

From: [REDACTED]
To: [ECECD-ECS-PublicComment](#)
Subject: [EXTERNAL] Proposed regulation public comment
Date: Thursday, September 15, 2022 1:31:00 PM
Attachments: [Video.MOV](#)

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Hello

My name is [REDACTED] and I would like to participate on the September 27, 2022 hearing to reflect potentially changing regulations surrounding surveillance. I believe that this is a portion of security and safety that the department needs more regulation. Information security, the data to the centers that have surveillance, and regulations saying that the center has to provide written protocols to systems, outline permissions to network admins or people with access to systems, the types of systems in place, the duration these systems record or store data and also more guidelines towards the investigation portion during investigation and how licensing can have more authority over the footage.

We need to have more information on each center and the way they provide intrusion protection. Many centers allowed students to use Wi-Fi leaving simple passwords leaving systems easy to intrude and participate in.

Recent attacks of terror towards children in the United States make me feel there is a need to be able to see what is going on during attack.

More information can be developed and submitted if time to speak is provided.

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.

#1

8.16.28.9.4.22 ADMINISTRATIVE REQUIREMENTS FOR CENTERS:

C. POLICY AND PROCEDURES: All facilities using these regulations must have written policies and procedures covering the following areas:

(8) an up-to-date emergency evacuation and disaster preparedness plan **and a plan for care during public health emergencies**, which shall include steps for evacuation, relocation, shelter in place, lock-down,

Comments: Every health emergency differs depending on the infection and transmission level. For example, the COVID health emergency was created within two years because the virus kept mutating. How can you have policies and procedures on an impending/potential pandemic when you do not know its nature? If we plan for every infectious disease in this world, our plan would be endless and ambiguous.

#2

(i) emergency procedures, safety policies, and disaster preparedness plan, and plan for care during a public health emergency;

Comments: How can we create a plan if we do not know the public health emergency or the nature of the disease?

#3

D. FAMILY HANDBOOK: All facilities using these regulations must have a parent handbook.

(2) POLICIES AND PROCEDURES:

(o) employee cellular telephone usage policy that directs and defines safe and appropriate use.

Comment: This item should not be regulated. It should be created at the discretion of each center and according to its needs in the personnel handbook but not in the parent handbook. Why does this policy need to be in the family handbook? Is the intent so families can report upset and the report be substantiated - how is a family member going to know when a staff person is in adherence to a policy vs. not, and how can we then prove if the complaint is investigated? For example, suppose my policy stated staff can use their cell phone to communicate with families and send pics through Procure. In that case, a parent comes into a classroom and just assumes that the teacher is on Facebook when they should be watching the children.

#4

F. PERSONNEL RECORDS:

(p) signed acknowledgement that all staff have reviewed and are aware of the center's disaster preparedness plan, plan for care during a public health emergency, and evacuation plan; and

Comment: same as #1 and #2

#5

(2) TRAINING

(iii) fire prevention measures, emergency evacuation plans, disaster preparedness plans, and plan for care during a public health emergency;

(iv) review of licensing regulations;

Comment: same as #1 and #2

TITLE 8 SOCIAL SERVICES

CHAPTER 16 CHILD CARE LICENSING

PART 2 CHILD CARE CENTERS, OUT OF SCHOOL TIME PROGRAMS, FAMILY CHILD CARE HOMES, AND OTHER EARLY CARE AND EDUCATION PROGRAMS

#1

D. FAMILY HANDBOOK: All facilities using these regulations must have a parent handbook. Upon updating the family handbook, changes must be approved and submitted to the licensing authority. After any changes, notice must be sent out to families, parents, or guardians and posted in a common area.

Comment:

Family Handbook states: "Upon updating the family handbook, changes must be approved and submitted to the licensing authority." I feel it should state 'Upon updating sections of the family handbook as outlined in regulations ...' (something like that) - the regs have a list of what should be included . . .if that list is updated, then we should notify them of those specific updates.

#2

F. PERSONNEL HANDBOOK: The educator will give each employee a personnel handbook that covers all matters relating to employment. Upon updating the personnel handbook, changes must be approved and submitted to the licensing authority. After any changes, notice must be sent out to families, parents, or guardians and posted in a common area.

Comment:

Personnel Handbook: It states, "Upon updating the personnel handbook, changes must be approved and submitted to licensing authority. After any changes, notice must be sent out to families, parents, or guardians and posted in a common area. The handbook will include the following critical contents: (then a list is provided). . ."

First off - a list of 'critical' contents is listed . . .so again, when those are changed, they should be reviewed by licensing - but NO OTHER personnel policy should be - same comments as above. But what I don't understand is our personnel policy would be sent out to families and posted? I can see the family handbook. . .and I can see requiring the personnel handbook being sent out to personnel and posted for them . . .but we should not be mandated to provide a copy of personnel policies to families.

#3

G. TOILET AND BATHING FACILITIES:

(1) A center shall have one sink in any room for infants, toddlers, and combination thereof. Centers licensed after November 30, 2012 shall have one sink and one toilet in any room that has children ages 24 - 35 months, which shall be used exclusively by the children in this room. All sinks referred to in this paragraph shall have permanent plumbing, hot and cold running water, and shall not be used for food preparation or bottle cleaning. A basin with multiple compartments with a shared faucet will be considered one sink.

Comment:

In rooms with one sink that are used for multi-purposes, there needs to be an option of following disinfecting guidelines between uses . . .not all schools can purchase a second sink, or has a cook to wash bottles, or has another room to bring toddlers to wash hands for meals, etc. There needs to be an appropriate second option / National Accreditation agencies have guidelines for the disinfecting of multi-use sinks between uses.

#4

(7) A director is responsible for one center only. Directors who are responsible for more than one center on the date these regulations are promulgated shall continue in that capacity. The director or co-director must be on the site of the center for a minimum of fifty percent of the center's daily core hours of operation.

Comments:

The Director's requirement of keeping their work schedule and documenting a director's hours for review when requested. This should not be regulated. Centers should be allowed to manage their own leadership - as long as the person on the license understands and is accountable for what happens in the school. Another issue: salaried employees (as most directors are) do not clock in and out, nor should they have too. Director is a management position.

#5

(3) Each child will have an individual bed, cot, or mat that is sanitized after each use, regardless of the same child using the mat or cot. Linens can be used multiple times over the course of a week but must be laundered before being used by another child.

Comments:

This regulation does not make sense, could you explain the logic behind it: "Mats and cots shall be cleaned and sanitized after each use regardless of the same child using the mat or cot. Linens may be used multiple times over the course of a week but must be laundered before being used by another child." So everyday our staff will clean the mats - remove the linen - clean the mat and then return the dirty linen? Our staff have enough paperwork and tasks at the at the expense of interacting with children.

#6

(1) DIRECTOR QUALIFICATIONS:

(a) Unless exempted under Subparagraph (b) below, a child care center will have a director who is at least 21 years old and meets the requirements outlined in the table below.

*The NAC and two years of experience in an early childhood growth and development setting will be accepted as sufficient qualification for a director under the following conditions: a) The NAC was received prior to November 30, 2012 and b) the NAC has been maintained and has not expired subsequent to November 30, 2012.

We need a change of language regarding the NAC. There is an asterisk under Director Qualifications with conditions of when it is accepted. Licensing surveyors tell directors across the state the NAC is not recognized, and then we come along with our proof it is - why not just keep it in the list of qualifications and remove the asterisk??