

**From:** [REDACTED]  
**Sent:** Thursday, August 11, 2022 10:35 AM  
**To:** ECECD-ECS-PublicComment <[ECECD-ECS-PublicComment@state.nm.us](mailto:ECECD-ECS-PublicComment@state.nm.us)>  
**Subject:** [EXTERNAL] Gratitude for Program Eligibility

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Allowing eligibility to my family during this transitional phase while we are beginning to qualify for less assistance has allowed my family to work harder to provide the income necessary to compensate what those benefits provided for our family! Thank you!

**From:** [REDACTED]  
**Sent:** Monday, September 26, 2022 11:09 PM  
**To:** ECECD-ECS-PublicComment <ECECD-ECS-PublicComment@state.nm.us>  
**Cc:** [REDACTED]  
**Subject:** [EXTERNAL] Proposed Regulation Public Comment

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See attachments/comments for the following reg changes:

- **8.9.3 NMAC** – Child Care Assistance Requirements for Child Care Assistance Programs for Clients and Child Care Providers (Formerly 8.15.2 NMAC)
- **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 (Formerly 8.16.2 NMAC)

See the attachment for the past 2021 reg changes (*Notice of Rulemaking and Public Rule Hearing 8.16.2 NMAC. The public rule hearing was held Thursday, October 14, 2021, at 1:00 p.m*) **that the public and providers did not have time to discuss since we were dealing with the COVID spike and a labor crisis.** Since ECECD can submit changes anytime, the public and providers should be able to do the same.

**Comments: There are no increases in the reimbursement rates.**

applicant from the work/education requirement upon submission of a demonstration of incapacity.

**I. Calculating Need for Care:** The department determines the number of hours of care needed in consultation with the parent or legal guardian at the time of certification, and approved hours are reflected in the child care placement agreement covering the certification period. The department determines the number of hours of care needed based on the qualifying activity of the parent or legal guardian and physical custody of the child, as applicable. Clients and caseworkers shall negotiate a reasonable amount of study and travel time during the application process and special attention shall be paid to the child's specific needs. The department determines the number of hours of care needed based on a maximum weekly need and approved based on the units of service set forth below in Subsection E and F of 8.9.3.17 NMAC.

**J. Children enrolled in head start, kindergarten, school or other programs:** Child care benefits are not paid during the hours that children are attending head start, kindergarten, New Mexico pre-k, school or other programs, such as online or home-schooling.

**Comments: I agree with the section " I." However, section "J" I believe, is an attempt to only give part-time contracts. According to the math shown below, most children participating in before and after school programs (NM PreK and School age) need a full-time contract instead of part-time contracts. Numbers are average.**

Average days that Elementary schools are closed	46
Average days that providers are closed	10
Number of days that providers give full time care to school age and NM PreK	36
Average full-time care hours per day	10
Number of hours providers provide full-time care during school year	360
Number of weeks during the school year	40
Additional hours per week needed (360 hrs divided by 40 weeks)	9
Average Before and After care hours per week	22
Addition of average B&A care hours per week plus additional hours per week needed	31
<b>30 hrs per week is a FULL-TIME CONTRACT</b>	

**(1)** Providers who receive national accreditation on or before December 31, 2014 from an accrediting body that is no longer approved by CYFDECECD will no longer have national accreditation status, but will remain eligible to receive an additional \$150 per child per month for full time care above the base rate for type of child care (licensed center, group home or family home) and age of child until December 31, 2017.

**(a)** In order to continue at this reimbursement rate until December 31, 2017 a provider holding accreditation from accrediting bodies no longer approved by CYFDECECD must maintain licensing standards and maintain accreditation without a lapse.

**(b)** If the provider fails to maintain their accreditation, the provider reimbursement will revert to the base reimbursement rate unless they have achieved a FOCUS star level or regain national accreditation status approved by CYFD.ECECD.

**(2)** The licensee shall notify the

The above section was removed.

**Comments: Please list the accreditation body that are no longer approve so the centers affected will know that they will no longer receive the \$150 additional.**

**From:** [REDACTED]  
**To:** [ECECD-ECS-PublicComment](#)  
**Cc:** [REDACTED]  
**Subject:** [EXTERNAL] Proposed Regulation Public Comment  
**Date:** Tuesday, September 27, 2022 2:07:08 PM

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The purpose of this email is to respond to the opportunity for public comment for the changes proposed under the new rules of NMAC 8.9.3.

We have questions on the intent of the proposed new rules in NMAC 8.9.3 specifically under section 8.9.3.11 J which states “children enrolled in head start, kindergarten, school or other programs: Child care benefits are not paid during the hours that children are attending head start, kindergarten, New Mexico pre-k, school or other program such as online or home-schooling.”

We would like clarification if the intent of the language under section 8.9.3.11 J of the proposed NMAC is that participants of Early Head Start programs would not be eligible for state subsidies? If it is indeed the case that the State’s intent is to no longer extend subsidies to participant of Early Head Start Programs we would like to strongly advocate against this direction.

[REDACTED] operates a federally funded Early Head Start-Child Care Partner Program (EHS-CCP). One of the main compliance requirements for the program is that [REDACTED] as a grantee is required to ensure that at least 25 percent of the EHS-CCP enrolled children receive child care subsidies at the time of their enrollment.

<https://eclkc.ohs.acf.hhs.gov/policy/im/acf-im-hs-15-03-attachment>

The intent of the federal government is to try and leverage federal and state funds to extend funding into more services.

If the state decides to make Early Head Start programs ineligible for subsidies it will put our program out of federal compliance and likely put the continuity of the program in jeopardy.

Thank you for your consideration.

