation must include at least one of the following:</p> <ul style="list-style-type: none"> <li>• A recent (within six months) CPS safety plan or CPS placement agreement</li> <li>• A court order naming the individual as the caretaker</li> <li>• A letter from CPS that confirms the child’s placement with the caretaker is ongoing</li> </ul>	<p>No other documentation is necessary.</p>
<p>Military Deployment</p>	<ul style="list-style-type: none"> <li>• Military orders</li> <li>• A suitable alternative such as a confirmation by the base commander or other military official</li> </ul>	<p>A military power of attorney appointing the caretaker as guardian of the child</p> <p>OR</p> <p>In lieu of a military power of attorney, a military family plan that gives the caretaker the authority to execute decisions on child care matters</p>
<p>Incarcerated</p>	<p>Documentation must include at least one of the following:</p> <ul style="list-style-type: none"> <li>• A commitment order from the court</li> <li>• Verification from the Texas Department of Criminal Justice (TDCJ) Offender Information Search database (<a href="http://offender.tdcj.state.tx.us/POSdb2/index.jsp">http://offender.tdcj.state.tx.us/POSdb2/index.jsp</a>) for offenders who are incarcerated in a TDCJ facility</li> <li>• A letter from the sheriff’s office confirming incarceration if the parent is in a local jail</li> </ul> <p>The document must include the date of incarceration and anticipated release date.</p>	<p>Caretaker must have a notarized power of attorney or a sworn affidavit of temporary custody/guardianship of the child.</p>
<p>Other Reasons Parent or Legal Guardian is Unavailable</p>	<p>A sworn affidavit of facts attesting to all of the following:</p> <ul style="list-style-type: none"> <li>• the circumstances of how and why the caretaker assumed responsibility for the child</li> <li>• the whereabouts of the natural parent(s)</li> <li>• the caretaker’s relationship to the child</li> </ul>	<p>Caretaker must have a notarized power of attorney or a sworn affidavit of temporary custody/guardianship of the child.</p> <p>Additionally, the caretaker must</p>

	<ul style="list-style-type: none"> <li>the length of time the child has been with the caretaker</li> </ul>	<p>have documentation from a verifiable source that establishes his or her parental responsibility for the child. The documentation can be one of the following:</p> <ul style="list-style-type: none"> <li>The caretaker's most recent Internal Revenue Service (IRS) tax return listing the child as a dependent</li> <li>A letter from a child care center or other independent, nonrelative, verifiable source that can establish the individual's parental and financial responsibility for the child</li> <li>A letter from an independent school district</li> <li>Documentation that the caretaker is receiving TANF benefits on behalf of the child, or has received TANF benefits within the past six months</li> </ul>
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## **D-106: Family Income**

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Boards must be aware that, effective October 1 of each year, TWC supplies Boards with eligibility code cards containing up-to-date income data for determining eligibility. The income information is also loaded into The Workforce Information System of Texas (TWIST). Eligibility code cards cover Federal Poverty Guidelines (FPG) information and state median income (SMI) levels.

Boards may use either FPG or SMI to determine income eligibility limits, but in either case, family incomes cannot exceed 85 percent of SMI.

### **D-106.a: Monthly Family Income**

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Boards must be aware that unless otherwise required by federal or state law, a family's income for purposes of determining eligibility and the parent share of cost means the monthly total of the income sources in D-106.b for each member of the family.

Rule Reference: [§809.44\(a\)](#)

### **D-106.b: Income Sources**

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Boards must ensure that monthly family income is totaled from the following income sources:

- Total gross earnings: Includes wages, salaries, commissions, tips, piece-rate payments and cash bonuses earned.

- Net income from self-employment: Includes gross receipts minus business-related expenses from an individual's own business, professional enterprise or partnership, which result in the individual's net income. Net income also includes gross receipts minus operating expenses from the operation of a farm.
- Pensions, annuities, life insurance, retirement income and early withdrawals from a 401(k) plan not rolled over within 60 days of withdrawal: Includes Social Security pensions, veteran pensions and survivor benefits, and any cash benefit paid to retirees or their survivors by a former employer or a union, either directly or through an insurance company. Also includes payments from annuities and life insurance.
- Taxable capital gains, dividends and interest: Includes capital gains from the sale of property and earnings from dividends from stock holdings, and interest on savings or bonds.
- Rental income: Includes net income from rental of a house, homestead, store or other property, or rental income from boarders or lodgers.
- Public assistance payments: Includes TANF as authorized under Chapter 31 or 34, as applicable, of the Texas Human Resources Code, refugee assistance, Social Security Disability Insurance, Supplemental Security Income and general assistance (such as cash payments from a county or city).
- Income from estates and trust funds: Includes income from estates, trust funds, inheritances or royalties.
- Unemployment compensation: Includes unemployment payments from governmental unemployment insurance agencies or private companies and strike benefits while an individual is unemployed or on strike.
- Workers' compensation income, death benefit payments and other disability payments: Includes compensation received periodically from private or public sources for on-the-job injuries.
- Spousal maintenance or alimony: Includes any payment made to a spouse or former spouse under a separation or divorce agreement.
- Child support: Includes court-ordered child support, any maintenance or allowance used for current living costs provided by parents to a minor child who is a student or any informal child support cash payments made by an absent parent for the maintenance of a minor.
- Court settlements or judgments: Includes awards for exemplary or punitive damages, noneconomic damages and compensation for lost wages or profits, if the court settlement or judgment clearly allocates damages among these categories.
- Lottery payments of \$600 or greater: Lottery payments do not include other forms of gambling, such as poker, slot machines, horse races or bingo.

Rule Reference: [§809.44\(a\)\(1\)-\(13\)](#)

### **D-106.c: Income Exclusions**

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Boards must be aware that income not listed in D-106.b: Income Sources is excluded in determining total family income. Specifically, the following sources are not included when determining family income:

- SNAP benefits

- Monthly monetary allowances provided to or for children of Vietnam veterans born with certain birth defects
- Educational scholarships, grants and loans
- Earned Income Tax Credit (EITC) and the Advanced EITC
- Individual Development Account (IDA) withdrawals
- Tax refunds
- VISTA and AmeriCorps living allowances and stipends
- Noncash or in-kind benefits received in lieu of wages
- Foster care payments
- Special military pay or allowances, which include subsistence allowances, housing allowances, family separation allowances or special allowances for duty subject to hostile fire or imminent danger
- Income from a child in the household between 14 and 19 years of age who is attending school
- Early 401(k) withdrawals specified as hardship withdrawals as classified by the IRS
- Any income sources specifically excluded by federal law or regulation, as set forth in the following table:

Rule Reference: [§809.44\(b\)\(1\)-\(13\)](#)

<b>FEDERAL CITATION</b>	<b>INCOME EXCLUDED BY FEDERAL LAW</b>
7 USC §2017(b)	The value of the allotment provided to an eligible household under the Food Stamp Act  Note: Currently exempted by TWC Child Care Services rule §809.44(b)(1)
PL 104-204	Payments to children with spina bifida born to Vietnam veterans  Note: Currently exempted by TWC Child Care Services rule §809.44(b)(2)
20 USC §1087uu	Amounts of scholarships funded under Title IV of the Higher Education Act of 1965, including awards under federal work-study program or under the Bureau of Indian Affairs student assistance programs  Note: Currently exempted by TWC Child Care Services rule §809.44(b)(3), which excludes all educational scholarships, grants and loans
26 USC §32(j)	EITC refund payments and Advanced EITC received  Note: Currently exempted by TWC Child Care Services rule §809.44(b)(4)
PL 105-285	IDAs, including participant savings, matching contributions and any income earned thereon  Note: IDA withdrawals are currently exempted by TWC Child Care Services rule §809.44(b)(5)
42 USC §12637(d); PL 101-610; PL 93-113	Allowances, earnings and payments to persons participating in programs under the National and Community Services Act. The exclusion applies to all payments made under the AmeriCorps Program and payments under Title I, VISTA.  Note: VISTA and AmeriCorps living allowances and stipends are currently exempted by TWC Child Care Services rule §809.44(b)(7).

<b>FEDERAL CITATION</b>	<b>INCOME EXCLUDED BY FEDERAL LAW</b>
PL 108-447	Pay received by military personnel as a result of deployment to a combat zone  Note: Currently exempted by TWC Child Care Services rule §809.44(b)(10), which also excludes special military pay or allowances, for example, subsistence allowances, housing allowances and family separation allowances
29 USC §2931	Allowances, earnings and payments to individuals participating in programs under the Workforce Investment Act of 1998, except for earned income received from taking part in on-the-job training programs
42 USC §8624(f)	Payments or allowances made under the U.S. Department of Health and Human Services' Low-Income Home Energy Assistance Program
25 USC §459e	Income derived from certain submarginal land of the United States that is held in trust for certain Native American tribes
42 USC §3056(f)	Payments received from programs funded under Title V of the Older Americans Act of 1985
42 USC §9858q	The value of any child care provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care) under the Child Care and Development Block Grant Act of 1990
42 USC §5044(g), §5058); PL 93-113	Payments to volunteers, such as Active Corps of Executives under the Domestic Volunteer Services Act of 1973, under Title II Retired Senior Volunteer Program (RSVP), Foster Grandparents and Title III Service Corps of Retired Executives
PL 100-435	Benefits from the Women, Infants and Children Program
42 USC §10602	Any amount of crime victim compensation (under the Victims of Crime Act) received through crime victim assistance (or payment or reimbursement of the cost of such assistance) because of the commission of a crime against the applicant under the Victims of Crime Act
PL 97-377 and PL 97-424	Payments from federal energy assistance, for example, for insulation, weatherization and storm windows
PL 111-312	All federal tax refunds received from December 31, 2009, through December 31, 2012, must be disregarded as income and from consideration as a resource for a period of 12 months from receipt when determining eligibility for program benefits.  Note: Tax refunds are currently excluded by TWC Child Care Services rule §809.44(b)(6).
PL 111-291	The Claims Resolution Act of 2010 (PL 111-291) provides that amounts received from the Cobell v. Salazar settlement will not be treated as income for the month during which the amounts were received for purposes of any federally assisted program. Therefore, amounts received from the settlement must be excluded from income for purposes of determining initial eligibility, ongoing eligibility or level of benefits for Child Care and Development Fund assistance.

### **D-106.d: Income Deductions**

When calculating income eligibility for a family with a child with disabilities, Boards must ensure that the cost of the child's ongoing medical expenses is deducted from the family income.

Rule Reference: [§809.50\(d\)](#)

### **D-106.e: Income Verification**

Boards must verify allowable income sources and ensure eligibility for child care services before authorizing child care.

Rule Reference: [§809.42\(a\)](#)

Boards must be aware that parents are responsible for reporting income.

However, Boards must ensure that appropriate staff have a process to inform the parent of all income sources the parent is required to report and the consequences for not reporting any income discovered later.

To notify the parent and obtain the parent's written acknowledgment that the income reported is correct and includes the required income sources, Boards must ensure that all income sources used to determine eligibility are listed on Form 2050 in TWIST or any Board-developed application or verification form that is signed by the parent.

## **D-200: At-Risk Child Care**

### **D-201: Eligibility for At-Risk Child Care**

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A parent is eligible for At-Risk child care services if the following conditions are met:

- The family income does not exceed the income limit established by the Board as described in D-100: Eligibility for Child Care Services.
- Child care is required for the parent to work or attend a job training or educational program for a combination of at least an average of 25 hours per week for a single-parent family or 50 hours per week for a two-parent family, or a higher number of hours per week as established by Board policy. (As required by TWC rule at 40 TAC §802.1(f) and as detailed in WD Letter 10-07, Board members must take such actions in an open meeting.)

Rule Reference: [§809.50\(a\)](#)

#### **D-201.a: Higher Income Limits for Certain Populations**

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Boards may establish a higher income eligibility limit, not to exceed 85 percent of SMI, for the following:

- Teen parents
- Families with a child enrolled in Head Start, Early Head Start or public prekindergarten

Rule Reference: [§809.50\(e\)](#), [\(g\)](#)

#### **D-201.b: Income and Family Size for Teen Parents**

---

Boards must be aware that a teen parent's family income is based solely on the following:

- The teen parent's income
- The size of the teen parent's family as defined in D-100: Eligibility for Child Care Services

Rule Reference: [§809.50\(f\)](#)

### **D-202: Calculating Activity Hours**

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Boards must ensure that work activity hours are verified as part of determining child care service eligibility before child care is authorized.

#### **D-202.a: Calculating Education Hours**

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Boards must be aware of the following:

- Each credit hour of postsecondary education counts as three hours per week.
- Each credit hour of a condensed postsecondary education course (that is, summer semester) counts as six hours per week.
- Teen parents attending high school or the equivalent are considered to be meeting the weekly activity requirements.

Rule Reference: [§809.50\(c\)](#)

Additional information for calculating education hours for teen parents is available in [Technical Assistance Bulletin 96, Education Activities for At-Risk Child Care](#).

### **D-202.b: Work Hours for Self-Employed Individuals**

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When self-employed individuals are unable to provide verifiable documentation of work hours but are able to provide verifiable documentation of income, Boards may apply the federal minimum wage to net self-employed income to calculate a self-employed individual's work hours.

Examples of acceptable verifiable documentation of work hours include, but are not limited to, the following:

- Quarterly federal tax returns
- Signed year-to-date profit and loss statements for each business owned
- Business ledgers, records, receipts, check receipts and business statements
- Customer contracts or work orders
- Calendar of work appointments and money earned through these appointments

### **D-202.c: Allowable Reductions in Activity Hours**

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Boards may reduce work, education and job training activity requirements if a parent's documented medical disability or need to care for a physically or mentally disabled family member prevents the parent from participating in the activities for the required hours per week.

Rule Reference: [§809.50\(b\)](#)

### **D-203: Child Care During Temporary Interruptions**

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Boards must be aware that if a parent has a temporary cessation of work, education or job training activities and is unable to meet the Board's minimum activity requirements as described in D-200, specific provisions apply.

#### **D-203.a: Child Care During Temporary Interruptions in Work, Education or Job Training**

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Boards must ensure that child care is not suspended for more than 90 calendar days from the documented effective date of the interruption of work, education or job training activities.

Rule Reference: [§809.51\(a\)](#)

Boards must be aware that the provision of child care during brief breaks such as Thanksgiving, Christmas, spring break, breaks between the end of the last summer session and the beginning of the fall semester or other breaks of similar brief duration is at Board discretion based on Board policy. (As required by TWC rule at 40 TAC

§802.1(f) and as detailed in WD Letter 10-07, Board members must take such actions in an open meeting.)

