

# COVID – Child Care Attendance Standards Discussion Paper

## 1 **Background**

2 On June 16, 2020, the Texas Workforce Commission’s three member Commission took action to  
3 reinstate child care attendance and absence requirements, in accordance with TWC Rule, [40](#)  
4 [TAC §809.78 \(a\)\(2\)](#). At that time, we noted that as Governor Abbott’s reopening instructions are  
5 modified, TWC will be reconsidering policies that were temporarily modified to address the  
6 initial COVID crisis.

7 Subsequent to this action, the Governor issued a [press release](#) directing HHSC to enact  
8 emergency rules for child care operations to address COVID-19 health and safety issues. On  
9 June 25, 2020, the Health and Human Services enacted new [emergency rules](#) for child care  
10 operations to address COVID-19 health and safety issues within regulated child care operations.

## 11 **Issue**

12 HHSC’s emergency rules require regulated child care providers to follow the Centers for Disease  
13 Control [guidance](#). This guidance includes the following:

- 14 • Consider staggering arrival and drop off times and/or have child care providers come  
15 outside the facility to pick up the children as they arrive. Your plan for curb side drop off  
16 and pick up should limit direct contact between parents and staff members and adhere to  
17 social distancing recommendations.
- 18 • Consider staggering arrival and drop off times and plan to limit direct contact with  
19 parents as much as possible  
20

21 Child care providers have noted that they would like to limit parental access within their  
22 facilities in order to help reduce the transmission of COVID-19. Based on information reported  
23 through the news media, cases of COVID-19 cases within child care operations have been  
24 increasing:

- 25 • As [reported by KVUE](#) in mid-May, there were a total of 59 cases
- 26 • As [reported by the Texas Tribune](#) on June 23, there were a total of 576 cases
- 27 • As reported by KVUE [reported by KVUE](#) on June 30, there were a total of 950 cases
- 28 • As [reported by CNN](#) on July 6, there were a total of 1,335 cases

29 In an effort to limit direct contact with parents as much as possible, child care providers have  
30 requested that the Commission reconsider the requirement for parents to record their child’s  
31 attendance using the child care automated attendance system, due to the difficulty in making the  
32 electronic keypad available outside of the facility.

1 **Decision Point**

2 Staff seeks the Commission's direction on the following

- 3
- 4 • Delaying the reinstatement of TWC's attendance policy, as well as delaying the resetting  
5 of children's absence clocks and reactivating the limit on the number of unexplained  
6 absences, as set forth in TWC Rule, [40 TAC §809.78 \(a\)\(2\)](#) which was previously  
7 scheduled to take effect on July 20, 2020.
  - 8 • Continuing to monitor the HHSC regulations and CDC guidance for child care programs  
9 to determine when to reinstate attendance and absence policies.