

Chapter 809. Child Care. Subchapter J. School-Linked Child Care Program.
(SB 503 Work and Family Clearinghouse distribution of child care appropriations to school districts.) §§809.201-809.205

Subchapter J. School-Linked Child Care Program

40 TAC §§809.201-809.205

The Texas Workforce Commission (Commission) adopts new §§809.201-809.205, School-Linked Child Care Program, regarding funding to be awarded by the Commission to school districts to provide for child care before and after school, as well as during school vacations and holidays.

Sections 809.201-809.205 are adopted without changes to the proposed text as published in the June 12, 1998, issue of the *Texas Register* (23 TexReg 6186). Sections 809.201-809.205 will not be republished.

The purpose of the rules is to implement the statutory requirements for the School-Linked Child Care Program as found in Texas Education Code §33.902. The purpose of the program is to encourage school districts to provide child care to school age children before and after school, as well as during school vacations and holidays. The number of awards provided is limited by the amount of funds available to the Commission for this program. The Commission will strive to assure an equitable allocation of funds awarded under these rules between urban and rural areas of the state. The Commission will take into consideration whether or not a school district has been awarded funds under this program in the past, and may give preference to a school district which has not previously been awarded such funds.

New Subchapter J is adopted as the location for the School-Linked Child Care Program rules.

Section 809.201 explains the purpose of this subchapter.

Section 809.202 provides definitions of the terms used in this subchapter.

Section 809.203 lists some of the information which must be included by a school district in a response to a request for proposal issued by the Commission for funding through this program.

Section 809.204 describes the criteria which will be used by the Commission in awarding funds.

Section 809.205 lists the allowable uses of funds awarded.

The Commission received comments from three individuals and two groups which did not clearly state approval or disapproval of the rules but expressed concerns regarding some aspects of the rules. Comments were received from Connections Resource Center, North Central Texas Workforce Development Board, and three individuals, including a Child Care Advisory Committee Member.

The Commission received the following comments concerning the proposed rules. Following each comment is the Commission's response.

Comment: One commenter suggested that the Commission allow Texas Education Agency approved/accredited private schools to apply for funds through the School-Linked Child Care Program.

Response: The Commission is not authorized to make the change requested. Texas Education Code §33.902(d) requires the Commission to distribute School-Linked Child Care Program funds to school districts.

Comment: One commenter suggested that the Commission support its request that the administration of the School-Linked Child Care Program be moved from the Commission to the Local Workforce Development Boards (boards).

Response: The Commission is not authorized to make the change requested. Texas Education Code §33.902 specifically states that the Work and Family Policies Clearinghouse has the responsibility for the distribution of School-Linked Child Care Program funds.

Comment: One commenter suggested that representatives of the boards be given an opportunity to participate in the development of the Request for Proposals for funding from the School-Linked Child Care Program.

Response: The Commission encourages input from affected parties in the development of Request for Proposals (RFPs). Of course, any entity participating in the development of an RFP is not eligible to respond to that RFP. Boards will be offered the opportunity to participate in the development of the RFPs for School-Linked Child Care in the future.

Comment: One commenter suggested that allocations of School-Linked Child Care Program funds should be based on a "fair share" formula which takes into consideration the poverty levels, population, and number of school age children located in the areas submitting proposals.

Response: One of the primary goals of this program is to meet the needs in the community for school age child care. Section 809.204(7) requires that a response to an RFP issued by the Commission for School-Linked Child Care include a description of the need in the community for school age child care and the resources available to meet that need. Bidders are asked to describe the need in their community for the proposed services, and the information provided is considered in the award process.

Comment: One commenter suggested that the criteria for selection of successful proposals from School-Linked Child Care Program funds should give preference to proposers who provide some type of reading instruction activities to children in the program.

Response: The Commission acknowledges the importance of reading programs and will work with the Texas Education Agency (TEA) to assure that information regarding TEA's statewide Reading Initiatives Program for school age children is made available to all interested bidders and providers under this program. The Commission will work with contract providers under this program to establish or maintain reading instruction services.

Comment: One commenter suggested that the Commission consider multiple-year funding for programs which successfully provide quality care. The commenter stated that three years are required to establish a new program, and if the Commission funded new programs for three consecutive years that school districts would be more likely to be able to locate continued funding.

Response: The rules do not prevent bidders from responding to successive year RFPs. The rules provide that one of the criteria in making the awards is prior success of the bidder.

Comment: One commenter suggested that an additional requirement be added to any School-Linked Child Care Program request for proposals. Applicants should be required to strive to provide care which exceeds minimum child care licensing standards, and funding of subsequent years should be conditioned on the demonstrated ability or efforts to provide good child care.

Response: Every effort will be made to recognize and promote quality child care services in programs receiving funding. Two of the criteria in making the awards are prior success of the bidder in providing services and innovative uses of program funds. A bidder is required to provide information on its prior experience in providing child care services.

Comment: One commenter stated that child care providers in the Dallas area were concerned that the School-Linked Child Care Program would make an economic difference to their business because of the closing of the before and after school component of their program.

Response: School districts may choose to contract with private child care providers to provide services under this program. Since the grant is not intended for areas of the state where adequate school age child care services exist, it is not anticipated that the program would have a negative impact on existing providers.

The new rules are adopted under Texas Labor Code §301.061, which provides the Commission with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of Commission programs, and under Texas Education Code §33.902 which requires that the Commission establish by rule procedures and eligibility requirements for distributing School-Linked Child Care Program funds to school districts.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on August 19, 1998.

TRD-9813209

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Effective date: September 8, 1998

Proposal publication date: June 12, 1998

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