### **D-203.b: Child Care During Temporary Medical Incapacitations**

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Boards must ensure the following if a parent has a documented temporary medical incapacitation:

- Child care does not continue for more than 60 calendar days from the documented effective date of the temporary medical incapacitation.
- Child care is not suspended for more than 30 calendar days after the end of the 60-day calendar period following the documented temporary medical incapacitation.

Rule Reference: [§809.51\(b\)](#)

### **D-203.c: Requirements for Suspension of Child Care Services**

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Boards must ensure that prior to any suspension of child care, a parent provides one of the following:

- Documentation from the employer or training provider stating that the parent will be returning to work or job training activities following the temporary interruption of these activities or medical incapacitation
- Written notification to the child care contractor of the parent's intent to enroll in an educational institution following the temporary interruption of educational activities

Rule Reference: [§809.51\(d\)](#)

### **D-203.d: Resumption of Child Care Services**

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Boards must ensure that when the parent resumes child care after the temporary interruption of these activities or medical incapacitation within the allowed suspension period, the parent is not required to reapply for child care services or be placed on the Board's child care waiting list.

Boards must be aware that child care providers are not required to hold the space open for the child during the suspension of care.

Rule Reference: [§809.51\(c\)](#)

## **D-204: Identity Verification for At-Risk Child Care**

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Boards must be aware that information entered into TWIST for parents, household members and children receiving At-Risk subsidized child care is validated through crossmatch verification between TWC and federal databases.

### **D-204.a: Identity Verification Data Elements**

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Boards must be aware of the following:

- Identity information is verified electronically with federal databases through a weekly batch process, with responses provided overnight. Four data elements are used in the matching process:
  - Social Security Number (SSN)
  - Name
  - Date of Birth
  - Gender
- If all four data elements match, the individual's identity is confirmed as valid. If there are any mismatches, a mismatch report identifies the customers requiring identity verification.
- Mismatches occur for a variety of reasons:
  - Customer had a legal name change, for example, a marriage or divorce.
  - Databases have incorrect information on the customer's date of birth, gender or spelling of name.
  - Customer's SSN, name, date of birth or gender was incorrectly entered into TWIST.
  - Customer is using a falsified SSN.
- Database mismatches are sent to Boards using encryption software.

#### **D-204.b: Resolving Data Mismatches**

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Boards must ensure that appropriate staff review the customer's case file and ensure that identity data mismatches (that is, SSN, name, date of birth or gender) are resolved using the following procedures:

- Review the case file documentation containing the four data elements to determine whether a data entry error in TWIST caused the mismatch.
- If the case file review confirms a data entry error occurred, enter the correct data into TWIST.
- If the case file review confirms the data was entered into TWIST correctly, contact the customer in writing and provide the following:
  - Statement that the SSN, name, date of birth or gender information provided by the customer does not match TWC database records
  - Request for the customer to contact appropriate staff by telephone to resolve the mismatch
  - Notice that if a response is not received within 15 calendar days, the customer's child care services may be terminated
- If the customer confirms the data elements in TWIST are correct, request proof through acceptable documentation of the correct data elements.
- If the customer states that the data elements in TWIST are incorrect:
  - Request proof through acceptable documentation of the correct data elements
  - Enter the new data elements into TWIST upon receipt of the documentation

Boards must ensure that appropriate staff accept any of the following documentation for verifying identity:

- U.S. passport\*
- State driver's license\*

- Government-issued identification (ID) card\*
- School ID card\*
- U.S. military card or draft record
- Birth certificate
- Military dependent's ID card\*
- Native American Tribal document/card (I-872)
- U.S. Coast Guard Merchant Mariner ID card\*
- Certificate of Degree of Indian Blood or other U.S. American Indian/Alaskan Native and Tribal document\*
- Adoption papers or records
- Employee ID card\*
- Signed application for Medicaid—signature of an authorized representative acting on the individual's behalf is acceptable
- Certificate of U.S. citizenship\* (N-561)
- Lawful permanent resident card, also known as a green card\* (I-551)
- Employment authorization card (I-766)\*
- Certificate of birth, issued by a foreign service post (FS-545)
- TANF, SNAP benefits (food stamps) or other related public assistance records
- Foreign passport\*
- Form I-94 Arrival/Departure Record
- Travel document card\*

\*Issued with a photograph

If the customer does not respond to the notification within 15 calendar days, Boards must ensure that appropriate staff provide the customer with a 15-day termination of child care services notice.

Additional information and technical assistance for resolving identity data mismatches is available in [Technical Assistance Bulletin 249, Identity Mismatch Verification Report](#) and the accompanying attachment [Identity Mismatch Verification Report](#) sample.

### **D-204.c: Reporting Multiple Use of an SSN**

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If, during the course of an identity data discrepancy review, Boards discover that an SSN is being used by more than one individual or employer, Boards must immediately report this information to TWC's Office of Investigations and submit an Incident Report (RID-32) within five business days. The [RID-32 and instructions](#) are available on TWC's Intranet (the Intranet is not available to the general public).

## **D-300: Choices Child Care**

### **D-301: Eligibility for Choices Child Care**

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Boards must be aware that a parent is eligible for Choices child care if the parent is participating in the Choices program.

Rule Reference: [§809.45\(a\)](#)

Boards must be aware that a parent who has been approved for Choices but is waiting to enter an approved initial component of the program can be eligible for up to two weeks of child care services if the following conditions are met:

- Child care services will prevent loss of the Choices placement.
- Child care services that meet the needs of both child and parent are available.

Rule Reference: [§809.45\(b\)](#)

### **D-302: In Loco Parentis for Choices Child Care**

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Boards must be aware that the Texas Health and Human Services Commission (HHSC) determines caretaker status—including individuals standing in loco parentis—for children of Choices participants receiving TANF. Therefore, Choices participants are assumed to meet the definition of a parent, including the requirements for individuals standing in loco parentis, for each child listed on their TANF grant.

If a Choices participant requests child care for a child not listed on the TANF grant, the Board must ensure that the Choices participant meets the in loco parentis documentation requirements for that child described in the table in D-105.c prior to authorizing Choices child care.

If the Board determines that the Choices participant is not standing in loco parentis for the child, the Board must ensure that good cause is not granted based on the participant's inability to obtain child care for the child.

## **D-400: Temporary Assistance for Needy Families Applicant Child Care**

### **D-401: Eligibility for TANF Applicant Child Care**

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Boards must be aware that a parent is eligible for TANF Applicant child care if the parent meets the following conditions:

- Receives a referral from HHSC to attend a Workforce Orientation for Applicants (WOA)
- Locates employment or has increased earnings prior to TANF certification
- Needs child care to accept or retain employment

Rule Reference: [§809.46\(a\)](#)

Boards must be aware that to receive TANF Applicant child care, the parent must be working and not have voluntarily terminated paid employment of at least 25 hours a week within 30 days prior to receiving the referral from HHSC to attend a WOA, unless the voluntary termination was for good cause connected with the parent's work.

Rule Reference: [§809.46\(b\)](#)

### **D-402: Time Limits for TANF Applicant Child Care**

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Subject to the continued employment of the parent, TANF Applicant child care must be provided for up to 12 months or until the family reaches the Board's income limit for eligibility as described in D-201: Eligibility for At-Risk Child Care, whichever occurs first.

Rule Reference: [§809.46\(c\)](#)

Parents who are employed fewer than 25 hours a week at the time of TANF application are limited to 90 days of TANF Applicant child care. TANF Applicant child care can be extended to a total of 12 months, inclusive of the 90 days, if before the end of the 90-day period, the applicant increases the hours of employment to a minimum of 25 hours a week.

Rule Reference: [§809.46\(d\)](#)

A parent whose time limit for TANF Applicant child care has expired can continue to be eligible for child care services provided the parent and child are otherwise eligible under any provision in D-201: Eligibility for At-Risk Child Care.

Rule Reference: [§809.46\(e\)](#)

## **D-500: Supplemental Nutrition Assistance Program Employment and Training Child Care**

Boards must be aware that a parent is eligible to receive SNAP Employment and Training (E&T) child care services if the parent is participating in SNAP E&T services, in accordance with the provisions of 7 CFR Part 273, as long as the case remains open.

Rule Reference: [§809.47](#)

## **D-600: Transitional Child Care**

### **D-601: Transitional Child Care Eligibility**

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Boards must be aware that a parent is eligible for Transitional child care services if the parent:

- Has been denied TANF and was employed at the time of TANF denial, or
- Has been denied TANF within 30 days because of expiration of TANF time limits and
- Requires child care to work or attend job training or an educational program for a combination of at least an average of 25 hours per week for a single-parent family or 50 hours per week for a two-parent family, or a higher number of hours per week as established by the Board.

Rule Reference: [§809.48\(a\)](#)

Boards may establish an income eligibility limit for Transitional child care that is higher than the eligibility limit for At-Risk child care described in D-201: At-Risk Child Care, provided that the higher income limit does not exceed 85 percent of SMI for a family of the same size. (As required by TWC rule at 40 TAC §802.1(f) and as detailed in WD Letter 10-07, Board members must take such actions in an open meeting.)

Rule Reference: [§809.48\(b\)](#)

### **D-602: Former TANF Recipients Employed at TANF Denial**

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Boards must ensure that for former TANF recipients who are employed when TANF is denied, Transitional child care is available for a period of up to:

- 12 months from the effective date of the TANF denial
- 18 months from the effective date of the TANF denial in the case of a former TANF recipient who was eligible for child caretaker exemptions pursuant to Texas Human Resources Code §31.012(c) and who voluntarily participates in the Choices program

Rule Reference: [§809.48\(c\)](#)

### **D-603: Former TANF Recipients Not Employed at TANF Denial**

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Boards must ensure that former TANF recipients who are not employed when TANF expires, including recipients who are engaged in a Choices activity, receive up to four weeks of Transitional child care in order to allow parents to search for work.

Rule Reference: [§809.48\(d\)](#)

However, Boards must be aware that former TANF recipients who are not employed when TANF is denied, are engaged in and meeting the requirements of a Choices activity, and are denied TANF because of receipt of child support, are eligible to receive Transitional child care services until the Choices activity is completed, as completion is defined by the Board.

Rule Reference: [§809.48\(e\)](#)

### **D-604: Calculating Activity Hours and Activity-Hour Reductions for Transitional Child Care**

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Boards must be aware that the methodology for calculating activity hours, including activity hours for self-employed parents as described in D-202: Calculating Activity Hours and D-202.b: Work Hours for Self-Employed Individuals, and the reduction of activity hours described in D-202.c: Allowable Reductions in Activity Hours, also apply to Transitional child care.

Rule Reference: [§809.48\(f\)-\(g\)](#)

### **D-605: In Loco Parentis for Transitional Child Care**

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Boards must be aware that former TANF recipients eligible for Transitional child care are assumed to meet the definition of a parent, including the requirements for an individual standing in loco parentis, for each child who was listed on their TANF grant.

If an individual receiving Transitional child care requests child care for a child who was not listed on the TANF grant, the Board must ensure that the individual meets the in loco parentis documentation requirements in D-105.c: In Loco Parentis for that child before authorizing Transitional child care.

## **D-700: Child Care for Children in Protective Services**

### **D-701: General Requirements**

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Boards must ensure the following:

- Determinations of eligibility for children in protective services are performed by the Texas Department of Family and Protective Services (DFPS) Child Protective Services (CPS).
- Child care continues as long as authorized and funded by DFPS.
- DFPS requests for specific eligible providers for children in protective services are enforced.

Boards must be aware that DFPS can authorize child care for a child under court supervision up to age 19.

Rule Reference: [§809.49](#)

### **D-702: In Loco Parentis for CPS Child Care**

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Boards must be aware that individuals for whom child care is authorized by DFPS CPS are assumed to meet the requirements for individuals standing in loco parentis.

### **D-703: Priority for Children in Protective Services**

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Boards must be aware that TWC rule §809.43(a)(2), detailed in B-402, establishes a second priority group for child care subject to the availability of funds and includes children whose care is funded by DFPS and who need to receive protective services child care as referenced in D-700.

Note: “Subject to the availability of funds” refers to the availability of DFPS funds.

Boards must be aware that if child care is not funded by DFPS, then the child care is not included in the second priority group described in B-402.

However, Boards may include children in protective services whose child care is not funded by DFPS in the Board-designated third priority group established by §809.43(a)(3), as detailed in B-403.

### **D-704: Authorizations of Care for Children in Protective Services**

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Boards must be aware that DFPS has requested that Boards do not process child care payments for children with open DFPS cases without a properly authorized DFPS Form 2054 (Service Authorization). DFPS has requested that Boards inform child care providers not to provide day care services to any child until they receive an approved Form 2054 from Boards’ child care contractors.

Boards must be aware that DFPS will not authorize a backdated Form 2054, and verbal authorizations by CPS are not allowed.

Therefore, for children in care without a properly authorized Form 2054, Boards must ensure that payment is not approved and providers are not reimbursed for services provided before appropriate staff receives an approved Form 2054 from the Board's child care contractor.

Boards also must be aware that day care services provided without an approved Form 2054 will not be paid.

#### TWIST

Boards must ensure that authorizations for DFPS child care services entered into TWIST reflect exactly the following Form 2054 information:

- Authorization Begin, End, or Termination dates
- DFPS Referral Type Code as follows:
  - 1 for DFPS General Protective
  - 2 for DFPS Foster Care IV-E
  - 3 for DFPS Foster Care Not IV-E
  - 4 for DFPS Reltv/Other Caregvr
- Child's First Name and Last Name (do not include a suffix, for example, Jr. or II)
- Child's Date of Birth
- Child's SSN, if available
- Child's Personal Identification Number
- Case Owner's First Name and Last Name
- Case Owner's SSN, if available

#### **D-705: CPS Child Care Early Terminations Reports**

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Boards must ensure that child care contractors:

- Establish a distribution list under a single email address (for example, "CPSauthorizations@wfsolutions.com") to be used only for receipt of the daily Early Terminations report
- Include on the email distribution list child care contractor staff responsible for ensuring timely termination of DFPS-funded child care services
- Give the email address to the Board's assigned DFPS regional day care coordinator (RDCC)

Boards must ensure that the child care contractor informs the RDCC within 48 hours of any change in the email address.

Boards must be aware that DFPS will send a password-protected email containing the Early Terminations report to the email addresses established by Board child care contractors.

If a child care contractor does not receive the Early Terminations report by 11:00 a.m., it is recommended that Boards have contractors contact the RDCC regarding the status of the report.

Boards must be aware that the Early Terminations report lists new termination dates as the "New Term Date."

Boards must ensure that on receipt of the Early Terminations report, child care contractors notify child care providers of the listed New Term Date for each referral and terminate DFPS-funded child care services on the New Term Date or within two business days of receipt of the report, as follows:

- If the New Term Date is later than the second business day after receipt of the report, then services must end on the New Term Date.

