

TEXAS WORKFORCE COMMISSION LETTER

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Keyword:	All Programs
Effective:	Immediately

To: Local Workforce Development Board Executive Directors
Commission Executive Offices
Integrated Service Area Managers



From: Laurence M. Jones, Director, Workforce Development Division

Subject: **Priority of Service for Eligible Foster Youth**

PURPOSE:

To provide Local Workforce Development Boards (Boards) with information and guidance on applying priority of service for all new and existing qualified job training programs for eligible foster youth, specifically:

- definitions;
- priority order;
- priority of service for support services; and
- data collection.

BACKGROUND:

Texas Family Code §264.121 directs that workforce services be prioritized and targeted to meet the unique needs of foster youth and former foster youth.

PROCEDURES:

Definitions

Boards must ensure that the following definitions are used when implementing priority of service for eligible foster youth:

- *Current foster youth*—A youth, age 14 or older, who is receiving substitute care services under the managing conservatorship of the Texas Department of Family and Protective Services (DFPS), including youth residing in private foster homes, group homes, residential treatment centers, juvenile correctional institutions, and relative care; or
- *Former foster youth*—A youth up to 23 years of age, who formerly was under the managing conservatorship of DFPS, until:
 - a court transferred the conservatorship;
 - the youth was legally emancipated (i.e., the youth's minority status was removed by a court); or
 - the youth attained 18 years of age.

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Boards must ensure that written copies of local priority of service policies are maintained at all service delivery points and, to the extent practicable, posted in a way that makes it possible for the public to easily access them.

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Priority Order

Boards must ensure that:

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- eligible foster youth receive priority over all other equally qualified individuals—except eligible veterans—in the receipt of federal and state-funded services; and
- workforce services are prioritized and targeted for youth transitioning out of the foster care system and for former foster youth.

Priority of Service for Support Services

To ensure that eligible foster youth receive priority over all other equally qualified individuals—except eligible veterans—in the receipt of workforce services, they also must have access to needed support services (e.g., child care, transportation, etc.).

Implementing priority of service for the majority of support services is not difficult; however, because child care services are unique, the following additional guidance is provided.

Child Care

Boards must be aware that the priority for child care services for eligible foster youth is contingent upon the availability of Texas Workforce Commission (TWC) child care funds. Boards with a waiting list for TWC-funded child care services must not discontinue care for a child currently enrolled in child care services in order to serve a child of a foster youth.

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Section 809.43(a)(1) of TWC’s Child Care Services rules establishes that the following populations are assured child care services and are not subject to the child care waiting list:

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1. Choices child care as referenced in §809.45;
2. Temporary Assistance for Needy Families Applicant child care as referenced in §809.46;
3. Supplemental Nutrition Assistance Program Employment and Training child care as referenced in §809.47; and
4. Transitional child care as referenced in §809.48.

TWC rule §809.43(a)(2) provides that the following populations are served subject to the availability of funds, and include, in priority order:

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1. children who need to receive protective services child care as referenced in §809.49;
2. children of a qualified veteran as defined in §801.23;
3. children of an eligible foster youth as defined in §801.23;

4. children of teen parents as defined in §809.2; and
5. children with disabilities as defined in §809.2.

Data Collection

Boards must document the receipt of staff-assisted workforce services in The Workforce Information System of Texas (TWIST) or WorkInTexas.com.

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INQUIRIES:

Direct inquiries regarding this WD Letter to wfpolicy.clarifications@twc.state.tx.us.

RESCISSIONS:

None

REFERENCE:

Texas Family Code §264.121

Texas Workforce Commission Local Workforce Development Boards Rules: 40 TAC, Chapter 801

Texas Workforce Commission Child Care Services Rules: 40 TAC, Chapter 809

WD Letter 31-04, issued August 25, 2004, and entitled “Serving Foster Care Youth”

WD Letter 38-11, issued September 29, 2011, and entitled “Local Memoranda of Understanding with the Texas Department of Family and Protective Services to Serve Foster Youth—*Update*”

WD Letter 35-11, issued November 3, 2011, and entitled “Priority of Service for Eligible Veterans—*Update*”

FLEXIBILITY RATINGS:

No Local Flexibility (NLF): This rating indicates that Boards must comply with the federal and state laws, rules, policies, and required procedures set forth in this WD Letter and have no local flexibility in determining whether and/or how to comply. All information with an NLF rating is indicated by “must” or “shall.”

Local Flexibility (LF): This rating indicates that Boards have local flexibility in determining whether and/or how to implement guidance or recommended practices set forth in this WD Letter. All information with an LF rating is indicated by “may” or “recommend.”