

NOTICE OF RULEMAKING AND PUBLIC RULE HEARING

The New Mexico Early Childhood Education and Care Department (ECECD) hereby gives notice as required under Section 14-4-5.2 NMSA 1978 and 1.24.25.11 NMAC, that it proposes to adopt amendments to the following rules regarding SOCIAL SERVICES CHILD CARE ASSISTANCE REQUIREMENTS FOR CHILD CARE ASSISTANCE PROGRAMS FOR CLIENT AND CHILD CARE PROVIDERS, CHILD CARE LICENSING; CHILD CARE CENTERS, OUT OF SCHOOL TIME PROGRAMS, FAMILY CHILD CARE HOMES, AND OTHER EARLY CARE AND EDUCATION PROGRAMS, and NON-LICENSED CHILD CARE; REQUIREMENTS GOVERNING REGISTRATION OF NON-LICENSED FAMILY CHILD CARE HOMES as authorized by Subsection (E) of Section 9-29-6 NMSA 1978;

8.9.3 NMAC - CHILD CARE ASSISTANCE REQUIREMENTS FOR CHILD CARE ASSISTANCE PROGRAMS FOR CLIENTS AND CHILD CARE PROVIDERS

8.9.3.15 NMAC - PROVIDER REQUIREMENTS

8.9.4 NMAC - CHILD CARE LICENSING; CHILD CARE CENTERS, OUT OF SCHOOL TIME PROGRAMS, FAMILY CHILD CARE HOMES, AND OTHER EARLY CARE AND EDUCATION PROGRAMS

8.9.4.23 NMAC PERSONNEL AND STAFFING REQUIREMENTS FOR CENTERS

8.9.4.33 NMAC PERSONNEL AND STAFFING REQUIREMENTS FOR HOMES

8.9.4.42 NMAC PERSONNEL AND STAFFING REQUIREMENTS FOR OUT OF SCHOOL TIME CARE

8.9.5 NMAC - NON-LICENSED CHILD CARE; REQUIREMENTS GOVERNING REGISTRATION OF NON-LICENSED FAMILY CHILD CARE HOMES

8.9.5.10 NMAC - CAREGIVER REQUIREMENTS

No technical scientific information was consulted in drafting these proposed rules.

Purpose of proposed rules: The purpose of the rulemaking is to promulgate amendments to 8.9.3 NMAC, 8.9.4 NMAC, and 8.9.5 NMAC. ECECD is promulgating these rules to provide for its own agency regulations as well as changes required by the federal Child Care Development Fund (CCDF) grant. The Child Care and Development Block Grant (CCDBG) Act is the law (along with Section 418 of the Social Security Act) that authorizes the federal child care subsidy program known as CCDF. CCDF requires caregivers, teachers, and directors to complete child development training, among other topics areas, as part of orientation or pre-service training. ECECD is also updating the Child Care Assistance regulations (8.9.3 NMAC) to make the emergency amendments that it promulgated on July 1, 2024, permanent through the required amendment process.

Summary of Proposed Rules: In summary, the proposed amendments for 8.9.3 NMAC will update necessary changes prohibiting gross receipts tax being charged to child care assistance families. The proposed amendments for 8.9.4 and 8.9.5 NMAC will update training that all new educators in licensed centers are required to take to include ECECD approved child development courses that address domains of development as defined by the federal CCDF and require the completion of this course within three months of date of hire to comply with the federal CCDF rules, and twelve months of date of hire to comply with additional training ECECD seeks to implement. It will also remove the hour limitation for training that is done online. The proposed rule for 8.9.5 NMAC will update training all new educators in non-licensed child care homes are required to take to include child development courses that address domains of development as defined by the federal CCDF.

As part of the amendment process, ECECD will hold a public rule hearing for the proposed amendments on September 16, 2024 from 9:00 a.m. to 11:00 a.m.

Copies of the proposed amended rules may also be found at ECECD's website at Regulation Changes | Early Childhood Education and Care Department (nmececd.org)/ 30 days prior to the Public Hearing.

Notice of public rule hearing: The public rule hearing will be held on September 16, 2024 from 9:00 a.m. to 11:00 a.m. for proposed amendments to 8.9.3, 8.9.4, and 8.9.5 NMAC. The hearing will be held in Apodaca Hall of the PERA Building located at 1120 Paseo de Peralta, Santa Fe, New Mexico 87502 and via virtual web platform (Zoom), email, and telephonic means. The public hearing will be conducted in a fair and equitable manner by an ECECD agency representative or hearing officer and shall be recorded. Any interested member of the public may attend the hearing and will be provided with a reasonable opportunity to offer public comment, either orally or in writing, including presentation of data, views, or arguments, on the proposed rules during the hearing. Individuals with disabilities who need any form of auxiliary aid to attend or participate in the public hearing are asked to contact ECECD at ECECD-ECS-PublicComment@ECECD.NM.Gov or call (505) 231-5820. ECECD will make every effort to accommodate all reasonable requests but cannot guarantee accommodation of a request that is not received at least ten calendar days before the scheduled hearing.

Notice of acceptance of written public comment: Written public comment, including presentation of data, views, or arguments about the proposed rules, from any interested member of the public, may be submitted via email to ECECD-ECS-PublicComment@ECECD.NM.Gov with the subject line "8.9.3, 8.9.4, and 8.9.5 NMAC Public Comment" or via first class mail to P.O. Drawer 5619, Santa Fe, New Mexico 87502 – 5619. Written comments may be delivered to the Old PERA building at 1120 Paseo De Peralta on September 16, 2024 from 9:00 a.m. to 11:00 a.m. The deadline to submit comments is at the end of the public hearing on September 16, 2024. Any interested member of the public may attend the hearing in person, or via the virtual web platform or telephone, and offer public comments on the proposed rule during the hearing. To access the hearing by telephone: place call 1-669-444-9171, access code 854431. You will be able to hear the full hearing and your telephone comments will be recorded. To access the hearing via the internet: please go to <https://nmececdorg.zoom.us/j/81445265952>, and follow the instructions indicated on the screen – Meeting ID: 814 4526 5952 Access Code: 854431. This will be a live stream of the hearing. You may also provide comment via chat during the live streaming.