

**TEXAS WORKFORCE COMMISSION**  
**Workforce Development Letter**

<b>ID/No:</b>	WD 14-20
<b>Date:</b>	July 20, 2020
<b>Keyword:</b>	Child Care; Natural Disaster
<b>Effective:</b>	Immediately

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



**From:** Reagan Miller, Director, Child Care & Early Learning Division

**Subject:** **COVID-19 Child Care Services and Child Absences**

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**PURPOSE:**

The purpose of this WD Letter is to provide Local Workforce Development Boards (Boards) with updated guidance on child absences during the ongoing global pandemic of coronavirus disease 2019 (COVID-19).

**RESCISSIONS:**

None

**BACKGROUND:**

The Texas Workforce Commission (TWC) Chapter 809 Child Care Services rule §809.78(a) requires parents to ensure that children meet attendance standards for child care services. To provide relief to families that may have accumulated absences related to COVID-19, TWC waived all absences beginning March 1, 2020.

On May 18, 2020, Governor Greg Abbott issued Executive Order GA-23, which allowed child care providers to resume providing care to children of all families, not just children of essential workers. Additionally, the Governor's Strike Force to Open Texas published the [Open Texas Checklist for Child Care Centers](#), and on May 26, 2020, Texas Health and Human Services Commission (HHSC) Child Care Regulation (CCR) division released [Additional Reopening Guidance for Child Care Providers](#). Furthermore, on June 12, 2020, HHSC repealed the [CCR Emergency Rules](#); child care providers are encouraged to follow the Open Texas Checklist for Child Care Centers, including required temperature screenings for individuals before entering a facility. The checklist and the additional guidance clarified that parents may enter child care facilities when necessary, including using TWC's Child Care Automated Attendance system (CCAA).

On June 16, 2020, TWC's three-member Commission (Commission) took action to reinstate child care attendance and absence requirements in accordance with [§809.78\(a\)\(2\)](#). At that time, staff noted that as Governor Abbott's reopening instructions were

modified, TWC would reconsider policies that were temporarily modified to address the initial impact of the COVID-19 crisis.

Subsequent to this action, the governor issued a [press release](#) directing HHSC to enact emergency rules for child care providers to address COVID-19 health and safety issues. On June 25, 2020, HHSC enacted new [emergency rules](#) for child care providers to address COVID-19 health and safety issues within regulated child care providers.

On July 14, 2020, the Commission took action to delay the reinstatement of TWC's attendance policy, the resetting of children's absence clocks, and the reactivation of the limit on the number of unexplained absences, as set forth in §809.78 (a)(2), which was previously scheduled to take effect on July 20, 2020.

## **PROCEDURES:**

**No Local Flexibility (NLF):** This rating indicates that Boards must comply with the federal and state laws, rules, policies, and required procedures set forth in this WD Letter and have no local flexibility in determining whether and/or how to comply. All information with an NLF rating is indicated by “must” or “shall.”

**Local Flexibility (LF):** This rating indicates that Boards have local flexibility in determining whether and/or how to implement guidance or recommended practices set forth in this WD Letter. All information with an LF rating is indicated by “may” or “recommend.”

### **Child Absences Related to COVID-19**

**NLF:** Boards must be aware that §809.78(a) requires parents to ensure that children meet attendance standards for child care services. To provide relief to families that may have accumulated absences due to COVID-19, TWC waived all absences beginning March 1, 2020. TWC will continue to monitor the HHSC regulations and Centers for Disease Control and Prevention CDC guidance for child care programs to determine when to reinstate attendance and absence policies.

**NLF:** Boards must be aware that TWC will delay the reinstatement of the attendance policy, the resetting of children's absence clocks, and the reactivation of the limit on the number of unexplained absences, as set forth in §809.78 (a)(2).

**NLF:** Effective March 1, 2020, Boards must allow children to accrue COVID-19–related absences without affecting ongoing eligibility. “Non-swipes” or “Z days” are included in this exemption. TWC will continue to monitor the COVID-19 situation and will provide guidance on when this absence policy will conclude.

