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Settlement agreement ensures child care assistance is more accessible to NM families

FOR IMMEDIATE RELEASE

April 22, 2021

ALBUQUERQUE, NM – Today, the New Mexico Early Childhood Education and Care Department (ECECD) and several New Mexican parents and OLÉ—a non-profit, grassroots member organization of working families—announced that they have come to a settlement agreement that will expand access to the state’s child care assistance program and require it to be more responsive to parents’ needs. The parents and OLÉ are represented by the New Mexico Center on Law and Poverty (NMCLP).

The settlement agreement resolves a 2018 lawsuit filed during the previous administration that alleged the New Mexico Children Youth and Families Department (CYFD), which then housed child care assistance services, was denying child care assistance to eligible families.

CYFD and plaintiffs began the process of addressing the issues raised in the lawsuit and entered into an initial settlement agreement in spring 2019. After Governor Michelle Lujan Grisham and the New Mexico State Legislature created the Early Childhood Education and Care Department in 2019, the Child Care Services Bureau was consolidated along with all other early childhood programs into the new department. ECECD became the responding agency to the lawsuit following the department’s official launch in July 2020 and has committed to working with NMCLP and OLÉ to fully address the issues identified in families’ lawsuit.

"This settlement reflects the child care system that parents are building with Secretary Groginsky for all New Mexicans," said Alma Martell, a parent leader from OLÉ. "It makes an early education more affordable to more parents and makes the process of getting state assistance to pay for preschool much easier, kinder, and more like what we expect of a high-quality early education system."

"It's clear that Secretary Groginsky and the department are committed to expanding access and making child care assistance work for New Mexican families," said Tim Davis, an attorney at the New Mexico Center on Law and Poverty. "The department has sought out and listened carefully to parents, and the improvements to the program reflect that collaboration and the reality of working families. The



Department has made changes that are truly groundbreaking and acknowledge that quality affordable child care is a bridge to opportunity for families and their children.”

“ECECD is committed to ensuring that every eligible family in New Mexico can receive child care assistance in a fair, equitable, and transparent manner,” said ECECD Secretary Elizabeth Groginsky. “Access to high quality early childhood education is critical to the development of our young children and vital to the economic stability of our families. In the nine months since our department officially launched, we have worked to change regulations to make it easier for families to apply for assistance, waived all parent co-pays until July 2022, and continue to seek ways to expand eligibility for child care assistance for families in our state.”

The terms outlined in the settlement agreement include:

- Maintaining eligibility for families with incomes at or below 250% of the federal poverty level unless the Department reduces eligibility through a rulemaking process with public input.
- By August 2021, or sooner, ECECD will ensure that participating families know when and why a change is made to their child care assistance case. Notices will also clearly explain why child care assistance is denied or terminated and will provide information on how to appeal the decision. ECECD has already taken major steps to comply with this requirement.
- By December 31, 2021, ECECD will make the final updates to its child care assistance regulations so families receive correct information about their benefits during the application process, which will increase access to child care with minimal administrative burdens.
- ECECD will train all staff on the changes and the changes to the notices, which has already begun and will continue as ECECD fulfills its obligations under the settlement.
- For three years, ECECD will hold meetings with participating families and follow up meetings with the plaintiffs to discuss the feedback, and any potential remedial next steps.
- ECECD will not be required to pay any attorney fees, so long as it remains compliant with the terms of the settlement.

The settlement agreement builds upon other recent important changes that ECECD made to the child care assistance program that expand access, including giving benefits to parents looking for work, streamlining income determinations, increasing eligibility to families with incomes up to 250% of the federal poverty level, ending the exclusion of graduate students, and no longer forcing parents to pursue child support from an absent parent in order to qualify for assistance.

Currently one-in-three New Mexican families qualify for free or reduced child care tuition through ECECD’s child care assistance services. Families can learn about eligibility and apply for assistance at: <https://eligibility.eecd.state.nm.us/eligibility/public/home.page?dswid=-4195>

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