

COVID-19: Guidance for Child Care Services

Discussion Paper

1 **Background**

2 The global outbreak of coronavirus disease 2019 (COVID-19) has been declared a Public Health
3 Emergency of International Concern by the World Health Organization. Many families that
4 participate in the Texas Workforce Commission's (TWC) subsidized child care program will
5 likely be affected by disruptions in parents' participation in work or education/training. Many
6 child care programs that serve subsidized children may also be affected by closures due to illness
7 and risk mitigation measures.

8 Current TWC rules and guidelines provide Local Workforce Development Boards (Boards) with
9 flexibility to respond to unforeseen circumstances, such as those arising from COVID-19.

10 Attachment A outlines guidance that Child Care & Early Learning will provide to Boards based
11 on current rules.

12 Additionally, CC&EL has been working closely with the Texas Health and Human Services
13 Commission (HHSC) Child Care Licensing (CCL) staff, as child care programs may be impacted
14 by the following COVID-19-related causes:

- 15 • A confirmed case of COVID-19 among staff, students, or their immediate family
16 members
- 17 • Insufficient staffing to maintain required teacher-child ratios that is due to illness or risk-
18 mitigation

19 HHSC CCL rule §746.305(a) requires child care programs to notify CCL as soon as possible, but
20 no later than two days after any occurrence that renders all or part of the center unsafe or
21 unsanitary for a child. Closures related to COVID-19 must be reported to CCL.

22 CCL will collect information about COVID-19 closures and report the data to TWC. TWC will
23 share information pertaining to programs that accept subsidies with Boards. However, given the
24 scale and urgency of the situation, some program closures may not be reported through CCL
25 timely. Boards will also need to consider COVID-19-related closures that they learn of through
26 other mechanisms such as direct notification from the program or a parent.

27 Additionally, some programs may close briefly for COVID-related reasons such as to clean and
28 sanitize their facilities. These programs may not report closure to CCL but are still effectively
29 temporarily closed.

30 **Issue 1: Child Absences Related to COVID-19**

31 Children may be absent from child care due to COVID-19 for various reasons, including:

- 32 ○ Child is ill
- 33 ○ Parent or other family member is ill
- 34 ○ Parent is unable to work due to work closure
- 35 ○ Child care program is closed because of COVID-19

1 TWC rule §809.78(a) requires parents to ensure that children meet attendance standards for child
2 care services based on the child’s authorization for enrollment. To provide relief to families who
3 may have accumulated absences due to COVID-19, Boards shall disregard absences that occur as
4 a result of COVID-19 illness or related public health measures.

5 **Decision Point**

6 Staff seeks direction on allowing children to accrue more absences due to COVID-19 without
7 impacting ongoing eligibility. To simplify implementation, staff also seeks guidance on
8 considering all absences beginning March 1, 2020 to be COVID-19 related and seek direction on
9 requesting that the Commission monitor the COVID-19 situation and make a future
10 determination on when this absence policy will conclude.

11 **Issue 2: Parent Share of Cost**

12 Families affected by COVID-19 may be unable to pay the Parent Share of Cost (PSOC) due to
13 loss of income, unforeseen health care expenses, inability to leave home due to self-isolation or
14 quarantine, child care program closure, or other COVID-related reasons.

15 Currently, §809.19 allows Boards the option to reimburse providers when parents fail to pay the
16 PSOC; a small number currently exercise this option. Given the broad impact of COVID-19,
17 many PSOC payments will be missed though, across the state. Offsetting the PSOC losses to all
18 affected programs could help mitigate the financial impacts to programs.

19 **Decision Point**

20 Staff seeks direction on authorizing Boards to make supplemental payments to child care
21 programs to cover lost PSOC payments based on guidance to be issued by TWC.

1 **Interruptions in Parents’ Ongoing Participation in Work, Education, or Training**

2 COVID-19-related events that may lead to a temporary change in a parent’s work, education, or
3 training status include:

- 4 • A parent or household member is diagnosed with COVID-19 illness.
- 5 • A health official or medical professional directs a parent or family to self-quarantine.
- 6 • The parent’s employer or education/training provider closes or reduces employee hours
7 due to illness or public health risk-mitigation.
- 8 • Closure of a child care program results in a parent being unable to work or participate in
9 work, education, or training.
- 10 • Closure of schools results in a parent needing to miss work, education, or training in
11 order to care for a school-age child under age 13.

