

8.9.3 and 8.9.4 NMAC Amendments to Comply with SB241

September 15, 2026, 6-7:15 p.m.

September 16, 2026, 6-7:15 p.m.

September 17, 2026, 12-1:30 p.m.

Webinar Presented by ECECD leadership.



Instrucciones de Interpretación

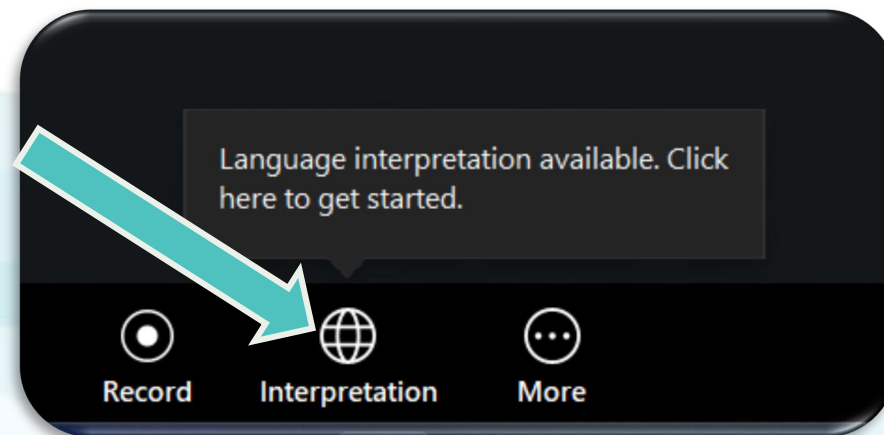
Inglés > Español

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Paso 1: Seleccione el símbolo de interpretación y Elija del menú *Español 2*

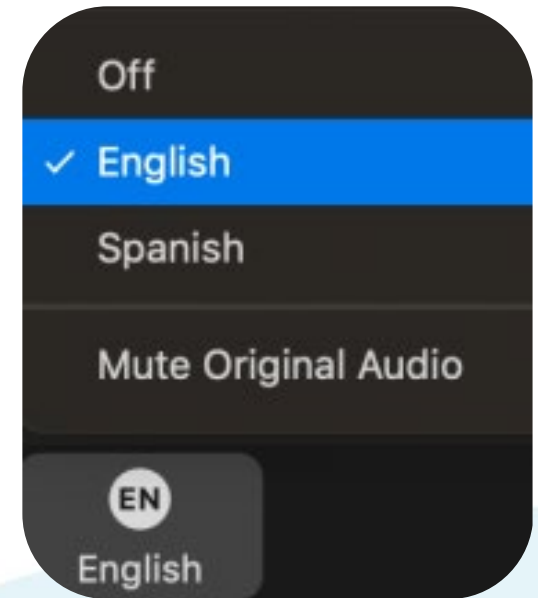
Localize el símbolo de Interpretación

1. Busque el ícono de **Interpretación** (globo) en la barra inferior.
2. Si no lo ve, presione **Más (More)** (...) y seleccione “Interpretation”.
3. En celular, **deslice hacia la izquierda** en la barra inferior para encontrar **Interpretación**.



