

## **Section 809.103 and 809.121 Applicant Child Care and Children Living at Low Incomes**

*The following rule amendments will be effective February 16, 2000.*

The Texas Workforce Commission (Commission) adopts 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, without changes to the proposed text as published in the December 10, 1999, issue of the *Texas Register* (24 TexReg 11098).

The purpose of the amendment to §809.103 is to conform the cross-reference to the amended §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 and Development Fund (CCDF) state plan require a definition of "very low income" that is below the state's income limits for CCDF eligibility. This requirement ensures that the state does not serve exclusively children of families with very low incomes. The amendment changes the category of Children At Risk in § 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.

Comments were received from the Permian Basin Workforce Development Board.

Comment: The commenter indicated that the Board the commenter represents had reviewed the proposed amendments to §809.121 and §809.103, and the Board supports the amendments.

Response: The Commission appreciates the support of the Board represented by the commenter and the Board's interest in the rules governing the provision of child care and development services in Texas. The Commission agrees with the commenter's statements in support of the amendment.

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 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.

The amendments are adopted under Texas Labor Code §§301.061 and 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.

### **§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 low incomes, as detailed in §809.121 of this chapter, (relating to Children Living At 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.

The amendments are adopted under Texas Labor Code §§301.061 and 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.

**§809.121. Children Living at Low Incomes.**

Children living at 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.