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**POLICY TITLE: Child Care Policy**  
**POLICY NUMBER: PLN**

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**APPLICATION**

All RCAWDB employees (RCAWDB), contractors, and Board Directors.

**PURPOSE**

To comply with Texas Workforce Commission (TWC) and other applicable state and federal rules, regulations and laws regarding provision of Child Care.

**REFERENCES**

TWC WD letter 20-16 and the Child Care Rules as amended.

**POLICY**

**A. Rules 809.13 (c)(1), 809.13(c)(8), 809.2(1), 809.41(b) Job Training/Time Limits for Education**

A parent whose eligibility is determined by the Child Care Contractor may receive education- and training-related child care services regardless of the field of study, for a period not to exceed the following:

1. 6 years (the equivalent of 72 months of activity in education / training) to complete a bachelor’s degree
2. 4 years (the equivalent of 48 months of activity in education / training) to complete an associate’s degree;
3. 2 years (the equivalent of 24 months of activity in education / training) to complete a) a post high school technical training, trade training, certificate program; b) an integrated education/training program
4. Eighteen months to complete a GED or other high school equivalency credential.

The time frame for completing education programs shall begin when the parent starts receiving child care assistance to participate in their degree or certificate program. Maximum allowable time to complete all training is six years (72 months). Child care assistance shall not be provided for the pursuit of education beyond a bachelor’s degree. Parents who are in a combination of participation activities (work and education) will not have the time limits apply, since employment takes precedence over education in meeting the minimum participation requirement.

At initial enrollment, in order to be considered eligible to receive subsidized child care services

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for post-secondary education activities, parents must participate in a combination of training, education and/or employment activities for an average of 25 hours per week for a single-parent family or 50 hours per week for a two-parent family. Past performance or attendance in an education or job training program will not be considered when determining initial eligibility for child care.

In order to continue to be eligible for subsidized child care for post-secondary education activities, at each 12-month recertification, parents must be making progress toward successful completion of a job training or educational program (defined as being officially enrolled in and meeting attendance standards of the program in which the student is enrolled), and participate in a combination of training, education or employment activities for an average of 25 hours per week for a single-parent family or 50 hours per week for a two-parent family. A parent’s progress toward completion of the education or job training program shall only be based on the parent’s performance while receiving child care services.

**B. Rules 809.13(c)(11), 809.92(d) Provider Responsibility and Reporting Requirements**

No provider of Child Care Services (CCS) subsidized child care shall charge any parent the difference between the provider’s published rate and the amount of the Board’s reimbursement rate (including the assessed parent share of cost).

**C. Rules 809.13(c)(3), 809.19(a)(1), 809.19(d) – (e) Assessing Parent Share of Cost (PSoC)**

The Board’s PSoC is an amount determined by a sliding fee scale based on family size and gross monthly income (based on 85% SMI) and number of children in care. The Board’s PSoC does not consider the cost of care or the amount of the provider reimbursement. The Board’s PSoC shall be an amount that is affordable and does not result in a barrier to families receiving assistance. The Child Care Contractor shall maintain a list of all terminations due to failure to pay the PSoC, including family size, income, family circumstances, and the reason for termination, for use when conducting evaluations of affordability.

The Board shall reexamine the PSoC sliding fee scale if there are frequent terminations for lack of payment and review the PSoC table, if necessary, to ensure that fees are not a barrier to assistance for families at certain income levels.

Temporary reductions to the PSoC are allowed if there are extenuating circumstances that jeopardize the family’s self-sufficiency. Following the temporary reduction, the PSoC amount assessed immediately prior to the reduction must be reinstated. The Board also allows temporary reductions to the PSoC for two months at initial enrollment in order to temporarily assist the parent with the initial PSoC. However, after this initial reduction, the PSoC based on family size, income and the number of children in care must be reinstated.

The Board’s PSoC policy does not include reductions in the PSoC to clients selecting quality providers.

Parents are required to pay their PSoC in full by the 3<sup>rd</sup> business day of each month. Failure to

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pay the PSoC constitutes a program violation that is subject to early termination of child care services within a 12-month eligibility period. Providers shall collect assessed PSoC and any additional subsidies before child care is delivered.

It is the sole responsibility of the provider to collect assessed PSoC and any additional subsidies. Providers must notify the Child Care Contractor on the 4<sup>th</sup> business day of the month if the PSoC remains unpaid or is not paid in full. If a provider reports the unpaid PSOC by the 4<sup>th</sup> business day of the month, the Board will reimburse the provider for the unpaid PSOC. However, the Board will not reimburse providers for uncollected PSoC or any additional subsidies that are not reported timely. Child Care Contractor staff will contact parents whose fees remain unpaid on the 3<sup>rd</sup> day of the month to evaluate and document each family’s financial situation for extenuating circumstances that may affect affordability of the assessed PSoC.