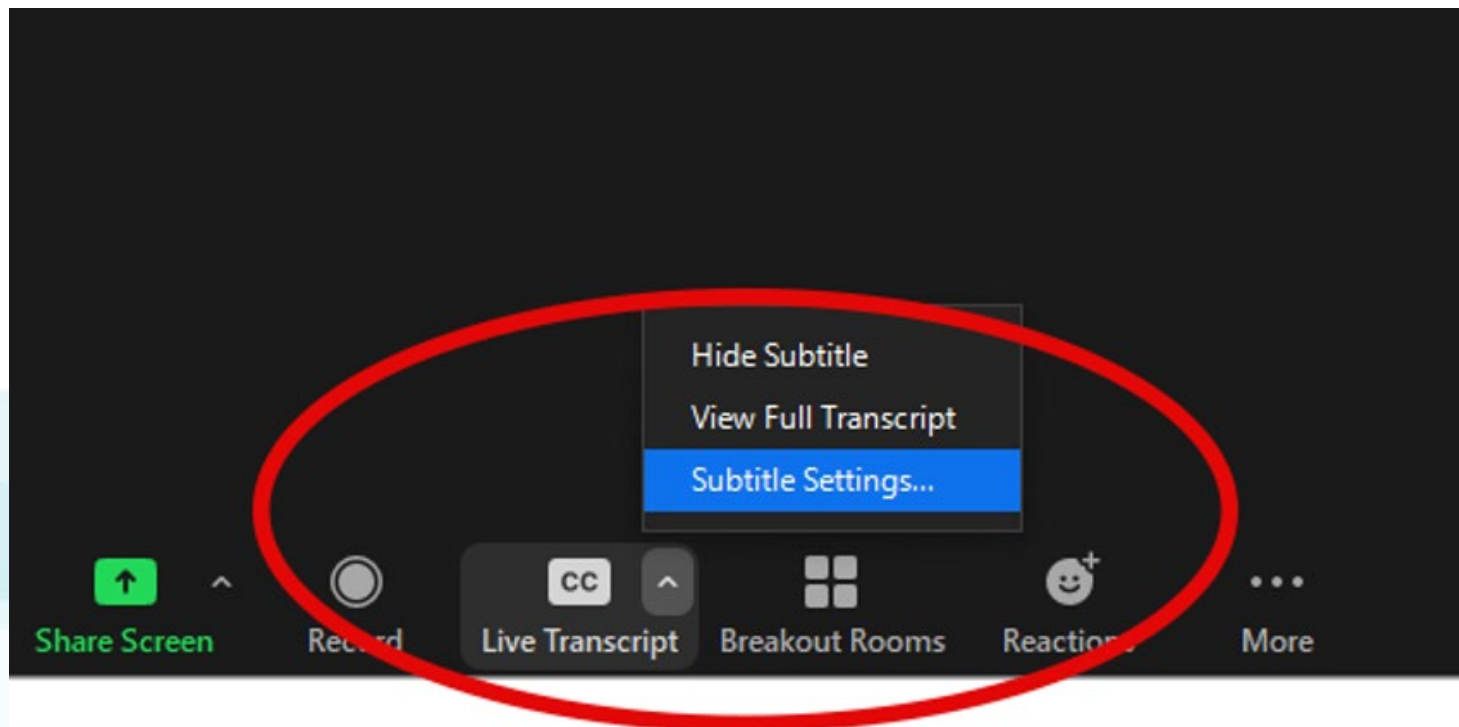
Paso 2 Audio: Elija del menú *en Español*

- Vas a ver el menú; clic “Spanish”
- Si usted prefiere escuchar SOLO Español, también clic “Mute Original Audio” De lo contrario, oirás el español alto y claro y el inglés en voz baja.
- Usted escuchara ahora la interpretación en Español.
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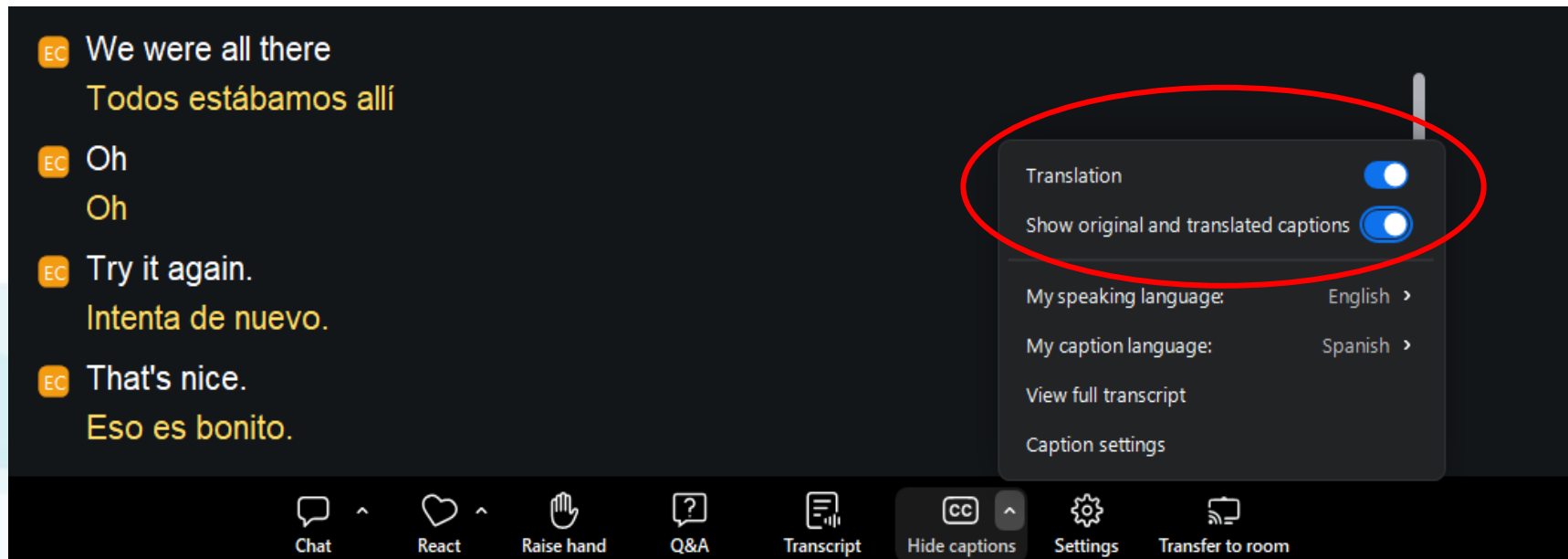
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Agenda

