

## **Chapter 809. CHILD CARE AND DEVELOPMENT**

The Texas Workforce Commission (Commission) proposes amendments to Chapter 809. Child Care and Development, Subchapter F. General Eligibility for Child Care §809.92 General Eligibility Requirements and Subchapter G. Child Care for People Transitioning off Public Assistance §809.102 Choices Child Care relating to Child Care and Development rules.

The purpose of the proposed amendments is to conform with the changes to the Choices rules contained in 40 TAC Chapter 811. Changes to the Choices rules are proposed concurrent with these amendments to the child care rule.

The preamble to the Choices rules is incorporated herein by reference.

Specifically, changes are made to §809.92 to correspond with the provisions contained in §809.61 of the Choices rules that require that support services, including subsidized child care, are provided only to recipients who are meeting requirements outlined in §811.14 and §§811.25-811.28 of this title, and as outlined in §809.102 of this title. Changes are made to §809.102 to refer to Chapter 811 instead of select sections of the Human Resources Code and to delete subsection (b) as unnecessary.

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 and Development, 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 set forth the requirements for Choices child care to assist families with becoming self-sufficient.

Comments on the proposal may be submitted to John Moore, Texas Workforce Commission Building, 101 East 15th Street, Room 608, Austin, Texas 78778, (512) 463-3041. Comments may also be submitted via fax to (512) 463-1426 or e-mailed to: John.Moore@twc.state.tx.us. Comments must be received by the Agency within thirty days from the date of the publication in the *Texas Register*.

### **Subchapter F. GENERAL ELIGIBILITY FOR CHILD CARE**

#### **40 TAC §809.92**

The amendments are proposed 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 amendments affect Texas Labor Code, Title 4, Texas Human Resources Code Chapters 31 and 34, as well as Texas Government Code Chapter 2308.

#### *§809.92. General Eligibility Requirements.*

(a) The eligibility criteria set forth in this chapter are based primarily on the federal and state [ ~~statute~~ ] funding limitations. Nothing in this chapter shall be applied in a manner that conflicts with those limitations and the limitations contained in the use-of-funds provisions in the Commission's child care allocation rule contained in Subchapter B of Chapter 800 of this title (relating to Allocations and Funding).

(b) For a child to be eligible for child care services, the child's parents shall:

(1) have a total gross income that does not exceed 85% of the state median income for a family of the same size;

(2) require child care to work or participate in training or education activities; [ ~~and~~ ]

(3) need the child care for a child under thirteen years of age, unless a different age requirement is indicated in the applicable eligibility rule contained in this chapter; and

(4) have met the Choices work requirements as specified in Chapter 811, if the child's parent is a TANF recipient.

(c) For purposes of this chapter, child care is needed to support participation in education for a limited time as determined by the Board.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

Filed with the Office of the Secretary of State on February 5, 2002.

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John Moore

Assistant General Counsel

Texas Workforce Commission

Earliest possible date of adoption: March 24, 2002

For further information, please call: (512) 463-2573

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Subchapter G. CHILD CARE FOR PEOPLE TRANSITIONING OFF PUBLIC ASSISTANCE

**40 TAC §809.102**

The amendments are proposed 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 amendments affect Texas Labor Code, Title 4, Texas Human Resources Code Chapters 31 and 34, as well as Texas Government Code Chapter 2308.

*§809.102. Choices Child Care.*

(a) Children eligible to receive Choices child care include children of TANF recipients participating in the Choices program as stipulated in 40 TAC Chapter 811. [~~in accordance with the provisions of the Texas Human Resources Code, §§31.0035 and 31.012(e).~~]

(b) Child care shall be provided to children of parents participating in the Choices program as stipulated in 40 TAC Chapter 811, who need child care to accept employment and remain employed.

~~[(c) Child care services for children of parents participating in the Choices program shall continue for parents to participate in on the job training unless the parent's on the job training earnings cause the denial of a TANF grant.]~~

(c) [~~(d)~~] Persons approved for Choices but waiting to enter an approved initial component of the program may receive up to two weeks of child care:

- (1) when child care will prevent loss of the Choices placement, and
- (2) if child care is available to meet the needs of the child and parent.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

Filed with the Office of the Secretary of State on February 5, 2002.

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John Moore

Assistant General Counsel

Texas Workforce Commission

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For further information, please call: (512) 463-2573