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

## Oral Comment # 1

Good morning. Can you hear me? My name is [REDACTED]. I am from the [REDACTED]. I am part of the N [REDACTED]. And my comment today, well, my question really is on NMAC 8.9.3 (J) in regards to the amended verbiage for children enrolled in Head Start, Kindergarten, schools or other programs, childcare benefits are not paid during the hours. I just lost it, ok, during the hours, children are attending Head Start, Kindergarten in New Mexico Pre K schools or other programs such as online homework schooling.

We to, run an Early Head start, my question is, is this going to affect the Early Head Start Partnership part? Because right now, we are required by the Federal Regulation and the grant with [REDACTED] as written on the grant that we have to have about 25% enrollment, and they have to be full time enrollment that are attending here. We do serve children in the Early Head Start program from 7:30 in the morning, up to 4:30 in the afternoon, and those children do have to have a full-time contract. Will this business regulation going to affect that? Because if so, it will put us at non-compliance with the Federal Grant for the Head Start Program.

It's the NMAC 8.9.3 (J), I believe, let me open it, I just wrote it down, but I could open it, let me click, it – it, and it says children enrolled in Head Start, Kindergarten, school or other programs, childcare benefits are not paid during the hours that children are attending Head Start. I know it says Head Start and not Early Head Start. So, that's why my question is would this affect the Head Start the Early Head Start portion as well as you know because it says Head start? Is it going to affect the Early Head Start?

And it is, I just opened, letter (J). Point, let me see, in the application process I believe it is. Okay, and it's NMAC 8.9.3.11. Okay, thank you.

## Oral Comment # 2

Ok, my name is [REDACTED]. Also, I'm part of the, the [REDACTED]. So, I'm coming to, right now is the public hearing for? That is child care licensing, right?

So, I have the same comment as the first lady, first person about.

And I apologize to your staff, I assume everybody is so busy and I was reviewing this regulation is 9.10 I'm just getting ready. So, it's the same section, Section (J) about children enrolled in Head Start, Kindergarten, school, other programs, childcare benefits and will pay during the hours that children are attending Head Start in any New Mexico Pre K, School, or other programs such as online or homeschool. And I believe this is unlike any other part time contracts. I have a math in here and I'll be using this. But according to the math I have in here most of those children attending as before and after school care. They, they meet the full-time contract. And, so for the example, and that is an example the other average hours that I have here, is the hours I have here they are average. So, the average days that the Elementary Schools are closed are 46 in the school year. Average days that providers are closed that we are the ones that we are licensed, is 10 days in the school year. The number of days that they provider give full time care to school age in New Mexico are 36 because I'm subtracting 46 out of the 10. So, we are giving full time care 36 days out of the school year. To the children listed already. So, the number of hours that we're provide full time care in our system our hours per 10. So we multiply 36 hours times 10. So, we're providing 360

hours, per of a full-time care. So, the number of weeks during the school year, according to what I'm giving divided by thirty-six hundred, and no I'm sorry there is 360, sorry, I'm still that my head is not working correctly, by the 40 weeks in the school year so that is giving us an additional of 9 hours that we are providing per week. That is not accounting the contracts, so the average of different after school care that we are giving away is 22 so we add 9 plus 22 and that is giving us another average of 31 hours that we're providing during the school year which may send a full-time contract which most of our providers that we get before and after school time, we have all of them at part time. So, that is it, I'm petitioning that, and I will provide this.

I'm, I'm also have, tell you the new regulations are removing and I'm sorry I don't have exactly sections where I have the wording. The providers who receive national accreditation on or before and I just remember one, but I don't have the exact one point I wasn't prepared for that. But it says that providers should receive national accreditation on or before December 31, 2014, from an accredited body that is no longer approved by CYFD, ECECD will no longer have national accreditation starting so that will remove but will remain eligible to receive an additional \$150 per child per month for full time care. Okay. Okay, so I can come closer? So.

But will remain eligible to receive an additional \$150 per child per month for full time care about the base rate, for type of childcare, licensing, license center group home or family home and each of child until December 31, 2017. The section there was also removed and that does not affect my center, but it will affect a lot of centers they won't receive the additional \$150. So, I'm requesting the department that to send, if there is any centers that applied, to send them notice to them that they want to receive the additional \$150 per channel which is a lot of money for some centers. And that is what I have for this section.

### **Oral Comment # 3**

Hello, can you hear me? Okay, great. Good morning everyone.

We will provide this comment in written format, but we wanted to thank the department for everything it is doing to improve early childhood education and care. We particularly applaud the department for raising eligibility up to 400% of FPL. In 8.9.3, NMAC the center recognizes that there are no substantive changes that have been made to the regulations of NMAC 8.9.4, NMAC 8.9.5 and NMAC 8.9.6 and we understand that these regulation changes are necessary to update the cabinet name to ECECD in accord with the programs that fall into this department's authority. Regarding NMAC 8.9.3. 11 (i) calculating need for childcare. This regulation proposes to allow for a childcare for childcare assistance to be provided for study and travel time. As it is currently proposed, "The clients and caseworkers shall negotiate a reasonable amount of study and travel time during the application process and special attention shall be paid to the child's specific needs." We think that the department needs to add a sentence that states that the reasonableness stated in the section will be an individualized determination based on the specific client's circumstances it needs.

That NMAC 8.9.3.13, client responsibilities, we strongly applaud the department's inclusion of seeking employment as a type of activity that qualifies for childcare assistance, and NMAC 8.9. 3.15 (D)(1), provider requirements. We support the change to allow childcare providers to continue to be paid as long as the child's absence does not exceed six weeks. Thank you so much. And thank you to the Secretary and all of her staff for everything they're doing. Sure. It's [REDACTED], and I work at the [REDACTED]. Thank you.