1. Actions in support of the Child Care Sector.
2. Overview of Rulemaking Process.
3. Accessing the Final Rule that complies with SB241.
4. Overview of the Final Rule that complies with SB241.
5. Summary of Revisions in the Final Rule.
6. Highlights for Families.
 - Potential Copayments.
7. Highlights for Providers.
 - Mandatory Wage and Benefit Spending.
 - Provider Reporting Requirements.
 - Reporting, Privacy, and IPRA.
 - Other Highlights.
 - Changes for Out-of-School Time Providers.



Actions in Support of the Child Care Sector

- Set reimbursement rates based on the cost of care since 2021.
- Waived parent copayments since 2022.
- Increased infant and toddler rates by 109% since 2018.
- Eliminated gross receipts tax for child care assistance.
- Established low-interest child care revolving loan fund.
- Cover the cost of background checks for all child care staff.
- Make available high-quality professional learning at no cost to providers.
- Offer scholarships, pay parity, and wage supplements for child care staff.
- Fund a staffed family child care network and business supports.
- Implemented the Developing Futures campaign to recruit early childhood professionals.
- Enacted SB241 – codified Universal Child Care.
- Enacted SB96 – removed long-term zoning barriers to child care supply growth.

Rulemaking Process

- ECECD recently completed updates to 8.9.3 NMAC and 8.9.4 NMAC. These are the state rules that govern the Child Care Assistance Program (8.9.3 NMAC) and Child Care Licensing (8.9.4 NMAC).
- Updates bring these regulations into compliance with the Child Care Assistance Program Act, or Senate Bill 241 (SB 241), a law passed by the state legislature earlier this year.
- ECECD began the rulemaking process on June 9 and held a public hearing on July 9. After reviewing public comments and making some revisions, the final regulations (8.9.3 & 8.9.4 NMAC) were published and became effective on September 9, 2026.

Accessing the Final Rule

- View public comments related to the rule in the “8.9.3; 8.9.4 NMAC Rule Change” folder on [ECECD’s Rulemaking Webpage](#).
- View ECECD’s official responses to the public comment and its explanatory statements on the [Sunshine Portal](#) or [uploaded on ECECD’s Rulemaking Webpage](#).
- Read the final text for [8.9.3 NMAC](#) or [8.9.4 NMAC](#) on ECECD’s Rulemaking Webpage, on the [New Mexico Register](#), or on the [Sunshine Portal](#).

Overview of Final Rule (1 of 2)

Final rules for 8.9.3 NMAC – Child Care Assistance:

- Updated qualifying activities and statuses for eligibility.
- New hours of care requirement for families earning over 600% of the Federal Poverty Level.
- New conditions for the potential implementation of copayments or waitlists.
- Updated copayment rules and new waitlist rules.
- New prioritization rules for federally-eligible school-age children.
- New requirements for providers, including data reporting and wage and benefit spending.
- New rules for fees for meal reimbursement.
- Updated payment rate language for licensed family homes.
- Updates to definitions and rule structure for organization and clarity.

