

**ADOPTED EMERGENCY RULE WITH PREAMBLE TO BE SUBMITTED TO THE TEXAS REGISTER. THIS DOCUMENT WILL NOT HAVE ANY SUBSTANTIVE CHANGES BUT IS SUBJECT TO FORMATTING CHANGES AS REQUIRED BY THE TEXAS REGISTER.**

**Chapter 809. Child Care and Development**

**Subchapter A. General Provisions**

**New Section 809.5 Stay for Children of Military Parents in Combat Deployment.**

The Texas Workforce Commission (Commission) adopts emergency rule §809.5 Stay for Children of Military Parents in Combat Deployment.

The purposes of the rule are to provide for continuity of child care services for affected children and to alleviate any potential hardship on military parents deployed to combat conditions. Military personnel in combat deployment receive supplemental combat pay. The supplemental pay, if included in the income eligibility calculation, could make the deployed parent ineligible for child care services. The rule maintains the eligibility of children of a single or dual military parent who are in combat duty. It also freezes the parents' share of cost for those parents and authorizes the boards to take appropriate action to ensure that there is no disruption of care to the children of military parents in combat deployment.

In accordance with §2001.034 of the Government Code, this emergency rule is being adopted to protect the health, safety, and welfare of the children of Texas whose parent(s) are deployed to military combat away from their home base. The removal (or the threat of removal) from the secure environment of a known care provider during such a traumatic time would endanger the health safety and welfare of those children. Also the loss of eligibility for child care subsidy may create irreparable harm to the family's economic welfare such that the family does not remain self-sufficient, does not remain off of public assistance, or does not continue transitioning off of public assistance. In addition, to ensure that each child whose parent has been deployed to military combat continues to receive quality child care, it may be necessary for the subsidy to "transfer" with the child to the temporary legal guardian during the time of military deployment. Likewise, the disruption of the care of the child and the harm to the family from the loss of child care may inhibit the ability of the deployed military parent from focusing on his or her military mission, the safety and security of our nation's interests.

The section adds a definition of "combat deployment" as the deployment to military combat away from the home base of the single military parent or the dual military parents of an eligible child enrolled in TWC subsidized child care. The definition includes parents in the regular military, the reserves, or national guard.

Randy Townsend, Chief Financial Officer, has determined that for each year of the first five years the rule will be in effect, the following statements will apply:

There are no additional estimated costs to the state and to local governments expected as a result of enforcing or administering the rule;

There are no estimated reductions in costs to the state and to local governments as a result of enforcing or administering the rule;

There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rule;

There are no foreseeable implications relating to costs or revenue of the state or local governments as a result of enforcing or administering the rule; and

There are no anticipated economic costs to persons required to comply with the rule.

Mr. Townsend has also determined that there is no anticipated adverse impact on small businesses as a result of enforcing or administering the rule because small businesses are not regulated or required to do anything by the rule.

James Barnes, Director of Labor Market Information, has determined that there is no significant negative impact upon employment conditions in this state as a result of the proposed rule.

Donna Garrett, Director of Child Care Services, has determined that for each year of the first five years the rule is in effect, the public benefit anticipated as a result of enforcing the rule will be to provide for continuity of child care services for children of military parents in combat deployment.

For information about services for employers and job seekers go to [www.texasworkforce.org](http://www.texasworkforce.org) or contact your local workforce development board.

The emergency rule is adopted under Texas Labor Code, §301.061 and §302.021, which provides 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 programs.

The emergency rule affects Texas Labor Code Title 4, particularly Chapters 301 and 302 and Chapter 44, Human Resources Code.

**<new>§809.5 Children of Military Parents in Combat Deployment.**

- (a) For purposes of this section “combat deployment” means the deployment to military combat away from the home base of the single military parent or the dual military parents of an eligible child enrolled in TWC subsidized child care. This includes deployed parents in the regular military, military reserves, or national guard.
- (b) A board shall ensure that no children of military parents in combat deployment have a disruption of child care services or eligibility due to the combat deployment.
- (c) Board actions may include but are not limited to:
  - (1) disregard increased income related to the combat deployment;
  - (2) freezing the parents’ share of cost during the combat deployment; and
  - (3) other actions approved by the Board necessary to implement this section.