

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 issue new regulations for the following new rules 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

8.9.6 NMAC- GOVERNING BACKGROUND CHECKS AND EMPLOYMENT HISTORY VERIFICATION

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

Purpose of proposed rules: The purpose of the rulemaking is to promulgate 8.9.3 NMAC, 8.9.4 NMAC, 8.9.5 NMAC and 8.9.6 NMAC, which are amended versions of 8.15.2, 8.16.2, 8.17.2, and 8.8.3 NMAC respectively. ECECD is promulgating these rules to provide for its own agency regulations concerning licensed child care, registered child care, child care assistance, and background check clearances.

Summary of Proposed Rules: ECECD is proposing new rules 8.9.3 NMAC, 8.9.4 NMAC, 8.9.5 NMAC and 8.9.6 NMAC to replace and update 8.15.2 NMAC, 8.16.2 NMAC, 8.17.2 NMAC, and 8.8.3 NMAC to: (1) change references from the Children Youth and Families Department (CYFD) to the ECECD as the department responsible for enforcing these regulations; and (2) provide minor updates to the regulations for licensed child care, registered child care, child care assistance, and background check clearances in order to clarify the previously enacted regulations in 8.15.2 NMAC, 8.16.2 NMAC, 8.17.2 NMAC, and 8.8.3 NMAC, or provide necessary updates in order to protect the health, safety, and welfare of children and improve ECECD's child care assistance program.

Copies of the proposed amended rules may be found at ECECD's website at [Regulation Changes | Early Childhood Education & Care Department \(nmececd.org\)](https://www.nmececd.org/)/ 30 days prior to the Public Hearing.

Notice of public rule hearing: The public rule hearing will be held on September 27th, 2022, from 9:00 a.m. to 10:00 a.m. for 8.9.3 NMAC; 10:00 a.m. to 11:00 a.m. for 8.9.4 NMAC; 1:00 p.m. to 2:00 p.m. for 8.9.5 NMAC; and 2:00 pm to 3:00 p.m. for regulations 8.9.6 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 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. 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@state.nm.us or call (505) 231-5820. 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@state.nm.us with the subject line "Proposed Regulation Public Comment" or via

first class mail to P.O. Drawer 5619, Santa Fe, New Mexico 87502 – 5619. Written comments may be delivered to the Old PERA building at 1120 Paseo De Peralta on September 27th, 2022, from 9:00 a.m. to 3:00 pm. The comment period ends at the conclusion of the public hearing on September 27, 2022.

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: please call 1-346-248-7799, access code 679 596 6590#. 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/6795966590>, and follow the instructions indicated on the screen – Meeting ID (access code): 679 596 6590. This will be a live stream of the hearing. You may also provide comment via Chat during the live streaming.