Overview of Final Rule (2 of 2)

Final rules for 8.9.4 NMAC – Child Care Licensing:

- Updates to personnel records and PDIS storage requirements.
- Updates to clarify requirements for Department of Defense certified homes.
- Inclusion of staffing ratios and group-sizes for Montessori programs.
- Updated policy, procedure, and program requirements for Out-of-School Time Programs.
- Updates to the definitions section for clarity and consistency.

Summary of Changes in Final Rule (1 of 3)

Mandatory Spending on Wages and Benefits.

- New requirement that **at least 50%** of Child Care Assistance revenue must be spent on staff wages and benefits.
- List of qualifying roles for the above requirement includes directors, assistant directors, teachers, substitute teachers, floaters, administrative support, cooks, transportation and custodial staff.
- Waiver process added.

Summary of Changes in Final Rule (2 of 3)

Reporting Requirements for Child Care Assistance.

- Effective date of all new Child Care Assistance reporting requirements is July 1, 2027.
- Biannual wage and benefit reporting requirement for providers.

Personnel Records in the Professional Development Information System (PDIS).

- Staff are not required to upload personal address, telephone number, and emergency contact information into PDIS.
- Some personnel records must be maintained in PDIS and others outside of PDIS and made available to ECECD upon request.

Summary of Changes in Final Rule (3 of 3)

Record Retention.

- Final regulations includes a requirement that providers maintain all Child Care Assistance documentation for five years and make them available to ECECD upon request.

Highlights for Families (1 of 2)

- Families who are employed, in school, or in job-training qualify for Child Care Assistance, regardless of income.
 - Grandparents raising grandchildren, foster parents, young parents, and families participating in the CARA program, receiving TANF, or experiencing homelessness also qualify for assistance.
- New conditions for copayments or waitlists.
 - If certain conditions occur, ECECD will implement copayments for higher income families and/or waitlists to preserve program funds for families most in need.
 - Triggers include more children enrolling in the program than expected (3% over Aug. 1 projections), stagnation in state general fund revenue, changes in the Consumer Price Index, or falling oil prices.

Highlights for Families (2 of 2)

- There is no waitlist to receive Child Care Assistance in effect at this time. If waitlists are triggered, ECECD will prioritize applications for assistance in the following order:
 1. Families receiving TANF and with incomes less than 150% FPL are exempt from the waitlist.
 2. Children with disabilities or who are deemed “at-risk” by ECECD.
 3. Families with infants and toddlers with household incomes below 400% FPL.
 4. Other families within lower income brackets, proceeding to progressively higher income brackets, based on ECECD’s available funds.
- New hours of care requirement for higher income families.
 - Families who are above 600% FPL will receive Child Care Assistance only for the hours of care supported by their qualifying activity schedule.
 - Families at or below 600% FPL do not need to match their qualifying activities to their hours of care but must meet other activity requirements set forth in regulation.

Copayments

- ECECD will send official notice to families 90 days before copayments go into effect.
 - Copayments are still waived for families below 600% of the federal poverty line (FPL) (\$198,000 annually for a family of four).
 - Copayments for families between 600% FPL and 900% FPL (\$198,000 to \$297,000 annually for a family of four) will not exceed 3% of monthly income and will not exceed 25% of the rate paid to the child care facility for the child.
 - Copayments for families above 900% FPL (\$297,000 annually for a family of four) will not exceed 7% of monthly income and will not exceed 50% of the rate paid to the child care facility for the child.

Applying for Universal Child Care

How to Apply:

- Find a child care provider using the [Child Care Finder website](#).
- Visit the [Child Care Assistance website](#) and click on “Apply for Services.”
- Or call 1-800-832-1321.
- Email child.care@state.nm.us if you have any questions or concerns about applying for child care assistance.