12 As required by TWC Child Care Services rule §809.73, parents are not required to report
13 temporary changes in ongoing participation in work, education, or training. Boards may not
14 discover the reason for a parent’s break in activity until excessive absences have accrued or a
15 family reaches the end of its eligibility period.

16 As described in §809.51, a temporary change in a parent’s ongoing status in work, education, or
17 training does not affect a child’s ongoing eligibility for child care services. When a Board
18 becomes aware of a break in activity related to COVID-19, Boards must treat that break as
19 “temporary” even if the break extends beyond three months, as long as the parent is expected to
20 return to work/education/training.

21 However, if a parent is not participating in, or is not scheduled to participate in, work, training,
22 or education activities after COVID-19-related issues end, the temporary displacement is
23 considered a permanent loss of job, training, or education activities, and care would be subject to
24 termination pending a three-month job search period, as described in §809.51.

25 **COVID-19 and Child Care Redeterminations**

26 Income Calculations

27 Parents may be required to increase their work hours, for example, as a result of other
28 coworkers’ inability to work, or based on increased demand for services. These increased work
29 hours may result in the temporary fluctuation of and increased earnings.

30 TWC rule 809.44(a) requires Boards to consider irregular fluctuations in earnings and to ensure
31 that temporary fluctuations in income do not affect eligibility. Boards should refer to section D-
32 107.a of the Child Care Services Guide for instructions on how to consider these types of income
33 fluctuations and should ensure this flexibility is provided to parents whose income was impacted
34 by COVID-19.

35 Minimum Work-Hour Requirements

36 Parents who experience work interruptions may face reductions in overall work hours and may
37 also face difficulty in accessing eligibility documents and/or proof of minimum activity hours.

1 Boards should refer to section D-202.a of the Child Care Services Guide for instructions on how
2 to account for fluctuations in participation hours for situations that are outside of the parent's
3 control. Boards should ensure this flexibility is provided to parents whose work hours were
4 impacted by COVID-19.

5 Extension of Redetermination Period

6 Boards also have latitude to extend recertification periods pursuant to §809.42(b). A family's
7 redetermination date may be extended in the following circumstances in relation to COVID-19:

- 8 • A parent is experiencing a COVID-19--related temporary interruption in work, education,
9 or training at the time of recertification.
- 10 • The Board's Child Care contractor is unable to process the recertification due to office
11 closures or reductions in available staff to process applications.

12 **Continued Payments to Child Care Programs**

13 For child care programs that temporarily close or reduce operating capacity due to COVID-19, as
14 confirmed and documented by CCL, the child care authorization shall continue.

15 For children with active child care referrals at a time a child care program closes due to COVID-
16 19, affected child care programs will be reimbursed based on each child's authorized referral
17 unless the parent requests that care be suspended or that the child care be transferred to a new
18 child care program or workforce area.

19 If a child care program permanently closes, Boards must end authorizations for care at that
20 facility and work with the families to find placement with another eligible program. If acceptable
21 care cannot be found, then the child's care is suspended.

22 **Texas Rising Star Processes**

23 Boards should follow guidance from CCL and local health authorities regarding program
24 operations and public health measures. Current guidance from CCL prohibits certain individuals
25 from entering child care operations to help prevent the spread of COVID-19. Under this
26 emergency directive, Texas Rising Star staff are currently not allowed to enter child care
27 facilities.

28 CCL issued Boards must postpone required quarterly screenings and unannounced annual
29 monitoring visits for certified Texas Rising Star providers impacted by COVID-19.

30 Additionally, Texas Rising Star providers that have an assessment scheduled that is affected by
31 COVID-19 may have an extension until no later than six months after the originally scheduled
32 date. TWC will continue to evaluate the COVID-19 impact and will issue future guidance as
33 needed regarding Texas Rising Star.

34 While COVID-19-affected programs may receive technical assistance and support, Boards are
35 advised to follow the advice of public health officials and to use their best judgement when
36 scheduling such visits.