If there are extenuating circumstances that jeopardize a family’s self-sufficiency, the Child Care Contractor may temporarily reduce the PSoC, if warranted. Following the temporary reduction, the PSoC amount immediately prior to the reduction shall be reinstated. If the parent fails to pay the PSoC by the 15<sup>th</sup> day of the month, there are no extenuating circumstances and the parent did not initiate a request for a PSoC reduction, this is considered an intentional program violation and a letter will be issued terminating care in 15 days. In order to be redetermined eligible for future child care services, parents who fail to pay the provider their parent share of cost must repay the amount to WSRCA and cannot be redetermined eligible until the repayment is recovered in full, and wait 60 calendar days to reapply for child care services or to be placed on the waiting list for services.

**D. 809.13(c)(5), 809, Subchapter C General Eligibility Income**

RCAWDB’s basic income eligibility guidelines for all clients is 85% State Median Income (SMI). Additionally, must reside in one of the nine counties in the Rural Capital Area.

**E. 809.13(c)(7), 809.48, 809.50, Minimum Activity Requirements**

The Board has adopted the State’s policy for minimum participation hours without imposing additional work/school hour requirements. Single parent households must be working and/or going to school an average of 25 hours per week and a two-parent family must be working and/or going to school an average of 50 hours per week in any combination of activity for a family to be eligible for child care services. These hours may be reduced at initial eligibility determination or redetermination in order to allow an at-risk parent to participate in training, education, or employment if a parent’s documented medical disability or need to care for a physically or mentally disabled family member prevents the parent from participating in the activities for the required number of hours.

**F. 809.13(c)(6), 809.41(a)(1)(B), Children with Disabilities**

The Board has elected to serve children under 19 years of age who meet the definition of “child with disabilities” in TAC 809.2(7).

**G. 809.13(c)(9), 809.43(a), Board Priorities**

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The Board has established the following priorities:

1. Children of families eligible for the following programs are ensured services:
  - Choices,
  - Transitional,
  - Temporary Assistance for Needy Families (TANF) applicants, and
  - Supplemental Nutrition Assistance Program Employment and Training (SNAP E&T).
  
2. Second Priority (if funding is available)
  - Children who need to receive protective services child care as referenced in TAC § 809.49,
  - Children of a qualified veteran or spouse of a veteran,
  - Children of a foster youth,
  - Children experiencing homelessness as defined in TAC § 809.2 and described in TAC § 809.52,
  - Children of parents on military deployment whose parents are unable to enroll in military-funded child care assistance,
  - Children of teen parents, and
  - Children with disabilities.

The CCS Operator works within the local community to determine the availability of military-funded child care programs and ensures military parents provide documentation of the unavailability of space for the military program.

3. Third Priority (if funding is available)
  - Parents who need full year care,
  - Siblings of children currently in care,
  - Parents who are participating in a case-managed employment or education program with the goal to obtain self-sufficiency, and
  - Children receiving care through Early Head Start Child Care Partnership grants.

Parents requesting part year care are given last priority after county enrollment.

**H. 809.13(c)(2), 809.18(b) Waiting Lists**

When parents contact the Child Care Contractor seeking assistance for child care services, the parent is required to complete a waiting list application, which shall include questions related to the parent’s potential eligibility for child care services. If the information provided in the application indicates the parent is potentially eligible for services, the parent is placed on the automated waiting list for services. Parents are instructed to phone the Contractor’s offices no less than every 180 days in order to keep their waiting list status active in the automated system. The Contractor purges waiting list information on a monthly basis; therefore, parents who do not phone in at least every 180 days as instructed will have waiting list information purged from the child care data base.

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Child care services are provided equitably among the nine counties in the Rural Capital Area to the greatest extent possible. When there is a waitlist for services, a comparison of the difference between the county poverty share and the current proportion of WSRCA child care expenditures by county is completed. Counties are then ranked from highest to lowest discrepancy between the county poverty share and expenditures with the order of enrollment based on the ranking of the family's county of residence. Children in any priority group are enrolled regardless of the rank of the county of residence. If there are not any families on the wait list in a county where the percentage of poverty share is less than the percentage of direct child care funds expended, the CCS Operator goes to the next ranked county.

**I. 809.13(c)(4), 809.20, Reimbursement Rates**

The Board reimburses providers at the Board's maximum daily rate or the provider's published daily rate, whichever is lower. Providers' published daily rates are calculated according to TWC guidance as outlined in TAC § 809.21.

