

Smith, Ashleigh, ECECD

From: [REDACTED]
Sent: Saturday, September 11, 2021 10:03 AM
To: ECECD-ECS-PublicComment
Subject: [EXTERNAL] Comment on ECECD proposed amendments

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Hello,

I would like to state the impact that the recent rule changes have had on my family.

[REDACTED] and initially I had no job or income and was living with my children in my mom's house after I separated. I got a job and was able to live on my own with my kids, but my income was still not enough to cover all my expenses, including legal fees for my divorce.

Over the past year, I have been able to save some money in a college savings account for my kids due to the fact that I didn't need to pay my son's daycare co-payment. I never dreamed that I would be able to set aside money for my kids' college when I could barely pay for everyday expenses. This last year has allowed us to look to the future, instead of [REDACTED]

I hope more families, especially single mothers, can have the same experience and that these policies are made permanent.

Thank you.

Smith, Ashleigh, ECECD

From: [REDACTED]
Sent: Wednesday, September 29, 2021 7:36 AM
To: ECECD-ECS-PublicComment
Subject: [EXTERNAL] Provider rates

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The increases that were given were a great help. We have many school age children and feel that those children should of also relieved an increase. That age group requires lots of time and materials, replaced due to use and breakage. I hope they look at this a bit closer. Thank you.

From: [REDACTED]
Sent: Sunday, October 24, 2021 6:05 PM
To: ECECD-ECS-PublicComment
Subject: [EXTERNAL] 8.15.2 NMAC Public Comment
Attachments: 8.15.2 Public Comments.docx

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TLC Development Centers has been serving low income New Mexican families for over 20 years. Currently we have 7 locations across 3 counties in New Mexico. In September of 2021, we served 371 children receiving child care assistance. Pre-COVID, our average was approximately 560 per month.

Historically, our centers collected roughly 40% of total family co-payments each month. This has always caused us to operate on a shoestring budget. This year, with co-payments being waived by the department, we're finally able to feel a little bit of financial 'breathing room'. We've issued extra bonuses to our teachers, increased hourly wages (above the minimum wage increases), provided tons of PPE for staff **and** children, and more. ***We thank you very much!***

Our primary concern is: *What will happen July 1, 2022?* The co-payments we're seeing on the contracts - though waived right now - are going to be even higher and more unaffordable when minimum wage goes up again. We fully understand the need to balance the budget - and certainly the desire to serve more families with limited funds. The cost/benefit analysis just seems a bit off balance from a co-payment standpoint.

Please accept our attached public comments in reference to NMAC 8.15.2.

Thank you.

#Masks are the new normal

[REDACTED]
Building Bridges Child Development Center, Inc.
Eastern Child Development Center, Inc.
Parkside Child Development Center, Inc.
[REDACTED]

Please accept the following comments on the proposed revisions for 8.15.2 NMAC:

Affordability

8.15.2.13 B, 8.15.2.13 B (1), 8.15.2.13 B (2)

The current co-payment methodology is not affordable for families. From the CCDF Final Rule:

*We establish a new **Federal benchmark for affordable family co-payments of seven percent of family income** and allow Lead Agencies more flexibility to waive co-payments for vulnerable families. (Federal Register / Vol. 81, No. 190 / Friday, September 30, 2016 / Rules and Regulations 67440)*

Currently, a single parent with 2 children will pay 10.36% of their gross income at 200% FPL. With 3 children, it jumps up to 12.21%. 13% for 4 children and 13.37% for 5 children. This is far above the federal benchmark of 7% and highlights the fact that the current co-payment methodology is **not** affordable for families.

The Child Care and Development Fund Plan for New Mexico for FFY 2022-24 *requires Lead Agencies to establish and periodically revise a sliding-fee scale for CCDF families that varies based on income and the size of the family to determine each family's contribution (i.e., co-payment) **that is not a barrier** to families receiving CCDF funds (658E(c)(5)). 3.2.2 Gives options for calculating the co-payments. The best of which is 3.2.2 b v – **The fee is a percent of income, and the fee is per family.*** Given that the CCDF Final Rule sets a 7% benchmark, it seems logical that this should be the standard for New Mexican families.

Stricken Language: 8.15.2.13 E The co-payment for a child shall not exceed the **base** monthly provider reimbursement rate. If this situation arises, the co-payment may be reduced in the amount by which it exceeds the **base** monthly provider reimbursement rate.

This language should remain in regulation (with the addition of 'base') if the copayment calculation is not changed. Otherwise, this becomes a barrier to accessing quality. A family could have a higher co-payment by attending a higher star level program. Removing the language as proposed; or leaving the language in without adding 'base', does not meet the objectives of these regulations or the spirit of the CCBDG Act.

