

## **Child Care Attendance Standards & Absence Tracking Discussion Paper**

### **Background**

On March 1, 2021, the Texas Workforce Commission's (TWC) three-member Commission (Commission) waived TWC rule 40TAC [§809.78](#) which requires parents to ensure that children meet attendance standards for child care services based on the child's authorization for enrollment. To provide relief to families who may have accumulated absences due to COVID-19, and to simplify the implementation of this change, Local Workforce Development Boards (Boards) were directed to disregard absences that occurred beginning March 1, 2020, and consider all absences to be COVID-19 related. Waiving the attendance standards and absence policy was also necessitated to ensure that child care providers could comply with Child Care Regulation's Emergency Rules, which direct child care providers to follow Centers for Disease Control guidance to limit parent access within facilities in order to reduce COVID transmission. As child care attendance is recorded electronically on a swipe card machine located within child care facilities, parents were not able to access those devices.

### **Issue**

TWC's must procure for a new automated attendance system. While TWC is in the procurement process and until the procurement is complete, TWC will temporarily stop collecting attendance through an automated system. TWC will implement interim procedures to manually collect information from child care providers on excessive absences.

With the implementation of manual procedures to identify children who have excessive child care absences, the Commission should consider the prior waiver of 40 TAC [§809.78](#) to disregard absences accumulated during COVID and develop and issue updated procedures to Boards.

### **Decision Point**

Staff seeks the Commission's direction on implementing the following effective April 1, 2021:

- End the prior waiver of 40 TAC [§809.78](#) previously approved at the March 17, 2020 Commission Meeting, which allowed children to accrue absences without impacting ongoing eligibility; Boards may still determine, on a case-by-case basis, that a child's absence is COVID-related, and is not considered an unexplained absence; and
- Issue guidance on reinstating attendance requirements while a new automated attendance system is procured:
  - In accordance with [§809.92 \(b\)\(4\)](#) regarding provider responsibilities to follow attendance reporting procedures required by the Commission and the Boards, instruct child care programs to provide a notice to the Board if a subsidy referrals accrues five consecutive absences;
  - Instruct Boards to outreach families who have accrued 15 and 30 absences, as set forth in [§809.78 \(d\)\(1\)](#) as follows:
    - 15-day outreach based upon the receipt of 3 provider notices of five consecutive absences
    - 30-day outreach based upon the receipt of 6 provider notices of five consecutive absences
  - Instructing Boards that the definition of Excessive Absences, which as set forth in [§809.2 \(10\)](#) is defined as 40 absences, will be based upon:
    - the receipt of 8 notices