

March 24, 2020

Shannon Christian, Director
Office of Child Care
Administration for Children and Families
Mary E. Switzer Building
330 C ST SW, Room 4502
Washington, DC 20201

Dear Ms. Christian,

On Friday, March 13, 2020, President Donald J. Trump issued a proclamation declaring the COVID-19 outbreak in the United States as a national emergency. In addition, on that date, Texas Governor Greg Abbott declared a state of disaster in all Texas counties due to COVID-19.

To respond to the child care needs of Texas communities, Texas seeks the following waivers from the Health and Human Services (HHS) Administration for Children and Families (ACF). Texas will submit a State Plan amendment within 60 days of the effective date of these waivers reflecting all approved policies in place to respond to COVID-19.

1. Waiver of Income Eligibility for Children of Essential Workers in Need of Protective Care

During the COVID-19 pandemic, ensuring essential workers are available to support key infrastructure and support functions is critical. Effective March 20, 2020, public schools across the state are closed, making child care more critical than ever.

Through an amendment to the CCDF State Plan, Texas seeks to broaden the state definition of protective services to create a new protective services category for the children of COVID Essential Workers who are providing critical services during the COVID pandemic including:

- pharmacy and healthcare
- first responders
- critical local and state government staff
- mail/delivery services
- nursing homes, child care, home healthcare, and other direct care providers
- grocery stores
- gas stations
- banks
- restaurants (drive-through and delivery)

- military personnel
- any other worker deemed essential by TWC or local workforce development boards

Streamlining eligibility processes for these COVID essential workers will enable the state to rapidly respond to critical infrastructure needs during the disaster.

Specifically, TWC seeks relief from §98.20(a)(3)(ii)(A) which allows states to waive income eligibility requirements for families receiving protective care on a case-by-case basis. TWC seeks to waive income requirements for all COVID essential workers qualified to receive services under the state's new definition of COVID Protective Care. TWC plans to implement a simplified income test based on self-attestation for these families to ensure child care subsidies are directed to those most in need.

TWC certifies that the health, safety, and wellbeing of children served through CCDF will not be compromised by this waiver.

Effective dates: March 25, 2020 through the duration of the state's disaster declaration

2. Waiver of 12-Month Eligibility Period for Children of Essential Workers in Need of Protective Care

Children who are eligible for COVID Essential Worker protective care will require subsidized care for the duration of the disaster which may be less than 12 months. Serving these additional children will incur significant unplanned costs. TWC is analyzing availability of funding and would like to dedicate additional funds to support child care for COVID essential workers during period of the COVID emergency. Flexibility to limit eligibility periods to less than 12 months for COVID essential workers will enable the state to increase the total number of children served for the period of the COVID emergency. Without this waiver, TWC will be unable to serve as many COVID essential worker families, as we would be required to budget higher amounts per family for care that may extend past the COVID emergency period. TWC would like to support as many COVID essential worker families as possible, to facilitate the robust response that we know will be needed.

To enable effective management of direct care funds and to ensure funds are used to serve those most in need, TWC seeks relief from the 12-month eligibility period requirement at §98.20 for COVID Protective Care child care.

TWC certifies that the health, safety, and wellbeing of children served through CCDF will not be compromised by this waiver.

Effective dates: March 25, 2020 through the duration of the state's disaster declaration

3. Waiver of Parent Copays

On March 17, 2020, TWC's three-member Commission took action to ensure that child care programs continue to be paid for child absences during the COVID-19 situation, including during related temporary program closures.

Parents will not make required copays when their children are absent from child care, and many will not due to loss of income. Requiring parent copays during the disaster places an increased burden both low-income families and child care programs. Texas currently serves over 130,000 children per day. Recognizing that many parents are facing potential economic setbacks due to the COVID emergency, and recognizing the workload to analyze over 130,000 children's cases, on a case-by-case basis, TWC proposes to temporarily waive the parents share of cost, and issue supplemental payments to child care providers.

TWC seeks relief from §98.45(k) to waive parent copays for families receiving subsidized child care during the COVID-19 disaster.

TWC certifies that the health, safety, and wellbeing of children served through CCDF will not be compromised by this waiver.

Effective dates: March 1, 2020 through April 30, 2020, with the possibility for monthly renewals during the ongoing disaster.

Respectfully,

Edward Serna
Executive Director
Texas Workforce Commission

CC: Bryan Daniel, TWC Chairman & Commissioner Representing the Public
Julian Alvarez, TWC Commissioner Representing Labor
Aaron Demerson, TWC Commissioner Representing Employers