Example: If the report is received on Wednesday and the New Term Date is for the following Monday, services must end on that Monday.

- If the New Term Date is within two business days of receipt of the report, services must end no later than the second business day following receipt of the report.

Example: If the report is received on Wednesday and the New Term Date is effective the next day, Thursday, services must end no later than Friday.

- If the New Term Date is prior to receipt of the report, services must end within two business days of receiving the report.

Example: If the report is received on Wednesday and the New Term Date was effective the previous Monday, services must end no later than Friday.

## **D-800: Child Care During Job Search**

### **D-801: Child Care during Job Search Using Child Care Allocated Funds**

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Boards must be aware of the limitations on child care during job search.

Boards must be aware that for child care services using TWC funds allocated to the Boards pursuant to the child care allocation rules in §800.58 (that is, Child Care and Development Fund funds), the following applies:

- For parents participating in Choices, time limits for child care during job search are provided in TWC’s Choices Guide, Section B-402: Choices Work Activities, and child care continues as long as authorized by the Choices case manager.
- For parents participating in SNAP E&T, time limits for child care during job search are provided in TWC’s SNAP E&T rule §813.31(1)(B), and child care continues as long as authorized by the SNAP E&T case manager.
- Former TANF recipients who are not employed when their TANF benefits expire receive up to four weeks of Transitional child care to allow them to search for work, as required in TWC’s Child Care Services rule §809.48(d) and detailed in D-603.
- Parents of children currently enrolled in child care may be eligible for continued services for four weeks within a federal fiscal year in order for the parents to search for work when there have been interruptions in their employment.

Rule Reference: [§809.41\(d\)\(1\)](#)

Note: Boards must be aware that the federal fiscal year runs from October 1 through September 30.

### **D-802: Child Care During Job Search Using Non–Child Care Allocated Funds**

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For child care services funded by TWC with non-CCDF funds, for example WIOA funds—that is, funds not allotted to the Boards pursuant to §800.58—Boards must be aware that child care services during job search activities are limited to four weeks within a federal fiscal year.

Rule Reference: [§809.41\(d\)\(2\)](#)

## **D-900: Continuity of Care**

### **D-901: General Information**

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Boards must be aware of the following continuity of care provisions from the TWC Child Care Services rules:

- Enrolled children, including children whose eligibility for Transitional child care has expired, must receive child care as long as the family remains eligible for any available source of TWC-funded child care, except as otherwise provided in this section.
- Except as provided by §809.75(b) and detailed in E-500, relating to child care during appeal, nothing in this section can be interpreted in a manner that results in a child being removed from care, except when removal from care is required for child care to be provided to a child of parents eligible for the first priority group as provided in §809.43 and detailed in B-401.

Rule Reference: [§809.54\(a\)-\(b\)](#)

### **D-902: Continuity of Care for Children in Protective Services**

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Board must be aware that for closed DFPS CPS cases—and only for closed DFPS cases, not open cases in which DFPS has discontinued the authorization and funding of child care—in which child care is no longer funded by DFPS, the following must apply:

- For Former DFPS Children Needing Protective Services Child Care—Regardless of whether the family meets the income eligibility requirements of the Board or is working or attending a job training or educational program, if DFPS determines on a case-by-case basis that the child continues to need protective services and child care is integral to that need, then the Board must continue the child care by using other funds, including funds received through TWC, for child care services for up to six months after the DFPS CPS case is closed.
- For Former DFPS Children Not Needing Protective Services Child Care—If the family meets the income eligibility requirements of the Board and if DFPS does not state on a case-by-case basis that the child continues to need protective services or child care is not integral to that need, then the Board may provide care subject to the availability of funds. To receive care under this provision, the parents must be working or attending job training or an educational program.

Rule Reference: [§809.54\(c\)](#)

Boards must be aware that if DFPS does not authorize and fund child care for an open DFPS case—including open cases previously funded by DFPS for which DFPS no longer has child care funds available—then the child may be eligible for TWC-funded child care if the parent, as defined in §809.2(14) and described in A-100, meets the Board's income and activity requirements for At-Risk child care.

Boards also must be aware that children in open DFPS cases for which DFPS has not authorized child care and no longer has child care funds available are subject to the Boards' waiting list policies.

### **D-903: Continuity of Care for Children of Parents in Military Deployment**

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- Boards must ensure that pursuant to TWC rule §809.54(d) no children of military parents in military deployment have a disruption of child care services or eligibility because of the military deployment. Boards must be aware that the requirements of TWC rule §809.54(d) apply across local workforce development areas (workforce areas).
- If an enrolled child is receiving child care in one workforce area and moves to another workforce area to live with guardians while the parent is in military deployment, Boards must ensure the continuity of care across workforce areas.
- Boards in the workforce area in which the child care is ending must notify the parent, guardians and the workforce area to which the child is moving that the continuity of care requirements of TWC rule §809.54(d) apply to the child.
- Boards in the workforce area in which the child will be residing must accept the transfer of the child to ensure compliance with TWC rule §809.54(d).

Rule Reference: [§809.54\(d\)](#)

### **D-904: Continuity of Care for Court-Ordered Custody or Visitation**

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- Boards must ensure that a child who is required by a court-ordered custody or visitation arrangement to leave a provider's care is permitted to continue receiving child care by the same provider, or another provider if agreed to by the parent in advance of the leave, upon return from the court-ordered custody or visitation arrangement.
- Boards may encourage parents of other children to temporarily use the space the child under court-ordered custody or visitation arrangement has vacated until the child returns so he or she can return to the same provider.
- Board must ensure that parents who choose to accept temporary child care to fill a position opened because of court-ordered custody or visitation do not lose their place on the waiting list.
- Boards must ensure that parents who choose not to accept temporary child care to fill a position opened because of court-ordered custody or visitation do not lose their place on the waiting list.

Rule Reference: [§809.54](#)

## **D-1000: Mandatory Waiting Period for Reapplication**

Boards must be aware of the following reapplication waiting period provisions from the TWC Child Care Services rules:

- A parent is ineligible to reapply for child care services or to be placed on the waiting list for services for at least 30 days, but not to exceed 90 days as determined by Board policy, if the parent's eligibility or child's enrollment is denied, delayed, reduced, suspended or terminated pursuant to established Board policies and procedures for any of the following:
  - Excessive absences
  - Nonpayment of parent share of cost
  - Five consecutive absences on authorized days of care with no parent contact with the child care provider or child care contractor
  - A parent's failure to report, within 10 days of occurrence, any change in the family's circumstances that would have rendered the family ineligible for subsidized care
- A Board may allow the waiting period to extend beyond the 90 days for parents on a repayment schedule if Board policy requires that the parents fully repay the obligation prior to reapplying for child care services.

Rule Reference: [§809.55](#)

Boards must be aware that the termination of care is based on Board policies and procedures.

However, Boards must ensure that, if care is terminated pursuant to Board policy and procedures for the reasons listed in this section, the parent is required to wait at least 30 days to reapply or be placed on the waiting list for services.

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# Child Care Services Guide

## Part E – Parent Rights and Responsibilities

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### E-100: Parent Rights

#### E-101: About Parent Rights

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Boards must ensure that Board child care contractors inform parents in writing that parents have the right to:

- Choose the type of child care provider that best suits their needs and to be informed of all child care options available to them as included in the consumer education information described in H-102
- Visit available child care providers before making their choice of a child care option
- Receive assistance in choosing initial or additional child care referrals, including information about the Board’s policies regarding transferring children from one provider to another
- Be informed of the TWC rules and Board policies related to providers charging parents the difference between the Board’s reimbursement and the provider’s published rate as described in F-202
- Be represented when applying for child care services
- Be notified of their eligibility to receive child care services within 20 calendar days from the day the Board’s child care contractor receives all necessary documentation required to determine eligibility for child care
- Receive child care services regardless of race, color, national origin, age, sex, disability, political beliefs or religion
- Have the Board and the Board’s child care contractor treat information used to determine eligibility for child care services as confidential
- Receive written notification at least 15 days before the denial, delay, reduction or termination of child care services unless one of the following applies:
  - Services are authorized to cease immediately because either the parent is no longer participating in the Choices or SNAP E&T program or services are authorized to end immediately for children in protective services child care.
  - Services are authorized to cease immediately as required by Board policy because the child has been absent for five consecutive authorized days of care and the parent has failed to contact the child care provider or the child care contractor by the end of the fifth authorized day.
- Receive 30-day written notification from the Board’s child care contractor if child care is to be terminated in order to make room for a child in the first priority group described in B-401, as follows:
  - Written notification of denial, delay, reduction or termination must include information regarding other child care options for which the recipient may be eligible.

- If a notice on or before the 30th day before denial, delay, reduction or termination in child care would interfere with the ability of the Board to comply with its duties regarding the number of children served or would require the expenditure of funds in excess of the amount allocated to the Board, notice may be provided on the earliest date on which it is practicable for the Board to provide notice.
- Reject an offer of child care services or voluntarily withdraw their child from child care unless the child is in protective services
- Be informed of the possible consequences of rejecting or ending the child care that is offered
- Be informed of the eligibility documentation and reporting requirements described in E-200 and E-300
- Be informed of the parent appeal rights described in E-400
- Be informed of the Board's attendance policy as required in B-301 and the consequences for five consecutive absences without contact as described in E-102
- Be informed of required background and criminal history checks for relative child care providers through the listing process with the Texas Department of Family and Protective Services (DFPS), as described in F-102, before the parent or guardian selects the relative child care provider

Rule Reference: [§809.71](#)

### **E-102: Notification of Termination Due to Consecutive Absences**

Regarding 15-day notification, Boards must be aware that child absence for five consecutive days without parent contact of the provider or child care contractor does not require termination of child care services. The decision to terminate care is based on Board policy and procedures. If the Board allows for termination of care due to five consecutive absences with no parent contact of the provider or child care contractor, then the 15-day notification is not required.

Boards also must be aware that this only applies to situations in which a child is actually absent and the parent fails to contact the provider or the child care contractor. These provisions do not apply if the provider reports that the child attended, but the parent did not record attendance using the Child Care Attendance Automation (CCAA) system.

Boards must be aware that Boards may terminate care for a parent's failure to report attendance for five consecutive days using CCAA; however, those terminations are subject to the 15-day termination notification.

## **E-200: Parent Eligibility Documentation Requirements**

Boards must be aware of the following provisions:

- Parents must provide the Board's child care contractor with all information necessary to determine eligibility according to the Board's administrative policies and procedures.
- A parent's failure to submit eligibility documentation may result in denial or termination of child care services.

Rule Reference: [§809.72](#)

## E-300: Parent Reporting Requirements

Boards must be aware of the following:

- Parents are required to report to the child care contractor, within 10 days of the occurrence, the following:
  - Changes in family income
  - Changes in family size
  - Changes in work or attendance of job training or an educational program
  - The receipt or the awarding of any child care funds from other public or private entities
  - Any other changes that may affect a child's eligibility or parent share of cost for child care
- Failure to report changes may result in one of the following:
  - Termination of child care
  - Recovery of payments by the Board, the Board's child care contractor or TWC
  - Fact-finding for suspected fraud as described in Part G
- The receipt of child care services for which the parent is no longer eligible constitutes grounds on which to suspect fraud.

Rule Reference: [§809.73](#)

Boards must ensure the following:

- Customers receiving child care services are notified of eligibility requirements and their responsibilities.
- The customer's case file includes a signed [Customer Awareness Form](#) (RID-51). (The Intranet is not available to the general public.)

Boards may develop a local version of the RID-51.

Boards must ensure that a locally developed RID-51 includes each of the following elements:

- A line for the staff member administering the form to print his or her name and a line to date the form
- A paragraph covering basic eligibility requirements as set forth in the Work/Training/Education and Family/Income sections of the form
- A statement regarding possible criminal prosecution if requirements are not met or if false information is reported by a customer in order to receive services

Boards may omit the staff instruction box in a locally developed RID-51.

However, Boards must establish written instructions for administering a locally developed RID-51 and ensure the instructions are followed.

The RID-51 may be read over the phone. However, if the RID-51 is read over the phone, the Board must ensure that Workforce Solutions office staff do all of the following:

- Fully respond to the customer's questions
- Annotate the form based on the phone conversation
- Send a copy of the form to the customer for signature, with instructions for its return

- Retain the signed copy in the customer's file

Boards also must ensure that the RID-51 is completed, as instructed, at both initial certification and recertification to ensure the customer understands his or her responsibilities for the continued receipt of child care services and the consequences of failing to provide required or updated information.

## **E-400: Parent Appeal Rights**

Boards must be aware of the following:

- Unless otherwise stated in this section, a parent may request a hearing pursuant to Chapter 823, TWC's Integrated Complaints, Hearings, and Appeals rules, if the parent's eligibility or child's enrollment is denied, delayed, reduced, suspended or terminated by the Board's child care contractor, Choices caseworker or SNAP E&T caseworker.
- A parent may have an individual represent him or her during this process.
- A parent of a child in protective services may not appeal pursuant to Chapter 823, but must follow the procedures established by DFPS.

Rule Reference: [§809.74](#)

## **E-500: Child Care During Appeal**

### **E-501: General Information**

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Boards must be aware of the following:

- For a child currently enrolled in child care, the Board must ensure that child care services continue during the appeal process until a decision is reached, if the parent requests a hearing.
- Boards must ensure that child care does not continue during the appeal process if the parent's eligibility or child's enrollment is denied, delayed, reduced, suspended or terminated for one of the following reasons:
  - Excessive absences
  - Voluntary withdrawal from child care
  - Change in federal or state laws or regulations that affect the parent's eligibility
  - Lack of funding because of increases in the number of enrolled children in state and Board priority groups
  - A sanctions finding against the parent participating in the Choices program
  - Voluntary withdrawal of a parent from the Choices program
  - Nonpayment of parent share of cost
  - A parent's failure to report, within 10 days of occurrence, any change in the family's circumstances that would have rendered the family ineligible for subsidized child care
  - A suspension of child care services pursuant to §809.51 (related to Child Care during Temporary Interruptions in Work, Education, or Training)
  - Five consecutive absences and the parent has failed to contact the child care provider or the child care contractor by the end of the fifth authorized day
- The cost of providing services during the appeal process is subject to recovery from the parent by the Board, if the appeal decision is rendered against the parent.

Rule Reference: [§809.75](#)

### **E-502: Appeals for Termination Due to Consecutive Absences**

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Boards must be aware that child absence for five consecutive days without parent contact of the provider or child care contractor does not require termination. The decision to terminate care is based on Board policy and procedures. However, if the Board allows for termination of care due to five consecutive absences with no parent contact with the provider or child care contractor, child care cannot continue during appeal.

