

## **Chapter 809. CHILD CARE AND DEVELOPMENT**

The Texas Workforce Commission (Commission) proposes amendments to §809.103, concerning Texas Workforce Commission Applicant Child Care and §809.121, concerning the definition of children living at "very" low incomes for eligibility for child care.

The purpose of the amendment to §809.103 is to conform the cross-reference to the amended title of §809.121.

The purpose of the amendment to §809.121 is to bring the rule into compliance with state plan requirements.

Guidelines for the Child Care Development Fund (CCDF) state plan require a definition of "very low income" that is below the state's income limits for CCDF eligibility. This is to ensure that the state does not serve exclusively children of families with very low incomes. The proposed amendment changes the category of Children At Risk in Section 809.121 from "Children Living At Very Low Incomes" to "Children Living At Low Incomes". This change in language retains the intent of the section but also mitigates the conflict between the current language and the state plan requirement related to the definition of "very low income." This amendment continues to ensure that child care assistance is available to low-income working families that may be at risk of becoming dependent on public assistance. This amendment does not relieve the local workforce development boards (Boards) from meeting Commission-approved performance targets.

Background: The federal regulations require that 70% of the CCDF mandatory and matching funds be spent on families who are receiving assistance under Title IV-A of the Social Security Act, are attempting to transition off such assistance, and are at risk of becoming dependent on such assistance.

The Commission intends that the proposed amendment to §809.121, by continuing to include children from families with incomes at or below 85% of State Median Income (SMI) in Subchapter H ("Children of Parents At Risk of Becoming Dependent on Public Assistance"), will ensure that at least 70% of the mandatory and matching funds will be spent on the families cited in the federal regulations. It is also the Commission's intent to ensure that the state does not serve exclusively children of families with very low incomes.

Child care services are provided under Texas Human Resources Code, Chapter 44.

If a Board fails to comply with the provisions contained in the rule, the Board shall be subject to sanctions as detailed in Chapter 800, Subchapter E of this title relating to Sanctions.

Randy Townsend, Director of Finance, has determined that for each year of the first five years the amendments will be in effect the following statements will apply:

There are no additional estimated costs to the state and to local governments expected as a result of enforcing or administering the amendments;

There are no estimated reductions in costs to the state and to local governments as a result of enforcing or administering the amendments;

There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the amendments;

There are no foreseeable implications relating to costs or revenue of the state or local governments as a result of enforcing or administering the amendments; and

There are no anticipated economic costs to persons required to comply with the amendments.

Mr. Townsend has also determined that there is no anticipated adverse impact on small businesses as a result of enforcing or administering the rules because small businesses are not regulated by or required to do anything by the amendments.

Mark Hughes, Director of Labor Market Information, has determined that there is no significant negative impact upon employment conditions in this state as a result of the proposed amendments.

Jean Mitchell, Director of Workforce and Development, has determined that for each year of the first five years the rules are in effect, the public benefit anticipated as a result of enforcing the amendments will be to help ensure a more effective use of child care funds to assist Boards in supporting employment, training, and education.

Comments on the proposal may be submitted to Gary Frederick, Texas Workforce Commission Building, 101 East 15th Street, Room 434T, Austin, Texas 78778, (512) 305-9672. Comments may also be submitted via fax to (512) 463-7379 or e-mailed to: Gary.Frederick@twc.state.tx.us. Comments must be received by the Commission within thirty (30) days from the date of the publication in the *Texas Register*.

### **Subchapter G. CHILD CARE FOR PEOPLE TRANSITIONING OFF PUBLIC ASSISTANCE**

#### **40 TAC §809.103**

The amendments are proposed under Texas Labor Code §§301.061 & 302.002, which provide the Texas Workforce Commission with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of the Commission's programs.

The amendments affect Texas Labor Code, Chapter 302, and Texas Human Resources Code, Chapters 31 and 44. §809.103. *Texas Workforce Commission Applicant Child Care.*

(a) Children are eligible for Applicant Child Care if their parents meet the criteria for eligibility of children living at [~~very~~] low incomes, as detailed in §809.121 of this chapter, (relating to Children Living At [~~Very~~] Low Incomes), and meet all of the following criteria:

- (1) need child care to accept employment;
- (2) receive a referral from the Texas Department of Human Services to attend a Workforce Orientation for Applicants; and
- (3) locate employment prior to TANF certification.

(b) To receive Applicant Child Care, parents shall not have voluntarily terminated paid employment of at least 30 hours a week within 30 days prior to receiving the referral from the Texas Department of Human Services to attend a Workforce Orientation for Applicants, unless the voluntary termination was for good cause connected with the parents' work.

(c) Subject to the availability of funds, Applicant Child Care shall be provided for up to one year.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

Filed with the Office of the Secretary of State on November 29, 1999.

TRD-9908145

J. Randel (Jerry) Hill

General Counsel

Texas Workforce Commission

Earliest possible date of adoption: January 9, 2000

For further information, please call: (512) 463-8812

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Subchapter H. CHILDREN OF PARENTS AT RISK OF BECOMING DEPENDENT ON PUBLIC ASSISTANCE  
**40 TAC §809.121**

The amendments are proposed under Texas Labor Code §§301.061 & 302.002, which provide the Texas Workforce Commission with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of the Commission's programs.

The amendments affect Texas Labor Code, Chapter 302, and Texas Human Resources Code, Chapters 31 and 44.  
*§809.121. Children Living at [~~Very~~] Low Incomes.*

Children living at [~~very~~] low incomes are eligible for child care if:

- (1) the family income does not exceed 85% of the state median income for a family of the same size; or
- (2) the parents of the children are receiving TANF or Supplemental Security Income.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

Filed with the Office of the Secretary of State on November 29, 1999.

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J. Randel (Jerry) Hill

General Counsel

Texas Workforce Commission

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For further information, please call: (512) 463-8812