

AN ORDER OF THE TEXAS WORKFORCE COMMISSION REGARDING A WAIVER OF CHILD CARE SERVICES RULE 40 TAC §809.91(f)

WHEREAS, 40 Texas Administrative Code (TAC) §809.3(a) authorizes the Commission to grant a waiver of one or more of the requirements of 40 TAC Chapter 809 if it determines that the waiver benefits a parent, child care contractor, or provider, and the Commission determines that the waiver does not harm child care or violate state or federal statutes or regulations; and

WHEREAS, an eligible parent is seeking child care in an area where there are only two regulated child care providers and the parent is the director of the only facility that is participating in CCS; and

WHEREAS, compliance with 40 TAC §809.91(f) would require the parent to travel thirty minutes to the nearest participating child care center where the children could be enrolled; and

WHEREAS, CC&EL staff have identified that 40 TAC §809.91(f) is creating an unintended barrier for the parent to work and utilize the child care services for which she is eligible due to the unique child care environment which exists in this area of the state; and

WHEREAS, the Commission has determined that a waiver of the requirements of 40 TAC §809.91(f) will eliminate the barrier, will benefit a parent, child care contractor, or provider, and does not harm child care or violate state or federal statutes or regulations.

NOW THEREFORE, the Commission finds good cause exists to grant the waiver, and specifically finds as follows:

Enforcing the requirements of 40 TAC §809.91(f) in the unique child care environment existing where the parent resides would prevent the parent from utilizing the child care services for which she is eligible and is creating an unintended barrier for her to work; and

Granting the waiver will benefit a parent, child care contractor, or provider, and does not harm child care or violate state or federal statutes or regulations.

IT IS ORDERED THAT THE WAIVER of 40 TAC §809.91(f) **IS GRANTED** for this specific parent.

Signed this 28th day of May 2024, upon the affirmative vote of a majority of the Commission present and voting.

Bryan Daniel, Chairman and Commissioner Representing the Public

Alberto Treviño, III, Commissioner Representing Labor

Joe Esparza, Commissioner Representing Employers