Clarification Required:

8.15.2.13 E (2) A client must notify the department when their household income exceeds eighty-five percent of the state median income, taking into account any fluctuation(s) of income.

Will the SMI tables be published to ensure clients are **able** to meet this requirement? Currently, a family of 4 is at 86.27% of SMI at maximum income level for 200% FPL. A family of 5 is at 93.28% of SMI. 250% FPL puts families of 2 @ 104.09% of SMI, families of 3 @ 116.59%, families of 4 @ 126.58% and families of 5 @ 137.17%. **These calculations do not take into account typical family expenses such as housing, food, health care, diapers, transportation, etc., as required by the CCDF Final Rule (Federal Register / Vol. 81, No. 190 / Friday, September 30, 2016 / Rules and Regulations 67467).** Will the department revise the income guidelines to allow for standard deductions similar to LIHEAP and SNAP as suggested by the CCDF Final Rule?

8.15.2.15 E (1) Providers are not allowed to charge clients a registration/educational fee for any child who is receiving child care assistance benefits as listed under 8.15.2 NMAC. ~~[The department shall pay a five dollar monthly, not to exceed sixty dollars per year, registration/educational fee per child in full time care, on behalf of department clients under 8.15.2 NMAC. Adjustments to the five dollar registration/educational fee will be made based on units of care.]~~ The rates set forth below are informed by a cost estimation model and include expenses for registration/educational fees per child ~~and child and family activities~~ on behalf of clients under 8.15.2 NMAC.

‘And child and family activities’ must be stricken. This contradicts the next item in regulation:

8.15.2.15 E (2) In situations where an incidental cost may occur such as field trips, special lunches or other similar situations, the child care provider is allowed to charge the child care assistance family the additional cost, provided the cost does not exceed that charged to private pay families.

We recommend **adding:** *In addition, providers may charge reasonable fees for transportation to and from schools for school aged children, provided the cost does not exceed that charged to private pay families.*

The ability to charge reasonable transportation fees allows providers to recoup *some* of the extra costs that this imposes on the program. These are services that many working parents need and can be very costly to programs. The rates for school aged children effectively went down by \$0.27/ month with the stricken language as proposed in 8.15.2.15 E (1).

8.15.2.15 G Owners and licensees may not receive child care subsidy payments to provide care for their own children.

This language directly violates the spirit of the CCDBG Act. This would prevent access to many otherwise qualified families. We recommend changing the language to read: “Owners and licensees may not receive child care subsidy payments to provide care for their own children if they are the only children in care.”

8.15.2.17 C The rates set forth below are informed by a cost estimation model and include expenses for registration/educational fees per child ~~and child and family activities~~ on behalf of clients under 8.15.2 NMAC.

‘And child and family activities’ must be stricken.

Notable Discrepancies:

8.15.2.1 ISSUING AGENCY: Children, Youth and Families Department.
[8.15.2.1 NMAC - Rp, 8.15.2.1 NMAC, 10/1/2016]

The Department is now New Mexico Early Childhood Education and Care Department. Children, youth and families department or CYFD is also cited in the following:

8.15.2.7 C (1), 8.15.2.7 D (2), 8.15.2.7 N (1), **8.15.2.7 N (1) (b)** (this information is no longer relevant and should be stricken), 8.15.2.9 A (1), 8.15.2.9 A (2), 8.15.2.11 C (5), 8.15.2.11 C (6), 8.15.2.17 I, **8.15.2.17 I (1), 8.15.2.17 I 1 (a)** (this information is no longer relevant and should be stricken), 8.15.2.17 I (1) (b),

8.15.2.17 I Providers holding and maintaining ~~CYFD~~ **a department** approved national accreditation status will receive the differential rate listed in ~~Subsection I~~ **Subsection J** below, per child per month for full time care above the base rate for type of child care (licensed center, group home or family

CYFD should be changed to 'a department'. Subsection I should be changed to subsection J

8.15.2.7 N (1) (b) This information is no longer relevant and should be stricken.

8.15.2.17 I (1) This information is no longer relevant and should be stricken.

8.15.2.17 I (1) (a) This information is no longer relevant and should be stricken.

Castillo, Alejandra, ECECD

From: [REDACTED]
Sent: Sunday, October 24, 2021 1:37 AM
To: ECECD-ECS-PublicComment
Subject: [EXTERNAL] Co-Pays

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Unaffordable co-pays for child care are going to set the clock back on all the strides that have been made for children's welfare and early education. We again are going to see latch key kids. Older siblings in the role of caregivers. Single and even double income families are going to have some tough decisions to make. Universal Child care... at the very least birth to five should be available to all families.

[REDACTED]

Sent from my iPhone