Boards also must be aware this only applies to situations in which a child is actually absent and the parent fails to contact the provider or the child care contractor. These provisions do not apply if the provider reports that the child attended, but the parent did not record attendance using the CCAA system.

Boards must be aware that Boards may terminate care for a parent's failure to report attendance for five consecutive days using CCAA; however, if the parent appeals this decision, child care does continue during the appeal.

## **E-600: Parent Responsibility Agreement**

### **E-601: General Information**

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Boards must ensure that parents of children receiving child care services sign parent responsibility agreements (PRAs) as part of the child care enrollment process, unless they are covered by the provisions of Texas Human Resources Code §31.0031. Parent compliance with the provisions of the agreement must be reviewed at each eligibility redetermination. The PRA requires the following:

- Each parent must do one of the following:
  - Cooperate with the Office of the Attorney General (OAG), if necessary, to establish paternity of the parent's children and to enforce child support on an ongoing basis by either providing documentation to the Board's child care contractor that the parent has an open child support case with OAG and is cooperating with OAG or opening a child support case with OAG and providing documentation to the Board's child care contractor that the parent is cooperating with OAG.
  - Provide documentation (as determined by Board policy to the Board's child care contractor) that the parent has an arrangement with the absent parent for child support and is receiving child support on a regular basis. Such documentation must include evidence of child support history, which may include a Board-established minimum amount of child support and in-kind child support.
- Parent must not use, sell, or possess marijuana or other controlled substances in violation of Texas Health and Safety Code, Chapter 481, and must abstain from alcohol abuse.
- Each parent will ensure that each family member younger than 18 years of age attends school regularly, unless the child has a high school diploma or a GED credential, or is specifically exempted from school attendance by Texas Education Code §25.086.

Boards must ensure that failure by the parent to comply with any of the provisions of the PRA within three months of initial eligibility results in termination of the family's child care services.

Boards also must ensure that a parent whose child care services are terminated due to failure to comply with the requirements of the PRA is not eligible for child care services again until the parent demonstrates compliance.

Rule Reference: [§809.76](#)

### **E-602: Local Administrative Procedures for Documenting Child Support Income and Cooperation with the Office of the Attorney General**

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Boards must:

- Determine requirements for documenting a parent's child support income and cooperation with OAG, as described in E-603
- Establish local administrative procedures for these documentation requirements

Boards' local administrative procedures for such documentation may include, but are not limited to, the following:

- Requiring parents who have an open OAG case or are required to open an OAG case to provide documentation of child support and cooperation with OAG by accessing the [Child Support Interactive \(CSI\) application](#) on OAG's website
- Requiring parents who are required to open an OAG case to apply online using the CSI application on OAG's website

Boards must ensure that Board-designated staff do not access the CSI application on OAG's website to obtain documentation. The customer identification number used for accessing CSI is exclusively for the use of parents, and only parents with an open OAG case are authorized to access and use CSI to obtain documentation.

Boards must be aware that parents who do not have an open OAG case can furnish other documentation providing evidence of child support history, including in-kind child support, as stated in E-601.

Boards must ensure that documentation of a parent's child support income and OAG cooperation is retained in the case file.

Additional information regarding the CSI is available in [Technical Assistance Bulletin 215](#) and the accompanying attachment, [Parent's Guide for Accessing the Office of the Attorney General's Child Support Interactive Web Site](#).

### **E-603: Board Sanction Policies for Noncompliance with the Child Support Provisions of the Parent Responsibility Agreement**

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Boards must be aware that documentation of the parent's child support income and cooperation with OAG are requirements of the PRA and that parents who do not comply with PRA requirements are subject to sanctions. Each Board must determine sanction policy locally.

Before instituting a sanction during initial eligibility, Boards may allow parents to receive child care services, for up to three months, in order to allow the parent to open an OAG case and demonstrate cooperation with OAG.

Boards must not allow parents more than three months of noncompliance with the child support or OAG cooperation requirements of the PRA without instituting a sanction.

Boards must ensure that monetary sanctions imposed on parents:

- Are not included in the parent share of cost assessment
- Do not reduce provider reimbursement amounts

Boards must be aware of the following:

- Child care providers are not responsible for collecting monetary sanctions.
- Collection of parent sanction amounts is the responsibility of the Board or its child care contractor.

- Child care contractors can enter monetary sanctions into The Workforce Information System of Texas (TWIST) Repayment field.

## **E-700: Exemptions from the Parent Responsibility Agreement**

Boards must be aware that parents are not required to comply with the requirements set forth in TWC rule §809.76(b)(1) if one or more of the following situations exist:

- The paternity of the child cannot be established after a reasonable effort to do so.
- The child was conceived as a result of incest or rape.
- The parent of the child is a victim of domestic violence.
- Adoption proceedings for the child are pending.
- The parent of the child has been working with an agency for three months or less to decide whether to place the child for adoption.
- The child may be physically or emotionally harmed by cooperation.
- The parent may be physically or emotionally harmed by cooperation, to the extent of impairing the parent's ability to care for the child.
- A person is standing in loco parentis for a child with a parent in military deployment.

Rule Reference: [§809.77](#)

## **E-800: Parent Attendance Reporting Requirements**

### **E-801: Parent Attendance Reporting Procedures**

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Boards must ensure that parents (including parents of children receiving protective services as described in D-700) are notified of the requirement to use the CCAA card to report daily attendance and absences in one of the following ways:

- At a point of service machine
- Through an Interactive Voice Response telephone system

Boards also must ensure that parents are informed that their child care services can be terminated, and they can be held responsible for paying the provider for attendance and absences that are not reported using the CCAA card.

Boards must ensure that parents are notified of the following:

- Parents must report to the child care contractor instances in which a parent's attempt to record attendance in CCAA is denied or rejected and cannot be corrected at the provider site.
- Failure to report such instances may result in an absence counted toward the Board's maximum number of allowable absences or the parent being liable for the reimbursement to the provider.
- Five consecutive absences on authorized days of care, with no contact from the parent with the child care provider or child care contractor, may result in termination of child care services.
- If care is terminated due to five consecutive absences with no contact from the parent, the 15-day notice of termination is not required and child care will not continue during any appeal.

Rule Reference: [§809.78](#)

### **E-802: Secondary Cardholders**

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Boards must ensure that parents are informed that they can designate up to three individuals as secondary cardholders to report attendance and absences if a parent is occasionally unable to drop off or pick up the child at the child care facility.

Boards must ensure that parents:

- Do not designate anyone under age 16 as a secondary cardholder, unless the individual is a parent of the child
- Do not designate the owner, assistant director, or director of the child care facility as a secondary cardholder
- Are informed of their responsibility for:
  - Misuse of the CCAA card by secondary cardholders
  - Informing secondary cardholders of the CCAA responsibilities for using the attendance card
  - Ensuring that any secondary cardholders comply with these responsibilities
  - Ensuring the protection of CCAA cards issued to them or a secondary cardholder

- Are informed that child care services can be terminated if the parent or secondary cardholder gives the CCAA card or the personal identification number to another person—including the child care provider

### **E-803: Parent Attendance Agreement**

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Boards must ensure that parents sign a written acknowledgment indicating their understanding of the parent attendance reporting requirements at each of the following stages:

- Initial eligibility determination
- Each parent’s next scheduled eligibility redetermination

Boards may use the [Parent Agreement to Report Child Care Attendance](#) to obtain written acknowledgment of the parent’s agreement with the attendance card responsibilities.

Boards choosing to create a locally developed parent agreement must ensure that it contains all of the elements in the [Parent Agreement to Report Child Care Attendance](#), including the parent’s signature.

### **E-804: Board Absence Policies for Parent Failure to Report Attendance**

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Boards may adopt an attendance policy that counts Z-Days—authorized care days on which a parent fails to report attendance using the CCAA system—as paid absences, pursuant to TWC rule §809.13(d)(13), as detailed in B-302. (As required by Commission rule at 40 TAC §802.1(f) and as detailed in WD Letter 10-07, Board members must take such actions in an open meeting.)

#### **E-804.a: Non-Child Protective Services Child Care**

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Boards including Z-Days as part of their attendance policy must ensure that the attendance policy allows exceptions for Z-Days, the occurrence of which is beyond the control of the parent, including documented instances in which:

- The CCAA card was not available to the parent within the time period allotted for the parent to record attendance.
- The provider’s point of service device or phone system for the interactive voice response system was temporarily unavailable within the time period available for the parent to record attendance.

Boards including Z-Days as part of their attendance policy also must ensure that:

- Child care services are discontinued when a parent exceeds the maximum number of paid absences determined by Board policy and procedures.
- Parents are informed of the Board’s absence policy pursuant to §809.71(15), as detailed in E-100.
- Parents are notified when a child reaches 50 percent and 75 percent of the allowed absences.

- Providers and parents are informed that providers cannot collect double reimbursement, that is, from parents as well as from Boards, for nonreported attendance.
- Parents are not allowed to reapply for child care services for at least 30 days after services have been terminated due to excessive absences.

### **E-804.b: Special Provisions for Parents with Variable Schedules**

Boards that include Z-Days as part of their attendance policy must be aware that in order to prevent over-counting of absences caused by a parent’s variable work schedule and minimize the potential for excess authorizations to providers, TWIST will generate claims under one of the following two calculations for a service month:

#### TWIST Calculation 1

If the actual number of days reported as present in CCAA plus the number of paid holidays is greater than the number of days in the month minus eight, then the claim is the actual days reported present plus paid holidays reported in CCAA.

#### TWIST Calculation 2

If the actual number of days reported as present plus the number of paid holidays is equal to or less than the number of days in the month minus eight, then the claim is the lesser of:

- The number of days in a month minus eight
- The maximum number of days authorized in the month.

Boards must be aware that the two calculations apply only to:

- Boards that include Z-Days as part of their attendance policy
- Child care referrals for parents with flexible work, education or job training schedules

The desk aid [Including Absences and Z-Days with Variable Schedules – Examples](#) provides examples of each of these calculations.

### **E-804.c: Special Provisions regarding Choices Child Care**

Boards that include Z-Days as part of their attendance policy must ensure the following:

- All attendance policies, including Z-Days as absences, are included as a child care program requirement for Choices participants.
- The child care case manager notifies the Choices case manager when a child in Choices child care reaches 50 percent and 75 percent of the allowed absences—or on a more regular basis as determined by the Board.
- Choices parents are not allowed to reapply for child care services for at least 30 days after services have been terminated due to excessive absences, unless the parent is on sanction status for nonparticipation in Choices.
- Choices participants are authorized for child care during sanction so the participant can demonstrate compliance with the Choices program.

### **E-804.d: Child Protective Services Child Care**

Boards must ensure that child care continues as long as it is authorized and funded by DFPS, regardless of the number of paid absences.

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# Child Care Services Guide

## Part F – Requirements to Provide Child Care

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### F-100: Minimum Requirements for Providers

#### F-101: Eligible Child Care Providers

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Boards must ensure that child care subsidies are paid only to:

- Regulated child care providers, defined in A-100 as a provider caring for an eligible child in a location other than the eligible child's own residence, and one of the following:
  - Licensed by the Department of Family and Protective Services (DFPS)
  - Registered with DFPS
  - Licensed by the Texas Department of State Health Services as a youth day camp
  - Operated and monitored by the United States military services
- Relative child care providers subject to the listed requirements in F-102 and defined in A-100 as an individual who is at least 18 years of age, and is, by marriage, blood relationship or court decree, one of the following:
  - The child's grandparent
  - The child's great-grandparent
  - The child's aunt
  - The child's uncle
  - The child's sibling (if the sibling does not reside in the same household as the eligible child)
- At the Board's option, listed family homes as defined in §809.2(12), subject to the listed requirements

Rule Reference: [§809.91\(a\)](#)

#### **F-101.a: Out-of-State Child Care Providers**

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At a Board's option, child care subsidies may be paid to child care providers licensed in a neighboring state, subject to the following requirements:

- Boards must ensure that the Board's child care contractor reviews the licensing status of the out-of-state provider every month, at a minimum, to confirm the provider is meeting the minimum state licensing standards.
- Boards must ensure that the out-of-state provider meets the requirements of the neighboring state to serve Child Care and Development Fund–subsidized children.
- The provider must agree to comply with the requirements of this chapter and all Board policies and Board child care contractor procedures, including, but not limited to:
  - Acceptance of the Board's reimbursement rate schedule.
  - Use of TWC's child care automated attendance system

### **F-101.b: Nonrelative Providers Listed with DFPS**

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If a Board chooses to include providers that are family homes listed with DFPS—as defined in A-100—that provide care for children unrelated to the provider, the Board must ensure that there are in effect, under local law, requirements applicable to the listed family homes that protect the health and safety of children. Pursuant to 45 CFR §98.41, the requirements must include:

- the prevention and control of infectious diseases (including immunizations);
- building and physical premises safety; and
- minimum health and safety training appropriate to the child care setting.

Rule Reference: [§809.91\(b\)](#)

### **F-102: Relative Providers Listed With DFPS**

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Boards must be aware of the following:

- For relative child care providers to be eligible for reimbursement for Texas Workforce Commission (TWC)-funded child care services, they must list with DFPS.
- Pursuant to 45 CFR §98.41(e), relative child care providers listed with DFPS will be exempt from the health and safety requirements of 45 CFR §98.41(a) and §809.91(b)(2).

Rule Reference: [§809.91\(e\)](#)

A Board must not prohibit a relative child care provider that is listed with DFPS and that meets the definition of a relative provider from being an eligible relative child care provider.

Rule Reference: [§809.91\(b\)\(1\)](#)

### **F-102.a: Submitting the Listed Home Application Electronically**

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Boards must be aware that DFPS:

- Has implemented the [eApplication Process](#), which allows a child care provider to apply online to become a listed home provider
- Recommends that applicants apply online using the DFPS website to facilitate and expedite the application process for relative provider listed homes

Boards must be aware that providers that are required to list with DFPS can submit the listed home application in one of the following ways:

- Electronically, through the DFPS website
- Manually, using the hard-copy application and forms

Boards must be aware that the following forms, which must be completed by relative child care providers that are required to list with DFPS, are located on the [DFPS website](#):

- Listing Request, Form 2986  
Listing Request, Form 2986, Spanish
- Request for Criminal History and Central Registry Check, Form 2971  
Request for Criminal History and Central Registry Check, Form 2971, Spanish
- Listed Family Home Fee Schedule, Form 3008

Boards must ensure that the above forms are made available to relative providers who are required to list with DFPS.