**NLF:** Boards must be aware that the absence notification requirements listed in §809.78(d)(1) are waived for all absences occurring on or after March 1, 2020, until further notice from TWC.

**NLF**: Boards must continue to pay programs based on active referrals at open providers, including referrals for children who have accrued absences that exceed attendance standards.

### **Child Care Attendance Tracking**

**NLF**: Boards must be aware that CCR's emergency rules require regulated child care providers to follow CDC [guidance](#), which includes directives to consider having parents drop off and pick up children outside of the facility, and to limit direct contact with parents as much as possible. This emergency rule could temporarily limit parents' ability to record attendance with their attendance swipe cards due to the difficulty of making the swipe card machine available outside of the facility.

**NLF**: Boards must be aware that while non-swipes will not count as absences, Boards must ensure that child care programs continue to report child attendance during this period.

TWC's Child Care Automated Attendance system (CCAA) will continue to operate, and child care programs may make point-of-service (POS) devices available to parents to the extent practicable, including the following measures:

- Move POS devices to outside locations where parents are dropping off children so that parents may continue to record attendance
- Ensure that POS devices that are placed outside are protected from potential inclement weather
- Reconnect devices at least daily to upload attendance to CCAA

**NLF**: Boards must be aware that until receiving further guidance from TWC, child care programs may submit attendance through alternate methods such as a weekly electronic list of children in attendance or scanned copies of sign-in sheets. Boards must retain these attendance reports.

**NLF**: Boards must submit weekly reports to TWC summarizing the percentage of children who are actually in attendance. Reports are due by the close of business each Wednesday for the preceding week, which began April 1, 2020, and must include all of the following:

- The number of referrals that were active at any point during the preceding week
- The number of children recorded as present at any point during the preceding week
- The calculated percentage of children in attendance based on the previous two requirements

**NLF**: Boards must also be aware that child care programs and parents should follow recommendations from public health officials, such as ensuring social distancing, while recording attendance. Child care programs should provide parents and staff with hand sanitizer, gloves, and/or disinfectants for use after each parent records his or her child's attendance.

**LF**: Boards may use Child Care Quality (CCQ) funds for supplies that will help providers to maintain a healthy and safe environment for children, including supplies that ensure safe use of CCAA devices. Such supplies may include, but are not limited to, the following:

- Hand sanitizer or disinfectant wipes for use between each use of the CCAA devices
- Extension cords to move swipe-card devices outdoors so that parents may drop off children without entering the facility
- Mobile or outdoor handwashing stations for parents, staff, and children to use

**INQUIRIES:**

Send inquiries regarding this WD Letter to [childcare.programassistance@twc.state.tx.us](mailto:childcare.programassistance@twc.state.tx.us).

**REFERENCES:**

“Executive Order No. GA-23 Relating to the Expanded Opening of Texas in Response to the COVID-19 Disaster.” Office of the Texas Governor, May 18, 2020,

[https://gov.texas.gov/uploads/files/press/EO-GA-23\\_phase\\_two\\_expanding\\_opening\\_COVID-19.pdf](https://gov.texas.gov/uploads/files/press/EO-GA-23_phase_two_expanding_opening_COVID-19.pdf)

“Checklist for Child Care Centers,” Office of the Texas Governor, June 17, 2020,

<https://open.texas.gov/uploads/files/organization/opentexas/OpenTexas-Checklist-Child-Care-Centers.pdf>

“COVID-19: Guidance for Child Care, Schools, and Youth Programs,” Centers for Disease Control and Prevention, March 9, 2020,

<https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/index.html>

“Coronavirus Disease 2019 (COVID-19),” Texas Department of State Health Services, March 14, 2020, <https://www.dshs.texas.gov/coronavirus/>

“New Emergency Rules for Child Day Care Providers,” Texas Health and Human Services Commission, June 25, 2020. <https://hhs.texas.gov/abouthhs/communications-events/news/2020/06/new-emergency-rules-child-day-careproviders-effective-june-25-2020>

Texas Workforce Commission Chapter 809 Child Care Services Rules

Texas Workforce Commission Child Care Services Guide