

Child Care Rules Waiver Request of [§809.91\(f\)](#) Discussion Paper

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Background

A child care program director in the North East Texas workforce development area, is requesting a waiver of [§809.91\(f\)](#) of the Texas Workforce Commission’s (TWC) Child Care Services (CCS) rules, which precludes a child care center director from receiving CCS subsidies for their own children to attend a licensed child care center for which they are the director.

[§809.91\(f\)](#)

(f) Boards shall ensure that subsidies are not paid for a child at the following child care providers:

- (1) ...licensed child care centers ... 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.

Under TWC CCS rules, [§809.3 Waiver Request](#), TWC’s three-member Commission (Commission) may waive child care rules if it determines that the waiver benefits a parent, child care contractor or providers, and if the Commission determines that waiver does not harm child care or violate state or federal statutes or regulations.

Issue:

A child care program director’s children have been determined eligible for CCS. However, CCS child care provider options are limited (this county is a child care desert). Within this county, there are only two regulated child care programs, and only one of these programs is participating in CCS. The program participating in CCS is where this child care program director is currently working.

A waiver of [§809.91\(f\)](#) is being requested, to allow this parent to enroll her children in the child care program for which she is the director. Without a waiver of TWC rule [§809.91\(f\)](#), for this child care program director to enroll her children in CCS, she would need to travel 30 minutes to the nearest participating child care center, which is creating a barrier for her to work.

Decision Point

Staff recommends that based upon the waiver provision outlined in [§809.3 Waiver Request](#), the Commission approve a waiver of [§809.91\(f\)](#) to allow this parent to enroll her children in the CCS child care program in which she is the director.