Boards also must ensure that these relative providers receive the following information regarding submission of the forms to DFPS:

- The Listing Request, Form 2986, and the Request for Criminal History and Central Registry Check, Form 2971, must be submitted to the appropriate [DFPS Local Child Care Licensing Office](#).
- The relative applying for the listing permit and each individual listed in the Listing Request, Form 2986, must be included in the Request for Criminal History and Central Registry Check, Form 2971.
- The Listed Family Home Fee Schedule, Form 3008, must be submitted to:

Texas Department of Family and Protective Services  
Licensing Fee  
Accounting Division E-672  
P.O. Box 149030  
Austin, Texas 78714-9030

- Except for relative providers caring for a child in the child's home (in-home child care), relative providers required to list with DFPS must pay a \$20 fee and submit the payment with the Child Care Fee Schedule, Form 2988. The \$20 fee includes the background check or checks.
- The relative provider must fill out the forms completely. DFPS will return incomplete forms to the applicant, which will delay the listing process.

Boards may provide the [Instructions for Relative Child Care Providers on Completing Required Texas Department of Family and Protective Services Forms](#) to relative providers who must list with DFPS.

Boards may encourage their child care contractors to assist relatives in filling out the application forms by reviewing the applications for completeness.

Boards must ensure that relative providers applying to be listed with DFPS receive the information in the [Requirements for Listed Family Homes](#) desk aid.

### **Expediting the Listed Home Application**

Boards must be aware of the following DFPS recommendations, which may expedite completion of the listing process:

- Do not send the original Child Care Fee Schedule, Form 2988, and fee payment check to the DFPS Local Child Care Licensing Office with the Listing Request, Form 2986, and the Request for Criminal History and Central Registry Check, Form 2971. However, relative listing applicants are encouraged to include a photocopy of the Child Care Fee Schedule, Form 2988, and a photocopy of the check with the Listing Request, Form 2986, and the Request for Criminal History and Central Registry Check, Form 2971, when submitting them to the DFPS Local Child Care Licensing Office.
- DFPS expects to process applications as quickly as possible. To expedite the process, relative listing applicants should be discouraged from contacting DFPS regarding the status of their applications—with the following exception: If a relative listing applicant has not received the listing permit or been contacted by DFPS regarding the status of the application within 45 days of submitting it, he or she then may contact DFPS.

### **F-102.b: Relatives Providing Care in the Child’s Home**

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Boards must allow relative child care providers to care for a child in the child’s home (in-home child care) only for the following:

- A child with disabilities as defined in §809.2(6), and his or her siblings
- A child under 18 months of age, and his or her siblings
- A child of a teen parent
- When the parent’s work schedule requires evening, overnight or weekend child care in which taking the child outside of the child’s home would be disruptive to the child

A Board may allow relative in-home child care for circumstances in which the Board’s child care contractor determines and documents that other child care provider arrangements are not available in the community.

Rule Reference: [§809.91\(e\)\(2\)-\(3\)](#)

Boards must ensure that local procedures are established that require Board child care contractors to adequately document the need for in-home care when based on a parent’s work schedule.

If a Board uses in-home child care based on a lack of child care in the community, the Board must ensure that local procedures are established that aid the Board’s child care contractor in determining and documenting the circumstances of that lack.

### **Notification to All Parents Choosing Relative Child Care Providers**

Boards must ensure that a parent requesting a relative child care provider—including in-home child care—is notified of the following:

- The requested relative provider must apply for a listing with DFPS by following the procedures in Section F-102.
- Individuals in the listed home are subject to:
  - Criminal background checks, including checks against the Texas Department of Public Safety Sex Offender Registry

- Checks against the DFPS child abuse central registry

### **Notification to Parents Choosing Relative In-Home Child Care Providers**

If a parent requests in-home child care, Boards must ensure that Workforce Solutions office staff notify the parent that the in-home child care provider can have the listing fee waived only if the following conditions are met:

- The request for in-home care is approved by Workforce Solutions office staff using the Listed Family Home Fee Waiver Authorization form (CC-2432).
- The form is completed, signed and attached to the listed home application sent to DFPS by the relative.

The [Listed Family Home Fee Waiver Authorization](#) form (CC-2432) is available on the Intranet. (The Intranet is not available to the general public.)

### **F-103: Other Requirements Placed on Providers**

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Except as provided by the criteria for Texas Rising Star certification, a Board or the Board's child care contractor must not place requirements on regulated providers that:

- Exceed the state licensing requirements stipulated in Texas Human Resources Code, Chapter 42
- Have the effect of monitoring the provider for compliance with state licensing requirements stipulated in Texas Human Resources Code, Chapter 42

When a Board or the Board's child care contractor, in the course of fulfilling its responsibilities, gains knowledge of any possible violation regarding regulatory standards, the Board or its child care contractor must report the information to the appropriate regulatory agency.

Rule Reference: [§809.91\(c\)](#)

### **F-104: Parents as Child Care Providers**

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Boards must ensure that subsidies are not paid for a child at the following child care providers:

- Licensed child care centers, including before- or after-school programs and school-age programs, in which the parent or his or her spouse, including the child's parent or stepparent, is the director or assistant director, or has an ownership interest
- Licensed, registered or listed child care homes where the parent also works during the hours his or her child is in care

Rule Reference: [§809.91\(f\)](#)

Boards must be aware that the rule affecting parents who work at child care facilities applies only to home-based care situations. For center-based care, a parent can work at the facility, unless the parent is the director, assistant director or has an ownership interest in the facility.

## **F-200: Child Care Provider Responsibilities and Reporting Requirements**

### **F-201: Written Notice and Agreement**

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Boards must ensure that child care providers are given written notice of and agree to their responsibilities, reporting requirements and requirements for reimbursement, as described in this section (F-200), prior to enrolling a child.

### **F-202: Collecting Parent Share of Cost and Other Child Care Funds**

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Boards must ensure that child care providers:

- Are responsible for collecting the parent share of cost as assessed, as detailed in B-601, before child care services are delivered
- Are responsible for collecting other child care funds received by the parent as detailed in B-707
- Report to the Board or the Board's child care contractor instances in which the parent fails to pay the parent share of cost

Rule Reference: [§809.92\(b\)\(1\)-\(3\)](#)

### **F-203: Child Attendance Reporting Requirements for Providers**

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Boards must ensure that child care providers follow the attendance reporting and tracking procedures required by TWC, the Board or, if applicable, the Board's child care contractor. At a minimum, the provider must:

- Document and maintain a record of each child's attendance and submit attendance records to the Board's child care contractor upon request.
- Inform the Board's child care contractor when an enrolled child is absent.
- Inform the Board's child care contractor when the child has not attended the first three days of scheduled care. The provider has until the close of the third day of scheduled attendance to contact the Board's child care contractor regarding the child's absence.

Rule Reference: [§809.92\(b\)\(4\)](#)

Boards must ensure that providers are notified and agree with the requirements for automated attendance as described in F-501.

### **F-204: Provider Charges to Parents**

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Boards must ensure that providers do not charge the difference between the provider's published rate and the amount of the Board's reimbursement rate, as determined under §809.21, to parents:

- Who are exempt from the parent share of cost assessment under B-603
- Whose parent share of cost is calculated to be zero pursuant to B-605

A Board may develop a policy that prohibits providers from charging the difference between the provider's published rate and the amount of the Board's reimbursement rate (including the assessed parent share of cost) to all parents eligible for child care services.

Providers must not charge fees to a parent receiving child care subsidies that are not charged to a parent who is not receiving subsidies.

Rule Reference: [§809.92\(c\)-\(d\),\(f\)](#)

### **F-205: Provider Denials of Referrals**

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While providers can choose to limit the number of subsidized children they accept, Boards must ensure that providers do not deny a child care referral based on the parent's income status, receipt of public assistance or the child's status with DFPS Child Protective Services. For example, providers can choose to accept no more than 10 subsidized children, but they cannot choose to limit those they do accept to exclusively children of at-risk parents.

Boards must be aware that the rules do not require providers to accept referrals that interrupt their business practices applied to the general public. For example, if a provider has a policy that it does not accept part-week or part-time enrollments and this policy is applied to the general public, then the rules will not require that provider to accept part-week or part-time subsidized enrollments.

Rule Reference: [§809.92\(e\)](#)

### **F-206: Providers Placed on Corrective or Adverse Action by DFPS**

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Boards must ensure that providers are given written notice of and agree to the required actions for providers placed on corrective or adverse action, as detailed in F-402.

## **F-300: Provider Reimbursement**

### **F-301: General Information**

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Boards must ensure that reimbursement for child care is paid only to the provider.

Rule Reference: [§809.93\(a\)](#)

Unless otherwise determined by the Board and approved by the Texas Workforce Commission (TWC) for automated reporting purposes, reimbursement for child care is based on the unit of service delivered, as follows:

- A full-day unit of service is 6 to 12 hours of care provided within a 24-hour period.
- A part-day unit of service is fewer than 6 hours of care provided within a 24-hour period.

Rule Reference: [§809.93\(e\)](#)

A Board or its child care contractor must ensure that parent travel time to and from the child care facility and the parent's work, school or job training site is included in determining whether to authorize reimbursement for full-day or part-day care.

Rule Reference: [§809.93\(i\)](#)

A Board or the Board's child care contractor must not pay providers:

- Less, when a child enrolled full time occasionally attends for a part day
- More, when a child enrolled part time occasionally attends for a full day

Rule Reference: [§809.93\(g\)](#)

A Board or its child care contractor must ensure that providers are not paid for holding spaces open except as consistent with attendance policies established by the Board.

Rule Reference: [§809.93\(f\)](#)

A Board or its child care contractor must not reimburse a provider retroactively for new Board maximum reimbursement rates or new provider published rates.

Rule Reference: [§809.93\(h\)](#)

Boards must not reimburse providers that are debarred from other state or federal programs unless and until the debarment is removed.

Rule Reference: [§809.93\(d\)](#)

### **F-302: Reimbursement for Relative Providers**

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Boards must ensure that a relative child care provider is not reimbursed for days on which a child is absent.

Rule Reference: [§809.93\(b\)](#)

Boards must be aware of the following:

- For a child in relative care, the child's absences are not counted toward the maximum number of absences allowed.

- There are no paid “holidays” for relative providers, and Boards must ensure that no relative provider days are authorized or paid as holidays.

Boards must ensure that relative child care providers are not reimbursed for more children than permitted by the DFPS minimum regulatory standards for registered child care homes. A Board may permit more children to be cared for by a relative child care provider on a case-by-case basis as determined by the Board.

Rule Reference: [§809.93\(c\)](#)

### **F-303: Reimbursement for Providers on a Notice of Freeze or Notice of Levy with TWC**

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Texas Labor Code, Title 4, §213.059 (Delinquency; Notice of Levy), requires TWC to identify and obtain control of assets owned by or debts owed to an individual who is delinquent in the payment of any amount, including contributions, penalties and interest due under the Texas Unemployment Compensation Act. An “asset” means a credit, bank or savings account or deposit, or any other intangible or personal property.

Texas Labor Code, Title 2 (Protection of Laborers), Subtitle C (Wages) §61.091 (Notice of Delinquency) through §61.095 (Discharge of Liability) requires TWC to identify and obtain control of assets owned by or debts owed to an individual who is delinquent in the payment of wages, including penalties due under Texas Labor Code, Chapter 61.

To enforce the delinquency provision, TWC is required to provide notice not to transfer or dispose of the assets or debts owed to any other individual who possesses or controls the assets or debts of a delinquent individual. TWC’s Regulatory Integrity Division (RID) oversees this process and issues a Notice of Freeze to the entity in possession of assets or debts owed, instructing that a hold be placed on the assets. The Notice of Freeze provides:

- The amount of contributions, penalties, interest, wages and/or other amounts due
- Any additional amount that will accrue by operation of law in a period not to exceed 30 days after the date on which the notice is given

After issuance of the Notice of Freeze, TWC has up to 60 days to issue a Notice of Levy, which authorizes the entity holding the assets or debts to transfer them to TWC. However, at any time during the 60-day period, RID can levy on the asset or debt by delivery of a Notice of Levy.

If the delinquent entity is a child care provider owed reimbursements for child care services through TWC’s child care program, RID provides both the Notice of Freeze and the Notice of Levy to the Board’s executive director in the affected local workforce development area (workforce area).

Upon receipt of a Notice of Freeze, Boards must ensure that a 60-day freeze is placed on any child care subsidies owed to the individual or child care provider identified in the notice.

Boards must be aware of the following:

- TWC can release a Notice of Freeze before the end of the 60-day period.

- TWC may issue a Notice of Levy requesting the held funds be transferred to TWC. The Notice of Levy will not exceed the total amount of the delinquency.
- The Notice of Freeze will expire automatically after the 60-day period absent any additional action taken by TWC.

Boards must ensure the following:

- A response to the Notice of Freeze is sent to RID within 20 days of its receipt.
- The response references the nature and value of any child care subsidies owed to the individual or child care provider identified in the notice.
- Any subsequent payments to the individual or child care provider during the 60-day period are held until a Notice of Levy is received or the freeze expires.
- Upon receipt of a Notice of Levy indicating the total amount requested, all held child care payments are transferred to TWC.

Boards must be aware that a Notice of Freeze or a Notice of Levy on subsidy payments does not make a child care provider ineligible to care for TWC-subsidized children. However, the provider can choose to discontinue providing subsidized child care services.

If a provider chooses to discontinue providing TWC-subsidized child care services, Boards must ensure that the provider agrees to give notice to parents and the Board or its child care contractor at least 30 days before the discontinuation of services to avoid interruptions in care and minimize impact on parents and children.

Boards must be aware that a provider on a Notice of Freeze or Notice of Levy is not eligible for the Texas Rising Star program.

Rule Reference: [§809.131\(a\)\(2\)\(B\)](#)

### **F-304: Reimbursement for Providers Debarred from the Child and Adult Care Food Program**

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The Child and Adult Care Food Program (CACFP) is a federally funded program administered in Texas by the Food and Nutrition Division of the Texas Department of Agriculture (TDA). The program reimburses eligible child care centers for part of the cost associated with serving approved, nutritious meals and snacks to children.

When TDA determines a provider noncompliant in one or more aspects of its operation of CACFP, a notice of termination and disqualification is given to the provider and all responsible principals within the provider organization are placed on the U.S. Department of Agriculture (USDA) National Disqualification List (NDL).

Boards must be aware that placement on NDL includes the following consequences:

- Provider is not allowed to participate in CACFP as a contracting entity or site.
- Provider and responsible principals are not allowed to perform any CACFP function or serve as a principal in any organization or site in CACFP.
- Provider will remain on NDL until the USDA Food and Nutrition Service, in consultation with the TDA Food and Nutrition Division, determines that the noncompliance has been

corrected, or until seven years after the disqualification. (If any CACFP debt has not been repaid, the provider and responsible principals will remain on NDL until the debt has been repaid.)