Mandatory Spending on Wages and Benefits

- Providers must spend at least fifty percent (50%) of Child Care Assistance payments on wages, mandatory taxes, and benefits for certain staff positions.
 - “Wages and benefits” also includes mandatory taxes related to employment.
- List of qualifying roles for the above requirement includes directors, assistant directors, teachers, substitute teachers, floaters, administrative support, cooking personnel, transportation staff, and custodial staff.
- Waiver process added to review request to include other daily, on-site operational roles that are not expressly included in the rule.

New Reporting Requirements (1 of 2)

- Providers must report annually on the total amount spent in the previous calendar year on employee salaries and benefits for the roles specified in the regulations beginning July 1, 2027.
- Providers must report twice a year on the salaries, benefits, and professional qualifications of staff members, including staff member's roles as established in the wage scale and career lattice (the wage and career lattice is posted to the ECECD Website: [Wage-Scale-ECECD-Report 12825.pdf](#)), beginning July 1, 2027 and January 15, 2028.
- Providers must report monthly Child Care Assistance Program participation through submission of daily attendance records, beginning July 1, 2027.

New Reporting Requirements (2 of 2)

Providers must report annually on certain facility business information beginning July 1, 2027:

- Legal name and address of business.
- Legal name and address of any management company, owner or entity with a direct or indirect ownership interest.
- Name and address of any members of board of directors, if applicable.
- Legal structure of the business, including form of organization.
- Legal structure of any owner or ownership entity.
- Each investment in the business by any person or entity comprising a ten percent equity stake or greater.
- Each debt or lien against the business comprising at least ten percent of the annual revenue of the business.
- Documentation of any changes in ownership in the last five years.
- All details of any out-of-state sources of funding or investment.

Professional Development Information System (PDIS)

- The Professional Development Information System (PDIS) was officially launched in February 2026.
- Providers were given six months from February 2026 to join the platform and enter the required information.
- Effective September 1, 2026, ECECD licensing began enforcement of the PDIS requirements. Providers who are not using the platform per regulatory requirements may receive a citation.
- Visit the [PDIS Webpage](#) for technical assistance, user guides, and other support.

PDIS in the Final Rule (1 of 2)

- Final rules now requires providers to maintain some personnel records in PDIS and some records outside of PDIS, and to be made available to ECECD upon request.
- Employee address, telephone number, and emergency contact information **do not** need to be uploaded and maintained in PDIS.
- PDIS requirements have been updated for Centers, Licensed Homes, and Out-of-School-Time Programs.

PDIS in the Final Rule (2 of 2)

Providers must maintain in PDIS:

- Name, current position, dates of hire and termination.
- Documentation of a background clearance and employment history verification.
- Annual signed statement that the individual would or would not be disqualified as a direct provider of care.
- Documentation of all completed training, including first-aid and CPR.
- Written plan for each staff member's ongoing-professional development.
- Signed acknowledgement staff has read and understands the personnel handbook.

Providers must maintain outside of PDIS and make available to ECECD upon request:

- Staff members' current and past duties and responsibilities.
- Staff members' emergency contact information.
- Results of staff members' performance evaluations.
- Staff members' history of administrative actions or reprimands.

Reporting, Privacy, and IPRA (1 of 2)

- Data collected by ECECD under the Child Care Assistance Program Act is subject to the Inspection of Public Records Act (IPRA). Creating an IPRA exception for this data would require a statutory change by the legislature and governor.
- **Background clearance information is not subject to IPRA** and is not kept in the Professional Development Information System (PDIS). Sensitive background clearance information, like a social security number or date of birth, is not released in response to a public records request.

Reporting, Privacy, and IPRA (2 of 2)

- ECECD strengthens IPRA exposure safeguards by maintaining secure storage environments, consistent redaction procedures, and conducting a structured review of any PDIS-related records prior to release.
- ECECD applies established state IT security safeguards to all sensitive data stored in PDIS.
- Access to nonpublic personnel information is restricted through ECECD role-based permissions and minimum necessary use, secure transmission protocols, auditing, and monitoring controls to help detect and prevent unauthorized access.
- IT staff and contractors comply with state IT security standards, including encryption, authentication controls, and quality assurance requirements, ensuring that confidential information remains protected throughout system development and maintenance.

