

COVID – Reinstating Child Care Attendance Standards

Discussion Paper

1 Background

2 On March 17, 2020, TWC waived child absences during the COVID pandemic, so children
3 remain eligible in the event they have absences beyond the standard annual limit of 40. During
4 the beginning of the pandemic, only essential workers were allowed to access regulated child
5 care for their children, in accordance with Governor Abbott’s [Executive Order GA 14](#).
6 Additionally, Health and Human Services Child Care Regulation (CCR) issued [emergency rules](#)
7 governing child care during the pandemic, which limited parent access within child care
8 operations.

9 On May 18, 2020, Governor Abbott issued [Executive Order GA-23](#), which allows child care
10 providers to resume providing care to children of all families, not just children of essential
11 workers.

12 On May 26, 2020, CCR issued a bulletin to all child care providers which provided clarification
13 that parents can enter a child care operation in order to swipe their subsidy attendance card. The
14 CCR [emergency rules](#) allow parents who have children enrolled and present at the operation to
15 enter for a legitimate need, such as swiping their subsidy attendance card. Parents must be
16 screened prior to entering as provided in subsection (c) of the emergency rules. CCR also noted
17 that child care providers should make an effort to take attendance outside the operation and must
18 disinfect the swipe card machine after each use.

19 Issue

20 TWC allowed families to accrue absences during COVID, effective March 1, without impacting
21 their ongoing eligibility, and providers continue to be paid based on active referrals. Many
22 children were ineligible to attend child care, prior to the May 18th reopening of child care to all
23 parents. Additionally, TWC was unable to capture attendance following COVID, as parents’
24 access inside child care operations was limited. Effective May 18th, regulated child care is
25 available for all families. And, in accordance with the May 26th bulletin issued by CCR, all child
26 care providers are now aware that subsidy parents should be allowed access in order to track
27 their children’s attendance. Based on this, TWC will instruct the Local Workforce Development
28 Boards to ensure that parents understand they can return their children to care and access the
29 automated attendance system.

30 As the Texas economy reopens under Governor Abbott’s [instructions](#), TWC will be
31 reconsidering policies that were temporarily modified to address the initial COVID crisis and
32 TWC will be taking steps to return to its regular policy parameters. TWC must determine when
33 to reactivate child care attendance requirements, and terminate child care following 40
34 unexplained absences as set forth in TWC Rule, [40 TAC §809.78 \(a\)\(2\)](#). In order to align its
35 policy reconsiderations, TWC may consider reinstating the child care absence and attendance
36 tracking requirements in line with other policy changes, such as the reinstatement of the
37 unemployment work search activity requirement.

1 If parents are not yet comfortable returning their children to child care, they may request to
2 suspend their child care services. Parents may reinstate their child care, within their eligibility
3 period, when they are comfortable returning their children to care.

4 In addition, TWC Rule [40 TAC 809.78\(c\)](#) notes that absences due to a child's chronic illness are
5 not counted towards the 40 unexplained absences. The Rule does not address family illness.
6 Based on the COVID-19 pandemic, TWC should consider treating the absences of children
7 whose families are self-isolating or quarantined due to COVID, based on instructions from a
8 medical professional, the health department or other state or local entity, similarly and disregard
9 those absences towards the 40 unexplained absences.

10 **Decision Point**

11 Staff seeks the Commission's direction on the following:

- 12 • Reinstating TWC's attendance policies in alignment with the date unemployment
13 insurance claimants are required to report their work search activities
- 14 • Resetting all children's absence clocks and reactivating the limit on the number of
15 unexplained absences, as set forth in TWC Rule, [40 TAC §809.78 \(a\)\(2\)](#)
- 16 • Requiring families to track their attendance using TWC's automated attendance system;
17 if parents do not resume swiping their attendance card, those will count as unexplained
18 absences towards their state limit
- 19 • Disregarding families' COVID health related absences, as previously described, towards
20 the number of unexplained absences
- 21 • Ensuring parents understand that they may temporarily suspend their child care and
22 resume child care at a later date if they are within their eligibility period
- 23 • Directing Boards to inform parents and providers of this policy reinstatement