Pursuant to TWC's Child Care Services rule §809.93 and described in F-300, Boards must not reimburse providers that have been placed on NDL for CACFP.

Boards must be aware that once a provider has been placed on NDL, TDA notifies TWC and TWC forwards the notification to the Board in the workforce area in which the provider is located (managing Board) and any other Board with subsidized children enrolled with the provider, including children receiving protective services funded by DFPS.

Upon receipt of notification from TWC, the Board must ensure the following:

- Parents with children enrolled in TWC-funded child care with the provider are notified, in writing or by telephone, no later than two business days after receiving the notice from TWC that the provider is no longer an eligible provider of subsidized child care.
- Parents are given the option of having children remain enrolled at the provider or transferred to another eligible provider.
- Parents are notified that if a parent elects to keep a child enrolled at the facility, it is considered a voluntary withdrawal from subsidized child care services.
- Parents electing to transfer care to another provider must choose an eligible provider within 10 business days after receiving notification from the Board.
- All current referrals end within 10 business days after the parent receives the notification.
- The agreement with the provider ends in the month in which the 10th business day after the parent receives notification from the Board occurs.
- No new referrals for child care services are made to the provider.

The managing Board must ensure that for a provider disqualified from CACFP the following information is entered into TWIST:

- Date the report was sent to the Board (entered as the "Ineligible Provider Date" on the Program Detail, Provider tab)
- Select 4-Fed/State Debarment under Corrective/Adverse on the Program Detail, Provider tab

Boards must ensure that if a parent transfers a child, the transfer is not counted against the parent under the Board's transfer policy.

### **Written Notification to Parents Regarding Provider Termination and Disqualification**

Boards may develop letters to notify parents of a provider's disqualification status.

However, Boards must ensure the following:

- The form in [Parent Notification of Child Care Provider Disqualified from the Child and Adult Care Food Program](#), or a locally developed notification of termination and disqualification form, is included with the letter to parents ([Parent Notification of Child Care Provider Disqualified from the Child and Adult Care Food Program](#) – Spanish version).
- Locally developed forms contain the following:
  - Board name

- Parent name
- Case number
- Child care provider
- Date notification sent
- Purpose of notice and brief explanation of termination and disqualification action
- Parent options for responding to notification
- Requirement to respond within 10 business days
- Statement that withdrawal from child care is voluntary and the parent will be responsible for full cost of care if no response is received
- Signature block as shown on the [Parent Notification of Child Care Provider Disqualified from the Child and Adult Care Food Program](#)  
([Parent Notification of Child Care Provider Disqualified from the Child and Adult Care Food Program](#) – Spanish version)

## **F-400: Providers Placed on Corrective or Adverse Action by the Texas Department of Family and Protective Services**

### **F-401: General Information**

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The Texas Department of Family and Protective Services (DFPS) may place child care providers on corrective or adverse action if the provider has repeated violations of child care licensing standards.

DFPS corrective actions are steps that DFPS may impose on an operation to assist it in becoming compliant with standards, rules and child care law. These actions are imposed when an operation has repeated deficiencies in standards that do not endanger the health and safety of children. Licensing staff may place the operation on evaluation or probation.

DFPS adverse actions are steps that Child Care Licensing may take to force an operation to close. Adverse actions are taken when an operation has been cited for deficiencies that pose a risk to the health and safety of children, or if there are indications of a continued failure to comply with standards, rules or child care law. Adverse actions include denial of an application, revocation or suspension of a permit or an adverse amendment with conditions on a permit.

TWC rules require Workforce Development Boards (Boards) to take certain actions if DFPS places a child care provider serving subsidized children on corrective or adverse action.

### **F-402: Providers Placed on Evaluation Corrective Action**

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For a provider placed on evaluation corrective action (evaluation status) by DFPS, Boards must ensure the following:

- Parents with children enrolled in Texas Workforce Commission (TWC)–funded child care are notified in writing of the provider’s evaluation status no later than five business days after receiving notification from TWC of DFPS’ decision to place the provider on evaluation status.
- Parents choosing to enroll new children in TWC-funded child care with a provider on evaluation status are notified in writing of the provider’s evaluation status prior to enrollment.

Rule Reference: [§809.94\(a\)](#)

Boards must be aware of the following:

- Parents are allowed to enroll new children with a provider on evaluation status as long as the parent acknowledges in writing that he or she is aware of the evaluation status with DFPS.
- Written acknowledgment of the parent’s choice to enroll the child with the provider must be signed and returned to the Board’s child care contractor within 10 business days of the date of the notification.
- Failure to sign and return the written acknowledgement of decision to enroll the child with the provider within 10 business days will be considered a voluntary withdrawal from child care by the parent.

### **F-403: Providers Placed on Probation Corrective Action**

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For a provider placed on probation corrective action (probationary status) by DFPS, Boards must ensure the following:

- Parents with children in TWC-funded child care are notified in writing of the provider's probationary status no later than five business days after receiving notification from TWC of DFPS' decision to place the provider on probationary status.
- No new referrals are made to the provider while on probationary status.

Rule Reference: [§809.94\(b\)](#)

### **F-404: Continuation of Care for Children Enrolled at a Provider on Corrective Action**

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Boards must be aware of the following:

- Parents are allowed to continue a child's enrollment with a provider on corrective action as long as the parent acknowledges in writing that he or she is aware of the provider's status with DFPS, but chooses to continue care with the provider.
- Written acknowledgment of the parent's choice to continue care with the provider must be signed and returned to the Board's child care contractor within 10 business days of the date of the notification.
- Failure to sign and return the written acknowledgement and decision to continue care with the provider within 10 business days will be considered a voluntary withdrawal from child care by the parent.

Rule Reference: [§809.94\(c\)](#)

### **F-405: Reimbursements for Providers on Corrective Action**

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For a provider placed on evaluation or probationary status by DFPS, Boards must ensure that while on evaluation or probationary status the provider is not reimbursed at the Boards' enhanced reimbursement rates, described in B-703.

Rule Reference: [§809.94\(d\)](#)

### **F-406: Providers Placed on Adverse Action**

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When DFPS is taking adverse action against a provider, Boards must ensure the following:

- Parents with children enrolled in TWC-funded child care with the provider are notified, in writing or by telephone, no later than two business days after receiving TWC notification that DFPS intends to take adverse action against the provider.
- Children enrolled in TWC-funded child care with the provider are transferred to another eligible provider no later than five business days after receiving TWC notification that DFPS intends to take adverse action against the provider.
- No new referrals for TWC-funded child care are made to the provider while DFPS is taking adverse action.

Rule Reference: [§809.94\(e\)](#)

Boards must take the above actions for situations in which DFPS has determined that the provider poses an immediate risk to the health or safety of children and cannot operate pending appeal of the adverse action, but a valid court order has overturned DFPS' determination allowing the provider to operate pending administrative review or appeal.

Rule Reference: [§809.94\(f\)](#)

**F-407: Summary of Required Actions for Providers on Corrective or Adverse Action**

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The following table summarizes the actions to be taken when a child care provider has been placed on corrective or adverse action with DFPS.

Status	Required Notification of Parents	Required to Stop New Enrollments	Required to Remove Currently Enrolled Children	Provider Eligible to Receive Enhanced Rates
Evaluation Status	Yes	No	No	No
Probationary Status	Yes	Yes	No	No
Adverse Action	Yes	Yes	Yes	No

**F-408: Notification to Boards of Providers Placed on Corrective or Adverse Action by DFPS**

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Boards must be aware of the following:

- DFPS will notify TWC on a weekly basis of providers placed on corrective or adverse action during the previous week.
- TWC will send Boards a list of providers placed on corrective or adverse action with DFPS.

Boards must ensure that parents are notified of a provider's status only after receiving official notification from TWC.

**F-409: Written Notification to Parents Regarding Providers Placed on Corrective or Adverse Action**

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Boards may develop letters to notify parents of a provider's status with DFPS.

However, Boards must ensure the following:

- The [Parent Notification of Child Care Provider Placed on Corrective Action](#) form, or a locally developed corrective action notification form, is included with the letter to parents.
- Locally developed forms retain the following:
  - Board name

- Parent name
- Case number
- Child care provider
- Date notification sent
- Type, purpose and explanation of corrective action
- Parent options for responding to the notification
- Requirement to respond within 10 business days
- Statement that withdrawal from child care is voluntary and the parent will be responsible for full cost of care if no response is received
- Signature block as shown on the [Parent Notification of Child Care Provider Placed on Corrective Action](#) form

### **F-410: Parents Requesting Transfer to Another Eligible Provider**

---

Boards must be aware of the following:

- A parent requesting transfer to another eligible provider is not required to submit the request in writing, and can submit the transfer request over the phone.
- Transfer requests, in writing or by telephone, must be made within 10 business days of the date of the notification.

Boards must be aware that if the parent transfers the child because the provider is on corrective or adverse action, then the transfer must not be counted against the parent under the Board's transfer policy.

## **F-500: Provider Automated Attendance Agreement**

### **F-501: Provider Automated Attendance Agreement Required Notice**

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Workforce Development Boards (Boards) must notify providers of the following:

- Employees of child care providers must not:
  - Possess, have on the premises or otherwise have access to the attendance card of a parent or secondary cardholder
  - Accept or use the attendance card or PIN of a parent or secondary cardholder
  - Perform the attendance or absence reporting function on behalf of the parent
- The owner, director or assistant director of a child care provider must not be designated as the secondary cardholder by a parent with a child enrolled with the provider;
- Providers must report misuse of attendance cards and PINs to the Board or the Board's child care contractor; and
- Providers must report to the child care contractor authorized days that do not match the referral in the Texas Workforce Commission's (TWC) Child Care Attendance Automation (CCAA) system within five days of receiving the authorization. Failure to report the discrepancy may result in withholding payment to the provider.

Rule Reference: [§809.95](#)

### **F-502: Regular Review of Attendance by Providers and Reporting Attendance Discrepancies**

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Boards must ensure that providers agree to review CCAA system attendance and absence reports, at a minimum, every five calendar days.

Boards may require providers to review CCAA system attendance and absence reports more frequently.

Boards must be aware that providers:

- Are responsible (in conjunction with the parent's responsibilities for reporting failed attendance reports in E-800) for ensuring accurate and timely attendance and billings
- Must review the CCAA portal on a regular basis to recognize discrepancies between child care authorizations and authorized days in CCAA

When providers discover discrepancies, Boards must ensure that contractor staff correct the authorization in The Workforce Information System of Texas (TWIST) and make necessary adjustments in the CCAA system on a timely basis.

### **F-503: Reimbursement for Unreported Attendance**

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Boards must ensure that providers agree to not being reimbursed by the Board for child care services when a parent fails to report attendances or absences in the CCAA system (Z-Days), unless one of the following applies:

- The provider contacts the child care contractor within five calendar days of the incident.

- The Board adopts an attendance policy that counts Z-Days as paid absences. (As required by TWC rule at 40 TAC §802.1(f) and as detailed in WD Letter 10-07, Board members must take such actions in an open meeting.)

As a condition of receiving Board reimbursement, Boards may require providers to contact the child care contractor more frequently regarding a parent’s failure to report attendances or absences.

Boards may allow providers that are not reimbursed by the Board to collect reimbursement from parents who fail to accurately report attendances or absences using the CCAA system.

Boards that include Z-Days as part of their attendance policy—and thus count Z-Days as a paid absence—must ensure that providers do not also collect reimbursement from parents who fail to report using the CCAA system.

#### **F-504: Penalties for Misuse of the CCAA System**

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Boards must ensure that providers agree to comply with the security requirements of CCAA and are aware that failing to do so may warrant corrective or adverse actions, such as investigation and prosecution of fraud, and the actions described in Part G, which include—but are not limited to—the following:

- Closing intake
- Moving children to another provider selected by the parent
- Withholding provider payments or reimbursement of costs incurred
- Termination of child care services
- Recoupment of funds

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# Child Care Services Guide

## Part G – Fraud, Fact-Finding and Improper Payments

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### G-100: General Fraud Fact-Finding Procedures

Workforce Development Boards (Boards) must develop procedures consistent with fraud prevention provisions in the Texas Workforce Commission (TWC)-Board Agreement for the prevention of fraud by a parent, provider or any other person in a position to commit fraud.

Boards must ensure that procedures for researching and fact-finding for possible fraud are developed and implemented to deter and detect suspected fraud for child care services in their local workforce development areas. Procedures must include provisions for suspected fraud to be reported to TWC in accordance with TWC policies and procedures.

On review of suspected fraud reports, TWC may either accept a case for investigation and action at the state level, or return the case to the Board or its child care contractor for action including, but not limited to, one of the following:

- Further fact-finding
- Other corrective action as provided in this guide or as may be appropriate

The Board must ensure that a final fact-finding report is submitted to TWC after a case is returned to the Board or its child care contractor and all feasible avenues of fact-finding and corrective actions have been exhausted.

Rule Reference: [§809.111](#)

Information regarding tools and reports available to Boards to assist with detection of potential fraud is available in the following:

- [Technical Assistance Bulletin 258, Child Care Fraud Detection Report Tools](#)
- [Technical Assistance Bulletin 200, TWIST Child Care Reports Showing Duplicate Social Security Numbers](#)

## **G-200: Suspected Fraud**

Boards must be aware that a parent, provider or any other person in a position to commit fraud may be suspected of fraud if the individual presents or causes to be presented to the Board or its child care contractor one or more of the following items:

- A request for reimbursement in excess of the amount charged by the provider for the child care
- A claim for child care services if evidence indicates that the individual may have:
  - Known, or should have known, that child care services were not provided as claimed
  - Known, or should have known, that information provided is false or fraudulent
  - Received child care services during a period in which the parent or child was not eligible for services
  - Known, or should have known, that child care subsidies were provided to an individual not eligible to be a provider
  - Otherwise indicated that the individual knew or should have known that the actions were in violation of state or federal statute or regulations relating to child care services

Rule Reference: [§809.112](#)

## **G-300: Action to Prevent or Correct Suspected Fraud**

The Texas Workforce Commission (TWC), Workforce Development Board (Board) or the Board's child care contractor may take the following actions if TWC finds that a provider has committed fraud:

- Temporary withholding of payments to the provider for child care services delivered
- Nonpayment of child care services delivered
- Recoupment of funds from the provider
- Stop authorizing care at the provider's facility or location
- Any other action consistent with the intent of the governing statutes or regulations to investigate, prevent or stop suspected fraud

TWC, the Board, or the Board's child care contractor may take the following actions if TWC finds that a parent has committed fraud:

- Recouping funds from the parent
- Prohibiting future child care eligibility, provided that the prohibition does not result in a Choices or Supplemental Nutrition Assistance Program Employment and Training participant becoming ineligible for child care
- Limiting the enrollment of the parent's child to a regulated child care provider
- Any other action consistent with the intent of the governing statutes or regulations to investigate, prevent or stop suspected fraud

Rule Reference: [§809.113](#)

## **G-400: Failure to Comply with TWC Rules and Board Policies**

Workforce Development Boards (Boards) must ensure that parents and providers comply with Texas Workforce Commission (TWC) rules.

