

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??

Oral Comment # 1

Good morning. My name is [REDACTED], I am the owner of [REDACTED] and [REDACTED]. I'm also part of [REDACTED]. And I'm coming here to voice the comments of several different providers. I'm going to start with NMAC 8.9.4.22.(c).8. So, an up to date, emergency evacuation and disaster preparedness plan and a plan for during a public health emergency which shall include the steps for evacuation, relocation shelter in place and lock down. So, the new addition in here was a plan prepared for during Public Health Emergency. So, I think this is, it will take a long time to create a Public Health Emergency because every health emergency be first, depending on infection and transmission level, for example for the COVID Public Health Emergency, it took us two years, you know, to come into a finalized plan. And that is because the provider couldn't plan ourselves. We couldn't have a plan for something that we don't know. So, and we don't know its nature. We don't know what is going to be a bacteria, a virus. So, what we did during COVID is we follow the governmental, the experts, right? and then our plan kept changing, so, I think that, that it would be an extra work, a waste of time to create a plan that we don't know its nature and our plan will be endless there's too many possibilities. And that is related to my next one, that is NMAC 8.9.4.22.(B).2.i

Also, once, Am I using procedures safety policies and disaster preparedness plan and a plan for care during Public Health Emergency. Again, we don't know the nature, you know? We're going to be creating something that we don't know what it's, you know? what is the nature? So, how can we take a comment that we don't know the public health emergency or the nature of the disease? My next comment is for section NMAC 8.9.4.22 (B)2.0.

About the policies and procedures we need for the family handbook and employee cellular telephone usage policy that directs and defines safe and appropriate use. I believe that this citage should not be regulated and that it should not be in the family hand book. Most of the providers they have their cellphone usage for our employees in our personal hand book, and most of them in my center I'm blessed that we can provide the tablet to my employees and there is a tool to communicate during that time from the teacher to the parents. Some centers don't they don't have the budget so they let the, their employees use their cell phone to communicate to the families. So, it could, you know if that is written in the family handbook it will open a can of worms for parents to complain and have help him, you know, if its investigated, how it's going to be proved? Right? So, that is should be at the discretion of each center.

My next one is the personnel records NMAC 8.9.4.22(F).1.(B) and its related again to the plan for care during the Public Health Emergency. So, a Public Health Emergency that we don't know its nature. And again, the next one is also related to the plan of care for the Public Health Emergency and it is for NMAC 8.9.4.23.(B).2. (B).(iii), too many regulations. So, and then, like I said, to the related to the plan of care for the Public Health Emergency we cannot create the plan for something that doesn't exist.

And also, I want to take the opportunity to review some of the previous changes I've worked on last year in 2021. And let me tell you a story. So that happened. We call little communication. And that communication happened when we were at the middle of the Delta spike and also in the middle of the labor crisis. So, most of our providers were dealing with following the regulations of the have regulations to keep our families children and staff safe from COVID and the new Delta so we had little opportunity to comment for the changes done last year and that they were effective in January 2021. I believe and I have my comment, but I believe those regulations were open. So then I, they need to be reconsider. And I have some of the ones that we would like to be reconsider is NMAC 8.9.4.22.(B) as long, with the, that means NMAC

8.9.4.22 (G) that every time we've changed in our family or personnel handbook, the authority the regulated authority, how do you call it? The licensing authority needs to be approved.

I believe that it's an overreach to private business that they have a right to create their own handbooks. Of course, we need to, other to the like to the department regulation and in the regulation, there is a list that we need to have but this should not be approved by the governmental agency.

We are private businesses we are not part of the government.

The other one that was changed back in 2021 was NMAC 8.9.4.29.(G).1 and now it says, let me start, I don't want to, of all sinks referred to in this paragraph should have permanent plumbing, hot and cold or running water, and shall not be used for food preparation or borrow cleaning. And this is the addition of the change last year. Addition multiple compartments with a shared faucet will be considered one sink. We have several centers that they have only one sink, two compartments. And that is, right now, with the inflation and, and raising of cost to provide care for our New Mexico children and raising of payroll too. So, this is going to be very hard on the providers. I don't know if you know, two years ago. If there is time. No problem. Thank you. Okay, that's a good Thank you.

Oral Comment # 2

We have a an online platform that we communicate with the parents called "Hi Mama" and it's live and the teachers use their cell phones to do that.

In addition, we also have drivers who are not allowed to use their cell phones when they're driving. But if a child is not where they're supposed to be at their after school, they need to call into the center in order for us to be able to find out what's going on with the child from the parent.

Sorry, I'm taking so long, on NMAC 8.9.4.23. (B). 1 there it states that the NAC certification is only valid if it was received prior to November 30, 2012.

And the NAC has been maintained and not expired. It's my understanding that even if it was taken after November 30, 2012. It's valid so the wording either needs to be changed or more instructions on if it truly is only prior to November 30, 2012. Thank you again