Reimbursement to Texas Rising Star (TRS) Providers is greater than the maximum rate established for the comparable category of care for a non-TRS provider but does not exceed the provider's published rate. The RCAWDB follows the TWC established TRS reimbursement rates.

Providers may be paid an inclusion assistance rate, if necessary, to assist in the care of a child with disabilities. The inclusion assistance rate may be up to 190% of the provider's reimbursement rate for a child of that same age.

Additional fees, such as registration fees, supplies, or transportation fees, are accounted for in determining the provider's maximum reimbursement rate and will not be reimbursed separately.

Providers may only charge the following fees, if required, to parents:

- Late pick-up
- Returned check

Costs for field trips and extra classes are optional fees and may be paid by parents, at their discretion. Care must be provided for children whose parents who choose not to pay for optional fees. CCS does not reimburse optional fees under any circumstances. Providers shall not charge fees to a parent receiving child care subsidies that are not charged to a parent who is not receiving subsidies.

**J. 809.13(c)(12), 809.111, Fraud**

It shall be the Board's policy to adhere to the Texas Workforce Commission's fraud, waste, theft and abuse policy and guidance to include, but not be limited to, WD Letter 21-16, Change 1 and TA Bulletin 276, as well as any other relevant issuances. The Board adopts the procedures delineated in WD Letter 21-16, Change 1 as its procedures for fact-finding. Fact finding or a fraud investigation that determines a parent committed fraud may result in one or more of the corrective actions outlined in TAC § 809.113(b). Should fraud, waste, theft or abuse be

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suspected, any or all actions allowable by the Texas Workforce Commission to address suspected and/or realized fraud, waste, theft and abuse may be implemented.

**K. 809.13(c)(10), 809.71(3), Provider Transfers**

The RCAWDB allows for Board to Board transfers, as well as transfers between providers in circumstances related to health and safety of the child and in other limited circumstances, as outlined in contractor procedure.

Providers may request that parents be transferred to another facility for failure to abide by the provider’s policies as outlined in their Parent Handbook. In these circumstances, the Contractor shall assist parents in finding alternative care arrangements. If the provider is requiring that the parent be transferred for non-payment of Parent Share of Cost, the Contractor must honor the provider’s request regardless of whether the PSoC has been paid in full prior to the transfer.

**L. 809.13(c)(13), 809.115(d), 809.115(e), Child Care Automated Attendance (CCAA) Violations**

Parents and providers are required to use the CCAA reporting system. The CCS Operator is responsible for notifying parents of attendance standards and reporting requirements and obtaining written acknowledgement of parents’ understanding of those standards and requirements as detailed in TAC § 809.78.

**M. 809.41(d), 809.2(21), Optional Board Policies**

A Board may establish a policy to allow parents attending a program that leads to a postsecondary degree from an institution of higher education to be exempt from “residing with” the child as defined in 809.2(21).

“Residing with” is defined as “unless otherwise stipulated in this chapter, a child is residing with the parent when the child is living with and physically present with the parent during the time period for which child care services are being requested or received.” The Board shall allow Contractor staff to exempt parents attending a program leading to a postsecondary degree from an institution of higher education from residing with their child as determined on a case by case basis per the Contractor’s Board-approved procedures.

**N. Quality Initiatives**

WSRCA is committed to maintaining quality initiatives in child care services. As such, WSRCA, through its child care contractor, promotes the Texas Rising Star (TSR) program with child-care services providers in order to maximize participation in the program. Providers working toward TRS certification or TRS certified providers working toward a higher level of certification are given priority to quality initiatives funding.

Additional quality initiatives / quality activities are based on available funding, and may include, but are not limited to:

- Activities designed to provide comprehensive consumer education to parents and

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- the public;
- Activities that increase parental choice; or
- Activities designed to improve the quality and availability of child care.

**O. Appeal Exceptions**

On a case by case basis, the Appeal Hearing Officer, or designee may make exceptions to child care requirements defined in Board policy if there were extraordinary circumstances that prevented a parent from meeting the Board requirements. Exceptions cannot be made to state or federal requirements, unless requested and approved through TWC.

**P. Inclement Weather and Other Extenuating Circumstances**

Regulated providers may be reimbursed for up to five business days in a fiscal year when forced to close because of inclement weather or other extenuating circumstances, as defined in CCS Operator procedure. Reimbursement is contingent upon the provider notifying the CCS Operator in a timely manner. Reimbursement will not be made for CCS children who transfer to another provider during the closure.

**ACTION**

All RCAWDB employees, contractors and service providers shall adhere to this policy.

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