TWC, the Board or the Board's child care contractor may consider failure by a provider or parent to comply with TWC rules as an act that may warrant corrective and adverse action as detailed in G-500.

Failure by a provider or parent to comply with TWC Chapter 809 rules must be considered a breach of contract, which may result in corrective action.

Rule Reference: [§809.114](#)

## **G-500: Board Corrective Adverse Actions**

### **G-501: Determining Appropriate Board Corrective Actions**

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When determining appropriate corrective actions, Workforce Development Boards (Boards) or the Board's child care contractors must consider:

- The scope of the violation
- The severity of the violation
- The compliance history of the individual or entity

Rule Reference: [§809.115\(a\)](#)

### **G-502: Types of Board Corrective Actions**

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Corrective actions may include, but are not limited to, the following:

- Closing intake
- Moving children to another provider selected by the parent
- Withholding provider payments or reimbursement of costs incurred
- Termination of child care services
- Recoupment of funds

Rule Reference: [§809.115\(b\)](#)

### **G-503: Service Improvement Agreements**

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When a provider violates a provision of Part F, a written Service Improvement Agreement (SIA) may be negotiated between the provider and the Board or the Board's child care contractor. At the least, the SIA must include the following:

- Basis for the SIA
- Steps required to reach compliance including, if applicable, technical assistance
- Time limits for implementing the improvements
- Consequences of noncompliance with the SIA

Rule Reference: [§809.115\(c\)](#)

### **G-504: Board Corrective Actions for Violations of Attendance Reporting**

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Boards must develop policies and procedures to ensure that the Board or the Board's child care contractor take corrective action consistent with sections G-501, G-502 and G-503 against a provider when the provider does any of the following:

- Possesses, or has on the premises, attendance cards without the parent being present at the provider site
- Accepts or uses an attendance card or PIN of a parent or secondary cardholder
- Performs the attendance reporting function on behalf of a parent

Rule Reference: [§809.115\(d\)](#)

Boards must develop policies and procedures to require the Board's child care contractor to take corrective action consistent with sections G-501, G-502 and G-503 against a parent when the parent or parent's secondary cardholder gives his or her:

- Card to a provider
- PIN to a provider

Rule Reference: [§809.115\(e\)](#)

## **G-600: Recovery of Improper Payments**

Workforce Development Boards (Boards) must attempt recovery of all improper payments. The Texas Workforce Commission (TWC) must not pay for improper payments.

Board recovery of improper payments must be managed in accordance with TWC policies and procedures.

Rule Reference: [§809.116](#)

## **G-700: Recovery of Improper Payments to a Provider or Parent**

Workforce Development Boards (Boards) must ensure that providers repay improper payments for child care services received in the following circumstances:

- Instances involving fraud
- Instances in which the provider did not meet the provider eligibility requirements
- Instances in which the provider was paid for the child care services from another source
- Instances in which the provider did not deliver the child care services
- Instances in which referred children have been moved from one facility to another without authorization from the child care contractor
- Other instances in which repayment is deemed an appropriate action

Boards must ensure that parents repay improper payments for child care in the following circumstances:

- Instances involving fraud as defined in this guide
- Instances in which the parent has received child care services while awaiting an appeal and the determination is affirmed by the hearing officer
- Other instances in which repayment is deemed an appropriate corrective action

Rule Reference: [§809.117](#)

Note: The Board must ensure that the parent is not held responsible for repayment when Board or Board contractor error may have resulted in the improper payment.

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# Child Care Services Guide

## Part H – Consumer Education and Child Care Quality Activities

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### H-100: Promoting Consumer Education

#### H-101: General Information

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Workforce Development Boards (Boards) must promote informed child care choices by providing consumer education information to the following:

- Parents who are eligible for child care services
- Parents who are placed on a Board’s waiting list
- Parents who are no longer eligible for child care services
- Applicants who are not eligible for child care services

Boards must ensure that consumer education information contains, at a minimum:

- Information about the Texas Information and Referral Network/2-1-1 Texas (2-1-1 Texas)
- The website and telephone number of the Texas Department of Family and Protective Services (DFPS), so parents can obtain health and safety requirements, including information on:
  - The prevention and control of infectious diseases (including immunizations)
  - Building and physical premises safety
  - Minimum health and safety training appropriate to the provider setting
  - The regulatory compliance history of child care providers
- A description of the full range of eligible child care providers set forth in F-101
- A description of programs available in the local workforce development area (workforce area) relating to school readiness and quality rating systems, including:
  - Texas Rising Star (TRS) provider criteria described in Part I
  - The school readiness certification system, pursuant to Texas Education Code §29.161
  - Integrated school readiness models, pursuant to Texas Education Code §29.160
- A list of child care providers that meet quality indicators, pursuant to Texas Government Code §2308.3171

Rule Reference: [§809.15](#)

#### H-102: Consumer Education on Quality Child Care Indicators

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Boards must be aware that Texas Government Code §2308.3171 defines a “quality child care indicator” as any appropriate indicator of quality services, including if the provider is one of the following:

- A TRS-certified provider

- Accredited by a nationally recognized accrediting organization approved by TWC
- A provider certified under TEC §29.161
- Participating in the Texas School Ready! (TSR!) project

Pursuant to Texas Government Code §2308.3171(b), Boards must do the following:

- Provide information on quality child care indicators to each licensed or registered child care provider in the workforce area
- Determine the manner in which to provide this information

Pursuant to Texas Government Code §2308.3171(c), Boards must post the following information in a prominent place on their websites, in Workforce Solutions offices and in mobile Workforce Solutions offices:

- A list of local child care providers that have a quality child care indicator and accept subsidies
- A list of local parenting classes, if any are available in the workforce area

Each Board must ensure that information on quality child care indicators is provided in printed materials for distribution to parents and the public, including the Board’s web address for quality indicator information.

Boards also may choose additional methods to disseminate information on quality child care indicators.

Boards must:

- Provide information to parents and the public on quality child care indicators for each licensed or registered child care provider in the workforce area
- Determine the manner in which to provide the information on quality child care indicators

Boards also must establish the manner in which to provide the information. Acceptable methods include, but are not limited to, the following:

- Posting the information on the Board’s website and including the web address on appropriate printed materials distributed to parents and the public
- Distributing printed information
- Furnishing parents with a list of providers by geographic area (for example, county, city, zip code)

Boards may provide this information using one of the following:

- The Workforce Information System of Texas (TWIST) Report #252
- Board-developed reports

### **H-103: Local Quality Indicators**

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Boards must be aware that Texas Government Code §2308.3171:

- Provides Boards with the flexibility to identify local child care programs that have achieved any other measurable target relevant to improving the quality of child care in Texas
- Requires TWC approval of an identified program as a “quality child care indicator”

Boards also must be aware that child care providers requesting TWC approval of their programs as meeting a quality child care indicator will be required by TWC to demonstrate that the programs meet an established set of criteria developed by an independent accrediting entity, as follows:

- Programs are required to meet at least one of the following criteria:
  - Standard curriculum and activities
  - Group size and teacher/child ratios that are higher than minimum licensing requirements;
  - Director and teacher training requirements that are higher than minimum licensing requirements
  - Family involvement activities
  - Child outcomes/school readiness
- The independent accrediting entity will be required to:
  - Have an established history of developing research-based criteria for determining that child care providers accredited by the entity meet quality measures
  - Have an established process for evaluating child care providers against the quality measures
  - Document that an independent evaluator approved by the accrediting entity has certified the child care provider as meeting the criteria for certification
  - Conduct the certification or accreditation at least every five years

To request TWC approval of a program to be included as a quality child care indicator, Boards must send the request to [childcare.programassistance@twc.state.tx.us](mailto:childcare.programassistance@twc.state.tx.us).

Boards must be aware that TWC will notify the Board and the provider requesting the designation of meeting a quality child care indicator upon approval or denial of the quality criteria and the accrediting entity.

If TWC approves the criteria and the accrediting entity, before adding the provider to the list of quality indicators, Boards must confirm that the provider also meets the minimum health and safety licensing criteria outlined in the appropriate [TRS Provider Certification Prescreening Form](#).

## **H-104: Quality Child Care Providers in TWIST**

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Texas Rising Star Information

Boards must ensure the following:

- Accurate information is entered into TWIST for each TRS-certified provider in the workforce area
- At a minimum, the information includes:
  - Effective dates of each TRS provider’s certification
  - Star level (2-star, 3-star or 4-star) for each TRS-certified provider

### National Accredited Provider Information

The following TWC-approved, nationally accredited organizations list nationally accredited providers in Texas on their websites:

- [National Association for the Education of Young Children](#)
- [National Early Childhood Program Accreditation](#)
- [National Accreditation Commission for Early Care and Education Program](#)
- [Association of Christian Schools International](#)
- [National Association for Family Child Care](#)
- [Council of Accreditation \(formerly the National AfterSchool Association\)](#)

Boards must update nationally accredited provider information in TWIST at least every three months.

### Texas School Ready!

Boards must be aware that the Texas Education Agency (TEA) provides TWC a list of TSR! grant participants. TWC provides this information to Boards upon receipt from TEA. Boards must update TWIST to include information on TSR! grant participants.

## **H-105: Board Cooperation with 2-1-1 Texas**

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As part of consumer education on child care quality indicators, Board must cooperate with the Texas Health and Human Services Commission (HHSC) to provide 2-1-1 Texas with information, as determined by HHSC, for inclusion in the statewide information and referral network.

Rule Reference: [§809.15](#)

## **H-106: Additional Information to Parents**

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As described in B-202, consumer education information provided to parents must include the following contact information for applicants and families whose subsidized child care is being terminated:

- Child care resource and referral agencies serving the relevant community
- Other providers of information and referrals serving the relevant community
- When appropriate, the administrator of the local independent school district's prekindergarten or the Head Start program serving the relevant community

## **H-200: Quality Improvement Activities**

### **H-201: General Information**

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Workforce Development Boards (Boards) must be aware that child care funds allocated by the Texas Workforce Commission pursuant to its allocation rules (generally, Chapter 800, General Administration, Subchapter B, Allocation and Funding and, specifically, §800.58, Child Care), including local public transferred funds and local private donated funds, as provided in Part C, to the extent they are used for nondirect care quality improvement activities, can be expended on any quality improvement activity described in 45 CFR §98.51. These activities can include, but are not limited to:

- Activities designed to provide comprehensive consumer education to parents and the public
- Activities that increase parental choice
- Activities designed to improve the quality and availability of child care

Boards must be aware that expenditures certified by a public entity, as provided in Part C, may include expenditures for any quality improvement activity described in 45 CFR §98.51.

Rule Reference: [§809.16\(a\)\(c\)](#)

### **H-202: Required Quality Improvement Activities**

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Boards must be aware that Texas Government Code §2308.317(c) requires each Board to use at least 2 percent of the Board's yearly child care allocation for quality initiatives.

Boards must ensure that the 2 percent allocation dedicated to quality child care initiatives is used for the following:

- Quality child care programs, including programs meeting one of the following conditions:
  - Director receives mentoring
  - Program is in the process of obtaining Texas Rising Star (TRS) certification
- Technical assistance, including:
  - Assistance to TRS providers and providers seeking TRS certification
  - Consumer information regarding the selection of quality child care for parents
  - Parenting education information
- Professional development for child care providers, directors and employees
- Educational materials for children served by child care providers
- Educational information for parents on the development of children under age five

#### **H-202.a: Priority for Quality Initiatives**

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Boards must ensure priority for the 2 percent allocation is given to quality child care initiatives benefiting child care facilities that are working toward TRS certification or are TRS providers working toward a higher certification level.

#### **H-202.b: Restrictions on the Use of Quality Funds**

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Boards must ensure that the following uses of the 2 percent allocation are not allowed:

- Reimbursement for direct child care services
- Increasing Board maximum reimbursement rates
- Tiered reimbursement rates for TRS providers

### **H-203: Allowable Quality Improvement Activities**

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Boards must be aware that activities designed to improve the quality and availability of child care also may include, but are not limited to, the following:

- Operating directly or providing financial assistance to organizations (including private nonprofit organizations, public organizations and units of general purpose local government) for the development, establishment, expansion, operation and coordination of resource and referral programs specifically related to child care
- Making grants or providing loans to child care providers to assist such providers in meeting applicable state, local and tribal child care standards
- Improving the monitoring of compliance with, and enforcement of, applicable state, local and tribal requirements
- Providing training and technical assistance in areas appropriate to the provision of child care services, such as training in health and safety, nutrition, first aid, the recognition of communicable diseases, child abuse detection and prevention and care of children with special needs
- Improving salaries and other compensation (such as fringe benefits) for full- and part-time staff who provide child care services for which assistance is provided under this part
- Any other activities that are consistent with the intent of 45 CFR §98.51

Examples of Quality Improvement Activities provides additional examples of allowable quality improvement activities.

### **H-204: Training and Professional Development**

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Boards must ensure that Board-funded training provided to employees and operators of licensed child care centers, licensed child care homes and registered child care homes that are required to meet the minimum training standards in Texas Human Resources Code §42.0421, is:

- Appropriate and relevant to the age of the children cared for by the provider
- Delivered by a trainer who meets one of the following Texas Human Resources Code §42.0421(f)–(g) qualifications:
  - Registered with the [Texas Early Care and Education Career Development System’s Texas Trainer Registry](#)
  - An instructor who teaches early childhood development or another relevant course at a public or private secondary school or at a public or private institution
  - A state agency employee with relevant expertise (for example, child care licensing or state health services)
  - A physician, psychologist, licensed professional counselor, social worker or registered nurse
  - Holds a generally recognized credential or possesses documented knowledge relevant to the training the individual will provide (for example, an individual with a current child

care professional credential, a firefighter who offers training on fire safety, a county health employee who offers training on immunizations)

- A registered child care home provider or director of a licensed child care center or licensed child care home in good standing with DFPS, and who has demonstrated core knowledge in child development and caregiving and is only providing training at the home or center in which the provider, director or primary caregiver and the individuals receiving training are employed
- Has at least two years of experience working in child development, a child development program, early childhood education, a childhood education program or a Head Start or Early Head Start program and has been awarded a child development associate credential, or holds at least an associate's degree in child development, early childhood education or a related field

Boards also must be aware that Texas Human Resources Code §42.0421(f)–(g) specifies that the director of a licensed child care center or primary caregiver of a licensed or registered child care home can provide training to his or her staff as long as DFPS has not:

- Placed the operation on probation, suspension, emergency suspension or revocation
- Assessed an administrative penalty in the two years preceding the training

Boards may require that all Board-funded child care training, including training that is not required to meet the minimum training standards required by DFPS, meets the requirements in this section.

