

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

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

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

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

Purpose of proposed rules: ECECD is promulgating these rules to codify requirements for the child care assistance program and child care licensing compliance.

Summary of Proposed Rules: In summary, the proposed rule amendments to 8.9.3 NMAC, 8.9.4 NMAC, and 8.9.5 NMAC will update regulations to codify requirements for the child care assistance program and child care licensing compliance. Changes made include removal of income eligibility requirements for all families; restructure of the co-payment schedule; exclusion of activity requirements for grandparents eligible to participate in the child care assistance program; provider rate increases; revision of hours of care; inclusion of presumptive eligibility; inclusion of extended eligibility when additional children are added to households; requirements to report attendance; revisions to at-risk child care; provider participation requirements in the Professional Development Information System; provider participation requirements in the quality rating and improvement system; provider compliance with state and federal laws for inclusion of children with disabilities; provider compliance with policy and procedure; exemptions from participation in Child and Adult Care Food Program for certain non-licensed providers; and updated terms and definitions.

As part of the amendment process, ECECD will hold a public rule hearing for the proposed amendments on October 9, 2025, from 9:00 a.m. to 11:30 a.m.

Copies of the proposed amended rules may be found at ECECD's website at www.nmececd.org/regulation-changes/ 30 days prior to the public hearing.

Notice of public rule hearing: The public rule hearing will be held on October 9, 2025, from 9:00 a.m. to 11:30 a.m. for proposed rule amendments to 8.9.3 NMAC, 8.9.4 NMAC, 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. Members of the public will be given two minutes to provide oral comments. 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 505-670-8993. 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 NMAC, 8.9.4 NMAC, and 8.9.5 NMAC Public Comment” or via first class mail to PO. Drawer 5619, Santa Fe, New Mexico 87502-5619. Written comments may be delivered to the PERA Building at 1120 Paseo De Peralta on October 9, 2025, from 9:00 a.m. to 11:30 a.m. Written comments will be accepted from the publication of this notice to the deadline at the end of the public hearing on October 9, 2025.

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 to 1-669-444-9171, Meeting ID: 875 0072 3914. 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/87500723914> and follow the instructions indicated on the screen – Meeting ID: 875 0072 3914. This will be a live stream of the hearing. You may also provide comment via chat during the live streaming.