

**CHAPTER 809. CHILD CARE AND DEVELOPMENT
SUBCHAPTER A. GENERAL PROVISIONS**

ADOPTED 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*.

The Texas Workforce Commission (Commission) adopts new §809.5 Stay for Children of Military Parents in Combat Deployment to Chapter 809. Child Care and Development, Subchapter A. General Provisions, with changes as published in the May 2, 2003, issue of the *Texas Register* (28 TexReg 3659). The text will be republished.

The new §809.5 provides for the continuity of child care services for affected children and alleviates 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 children of deployed parents ineligible for child care services.

The rule states that no children of military parents in combat deployment will suffer a disruption of child care services or eligibility due to combat deployment. 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.

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.

The Commission received one comment from North Central Texas Workforce Development Board, which observed that the rule will ensure that children of military parents in combat deployment will receive continuous, uninterrupted child care and that the parent's share of costs will be frozen for the duration of the military parent's deployment. The Board expressed appreciation for including language in the rule that gives Boards flexibility to implement local policies that support military parents.

Minor technical changes are made to the rule for consistency and grammar.

The rules 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 Agency services and activities.

The rules affect Texas Labor Code, Title 4, Texas Human Resources Code Chapter 44, as well as Texas Government Code Chapter 2308.

§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) disregarding 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.