Information on online professional development courses available to child care providers can be found in [Technical Assistance Bulletin 238, Online Courses Designed to Enhance Quality of Infant and Toddler Care](#).

## **H-205: Limitations on Construction**

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Boards must ensure compliance with 45 CFR §98.54(b) regarding construction expenditures, as follows:

- For state and local agencies and nonsectarian agencies or organizations:
  - Funds must not be expended for the purchase or improvement of land, or for the purchase, construction or permanent improvement of any building or facility.
  - Funds may be expended for minor remodeling, and for upgrading child care facilities to ensure that providers meet state and local child care standards, including applicable health and safety requirements.
- For sectarian agencies or organizations:
  - Funds must not be expended for the purchase or improvement of land, or for the purchase, construction or permanent improvement of any building or facility.
  - Funds may be expended for minor remodeling only if necessary to bring the facility into compliance with the health and safety requirements established pursuant to 45 CFR §98.41.

Rule Reference: [§809.16\(b\)](#)

## **H-206: Reporting Board Quality Activities**

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Boards must use the [Child Care and Development Fund Quality Improvement Nondirect Care Activities Quarterly Report](#) to report all nondirect care quality improvement activities, funded through any TWC funding source.

Boards must submit the completed quarterly report to their assigned contract manager no later than 30 days after the end of the quarter on the following schedule:

Reporting Period	Quarterly Report Due
Quarter 1: October 1 – December 31	January 30
Quarter 2: January 1 – March 31	April 30
Quarter 3: April 1 – June 30	July 30
Quarter 4: July 1 – September 30	October 30

## **H-206: Reporting Child Care Quality Expenditures**

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Boards must be aware that [Technical Assistance Bulletin 270](#), entitled Child Care Quality Expenditure Cost Categories, and its Attachment, [378 Child Care Quality Cost Categories](#), provide information on reporting child care quality expenditures in TWC’s Cash Draw and Expenditure Reporting system.

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# Child Care Services Guide

## Part I – Texas Rising Star Program

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### I-100: Texas Rising Star Program

#### I-101: Texas Rising Star Program Rules

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Workforce Development Boards (Boards) must be aware that [Chapter 809, Subchapter G](#) of the Texas Workforce Commission (TWC) rules provides the rules for the Texas Rising Star (TRS) program.

The purpose of the TRS program rules is to interpret and implement Texas Government Code §2308.3155(b), requiring TWC to establish rules to administer the TRS program, including guidelines for rating a child care provider for TRS certification.

The TRS program rules identify the organizational structure and categories of, and the scoring factors that shall be included in, the TRS guidelines.

#### I-102: Texas Rising Star Guidelines

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Boards must be aware that the TRS guidelines are available at: [www.texasrisingstar.org](http://www.texasrisingstar.org).

The TRS program rules require that the TRS guidelines for rating a child care provider describe the measures for the TRS program, which must contain, at a minimum, measures for child care providers regarding the following:

- Director and staff qualifications and training
- Caregiver-child interactions
- Curriculum
- Nutrition and indoor and outdoor activities
- Parent involvement and education

The TRS guidelines specify measures that:

- Must be met in order for a provider to be certified at each star level
- Are observed and have points awarded through on-site assessments

The TRS guidelines also specify the scoring methodology and scoring thresholds for each star level.

TWC is required to adopt the TRS guidelines subject to the requirements of the Texas Open Meetings Act.

TWC can amend the TRS guidelines, provided that the amendments are adopted subject to the requirements of the Texas Open Meetings Act.

Rule Reference: [§809.130](#)

## **I-200: Eligibility for the TRS Program**

### **I-201: Eligibility for TRS**

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Workforce Development Boards (Boards) must be aware that a child care provider is eligible to apply for the Texas Rising Star (TRS) program if the provider has a current agreement to serve Texas Workforce Commission (TWC)–subsidized children.

The provider must also meet one of the following conditions:

- Have a permanent (nonexpiring) license or registration from the Texas Department of Family and Protective Services (DFPS) with at least 12 months of licensing history with DFPS
- Be regulated by and in good standing with the U.S. Military

Rule Reference: [§809.131\(a\)](#)

### **I-202: TRS Application Restrictions for Providers on Corrective Action**

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Boards must be aware that a child care provider is not eligible to apply for the TRS program if the provider is on one of the following:

- Corrective action with a Board, as described in G-500
- A Notice of Freeze with TWC, as described in F-303
- Corrective or adverse action with DFPS, as described in F-400

Rule Reference: [§809.131\(a\)](#)

### **I-203: TRS Application Restrictions for Providers with DFPS Deficiencies**

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Boards must be aware that a child care provider is not eligible to apply for the TRS program if, during the most recent 12-month DFPS licensing history, the provider had one of the following:

- Any of the critical licensing deficiencies listed in the TRS guidelines
- Five or more of the high or medium-high licensing deficiencies listed in the TRS guidelines
- 10 or more total licensing deficiencies of any type

Rule Reference: [§809.131\(b\)](#)

## **I-300: Impact of Certain Deficiencies on TRS Certification**

### **I-301: Loss of TRS Certification**

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Boards must be aware that a TRS provider loses TRS certification under the following circumstances:

- Provider is placed on corrective action with a Board, as detailed in G-500
- Provider is under a Notice of Freeze with TWC, as detailed in F-303
- DFPS places the provider on corrective or adverse action, as detailed in F-400
- Provider had 15 or more total licensing deficiencies of any type during the most recent 12-month licensing history

Rule Reference: [§809.132\(a\)](#)

### **I-302: TRS Providers with Critical Licensing Deficiencies**

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Boards must be aware that a TRS provider found to have any of the critical licensing deficiencies listed in the TRS guidelines during the provider's most recent 12-month DFPS licensing history must have one of the following consequences:

- Reduction of a 4-Star Program Provider or 3-Star Program Provider to a 2-Star Program Provider
- A 2-Star Program Provider loses certification

Rule Reference: [§809.132\(b\)](#)

### **I-303: TRS Providers with High or Medium-High Deficiencies**

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Boards must be aware that a TRS provider found to have five or more of the high or medium-high deficiencies listed in the TRS guidelines during the provider's most recent 12-month DFPS licensing history must lose a star level, with a 2-Star Program Provider losing certification.

Rule Reference: [§809.132\(c\)](#)

### **I-304: Probation for TRS Providers**

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Boards must be aware that a TRS provider found to have 10 to 14 total licensing deficiencies of any type during the provider's most recent 12-month DFPS licensing history must be placed on a six-month TRS program probationary period.

Boards must be aware of the following:

- TRS providers on a six-month probationary period that are re-cited by DFPS within the probationary period for any of the same deficiencies must lose a star level, with a 2-Star Program Provider losing certification.

- If any new deficiencies—not to exceed 14 total deficiencies—are cited by DFPS during the first probationary period, a second six-month probationary period must be established effective upon the date of final DFPS determination of the deficiencies.
- If any new deficiencies—not to exceed 14 total deficiencies—are cited by DFPS during the second six-month probationary period, the provider must lose TRS certification.

Rule Reference: [§809.132\(d\)](#)

### **I-305: Reinstatement of TRS Star Level or TRS Certification**

---

Boards must be aware of the following:

- TRS providers losing a star level due to licensing deficiencies can be reinstated at the former star level if the deficiency is not re-cited by DFPS within the next six months.
- TRS providers losing TRS certification are not eligible to reapply for certification sooner than 12 months following the loss of certification.

Rule Reference: [§809.132\(e\)-\(f\)](#)

## **I-400: Application for the TRS Program**

Boards must be aware that TRS program applicants are required to complete the following:

- An orientation on the TRS guidelines, including an overview of the:
  - TRS program application process
  - TRS program measures
  - TRS program assessment process
- A TRS program self-assessment tool

Rule Reference: [§809.133\(a\)](#)

Boards must ensure the following:

- Written acknowledgment of receipt of the application and self-assessment is sent to the provider
- Within 20 days of receipt of the application, the provider is sent an estimated time frame for scheduling the initial assessment

Rule Reference: [§809.133\(b\)](#)

## **I-500: TRS Program Assessments and Monitoring**

### **I-501: TRS Program Assessments**

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Boards must ensure the following:

- An assessment is conducted for any provider that meets the eligibility requirement in I-200 and requests to participate in the TRS program.
- TRS certification is granted to any provider that is assessed and verified as meeting the TRS provider certification criteria set forth in the TRS guidelines.

Boards must ensure that TRS assessments are conducted as follows:

- On-site assessment of 100 percent of the provider classrooms at the initial assessment for TRS certification and at each scheduled recertification
- Recertification of all TRS providers every three years

Rule Reference: [§809.133\(b\)-\(c\)](#)

### **I-502: TRS Program Monitoring**

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Boards must ensure that certified TRS providers are monitored on an annual basis and the monitoring includes the following:

- At least one unannounced on-site visit
- A review of the provider's licensing compliance as described in I-300

Boards must ensure compliance with the process and procedures in the TRS guidelines for conducting assessments of nationally accredited child care facilities and child care facilities regulated by the U.S. Military.

Boards must ensure compliance with the process and procedures in the TRS guidelines for conducting assessments of TRS-certified providers that have a change of ownership, move or expand locations.

Rule Reference: [§809.133\(b\)-\(c\)](#)

## **I-600: TRS Assessors and Mentors**

### **I-601: Minimum Education Requirements for TRS Assessors and Mentors**

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Boards must ensure that TRS assessors and mentors meet the minimum education requirements as follows:

- Bachelor's degree from an accredited four-year college or university in early childhood education, child development, special education, child psychology, educational psychology, elementary education or family consumer science
- Bachelor's degree from an accredited four-year college or university with at least 18 credit hours in early childhood education, child development, special education, child psychology, educational psychology, elementary education or family consumer science with at least 12 credit hours in child development
- Associate's degree in early childhood education, child development, special education, child psychology, educational psychology, elementary education or family consumer science with two years of experience as a director in an early childhood program, with preference given to experience with a provider that is accredited or TRS certified

TWC may grant a waiver of no more than two years of the minimum education requirements outlined in this section if a Board can demonstrate that no applicants in its local workforce development area meet the minimum education requirements.

Rule Reference: [§809.134\(a\)-\(b\)](#)

### **I-602: Minimum Work Experience for TRS Assessors and Mentors**

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Boards must ensure that TRS assessors and mentors meet the minimum work experience requirements of one year of full-time early childhood classroom experience in a child care, Early Head Start, Head Start or prekindergarten through third-grade school program.

Rule Reference: [§809.134\(c\)](#)

### **I-603: Duties for TRS Assessors and Mentors**

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Boards must ensure that if an individual performs the duties of both an assessor and a mentor, the individual providing TRS mentoring services to a provider does not act as the assessor of that same provider when determining TRS certification.

Rule Reference: [§809.134\(d\)](#)

Boards must be aware that technical assistance to TRS providers and providers seeking TRS certification can be delivered by either Board contractor staff or staff hired directly by the Board.

## **I-604: Other Requirements for TRS Assessors and Mentors**

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Boards must ensure that TRS assessors and mentors meet the following requirements:

- Complete annual professional development and continuing education consistent with child care licensing minimum training requirements for a child care center director
- Meet the background check requirement consistent with 40 TAC, Chapter 745
- Demonstrate the following:
  - Knowledge of best practices in early childhood education
  - Understanding of early childhood evaluations, observations and assessment tools for both teachers and children

Rule Reference: [§809.134\(e\)-\(g\)](#)

## **I-605: Reporting TRS Assessor and Mentor Personnel Expenditures**

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Boards must be aware that [Technical Assistance Bulletin 270](#), entitled Child Care Quality Expenditure Cost Categories, and its Attachment, [378 Child Care Quality Cost Categories](#), provide information on reporting TRS assessor and mentor personnel expenditures in TWC's Cash Draw and Expenditure Reporting system.

## **I-700: TRS Process for Reconsideration**

Workforce Development Boards (Boards) must ensure a process for reconsideration of facility assessment at the Board level for the TRS program. The TRS program is not subject to TWC rules under Chapter 823, the Integrated Complaints, Hearings, and Appeals rules.

Rule Reference: [§809.135](#)

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# Child Care Services Guide

## Part J – Appendix

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### J-100: FORMS AND DESK AIDS

#### Determining the Parent Share of Cost

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- Parent Share of Cost Sliding Fee Scale

#### Child Care Local Match

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- Child Care Local Match Contribution Agreement Forms
- Child Care Local Match Agreement Amendment Form
- Local Match Pledge Payment Coupon & Certification of Expenditures Form

#### Attendance

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- Parent Agreement to Report Child Care Attendance
- Parent Agreement to Report Child Care Attendance – Spanish
- Including Absences and Z-Days with Variable Schedules – Examples

#### Requirements for Provision of Child Care

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- Instructions for Relative Child Care Providers on Completing Required Texas Department of Family and Protective Services Forms
- Requirements for Listed Family Homes
- Parent Notification of Child Care Provider Disqualified from the Child and Adult Care Food Program
- Parent Notification of Child Care Provider Disqualified from the Child and Adult Care Food Program – Spanish
- Parent Notification of Child Care Provider Placed on Corrective Action

#### Quality Improvement

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- Examples of Quality Improvement Activities
- Child Care and Development Fund Quality Improvement Nondirect Care Activities Quarterly Report

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# Child Care Services Guide

## List of Revisions

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Note: The guide contains minor, nonsubstantive editorial changes that are not included on the List of Revisions.

2015	
SECTION	REVISIONS
<b>RESCISSIONS (48)</b>	WD Letters 12-14; 05-14; 04-14; 33-13; 12-13, Change 1; 20-13; 30-12, Change 1; 26-12; 33-11; 15-11, Change 1; 05-11; 28-09; 12-08, Change 1; 67-07; 34-06; 57-03; 11-07; 53-07; 36-08; 44-08; 10-13; 30-12, Change 1; 24-13; 19-13; 10-13; 04-13; 34-11; 42-09; 44-08; 36-08; 12-08, Change 1; 53-07; 11-07; 48-04; 18-03; 03-13; 25-11; 43-08; 01-13, Change 1; 09-13; 05-13; 02-13; 02-12; 37-11; 32-11; 37-10; 19-09; 50-07, Change 1; 16-07
<b>B-705</b>	Changed to align with new policy.