Highlights for Providers (1 of 2)

- Final rules may allow for providers to charge fees for meal reimbursement:
 - Providers who do not participate in the Child and Adult Care Food Program (CACFP) may charge a reasonable fee to reimburse the cost of meals served during operating hours.
 - Providers participating in the CACFP non-pricing program shall not charge any fees for meals or snacks.
 - Providers participating in the CACFP pricing program shall not charge participants who qualify for the free rate, but may charge the difference between the highest USDA reimbursement rate and the reimbursement rate for children eligible for the reduced-price or paid rate.

Highlights for Providers (2 of 3)

- New records maintenance requirement for Providers.
 - Final rule requires providers to maintain all documentation related to the Child Care Assistance Program for at least five years after the termination of a CCA contract and make these records available for inspection upon request by ECECD.
- Notification of ownership changes.
 - Per 8.9.4.11(C) NMAC, when the owner of the facility changes, the license will be void and the licensee shall return it to the licensing authority.
 - Providers must notify ECECD of any ownership changes no later than 60 days after the change becomes effective.

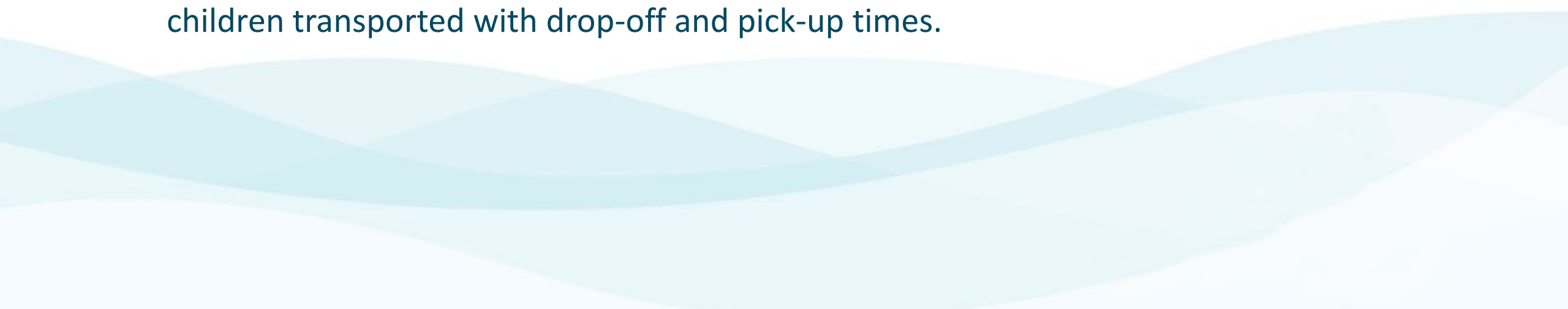
Highlights for Providers (3 of 3)

- Provider referral and training requirements.
 - Must refer at-risk children and children with special needs to appropriate programs, including appropriate tribal department for services.
 - Must meet and maintain required training to identify and refer at-risk children and children with special needs.

Changes for Out-of-School-Time Programs (1 of 2)

- Must implement written policies and procedures in the following areas:
 - Accidents and emergencies.
 - Child admission and discharge.
 - Expulsions.
 - Handling of medications.
 - Handling of complaints.
 - Actions to be taken in the case children are discovered missing or unattended.
 - Handling of children who are ill.
 - Emergency evacuation and disaster preparedness.
 - Promotion of equal access of services.
 - Ensure safe, developmentally appropriate delivery of educational and recreational activities.
- Must establish an education and recreation policy.

Changes for Out-of-School-Time Programs (2 of 2)

- Must provide materials that reinforce and complement the regular academic program.
 - Programs should reflect local community strengths, cultural knowledge, student interests, and create meaningful opportunities for family engagement.
 - Must provide 75 square feet of outdoor activity space for each child using the outdoor area at one time.
 - Drivers transporting children must have a way to communicate via telephone, radio, or similar device the number of children being transported and maintain a log of all children transported with drop-off and pick-up times.
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Questions and Answers



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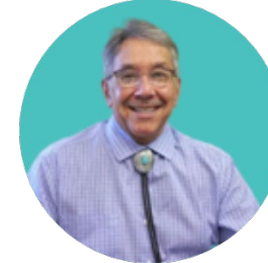
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