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Introduction

The enactment of Senate Bill 241 on March 10, 2026, codified in statute New Mexico's historic and nation-leading universal child care program. New Mexico's universal child care first took effect on November 1, 2025, when the state began offering child care assistance at no cost to families regardless of income. Since then, over 25,000 new children have been enrolled in the child care assistance program and more than 47,000 children have received assistance in 2026. Sixty-two percent of newly enrolled families had incomes below the previous eligibility cap, underscoring how universal child care improves access for families at all income levels.

New Mexico's investment in universal child care is a fundamental commitment to its children and families and a bridge to building a stronger, more prosperous New Mexico economy that will lead to better opportunities for all residents. Child care is essential to family stability and workforce participation. Today, universal child care is reducing financial strain for tens of thousands of New Mexican families, saving them an average of $12,000 per child each year and giving parents more freedom to pursue stable jobs and fulfilling careers, pay bills, and save and plan for the future. Testimony from parents across the state has made clear this historic achievement is already transforming and benefiting family well-being. Universal child care is also important for children's healthy growth, development, and learning. The program helps make sure that when parents are at work or school, children are in early education and care settings that support their developmental and learning needs so that every child has an equitable opportunity to be successful in school. Ensuring all children have access to high-quality child care is a priority for the department and the state.

The state's universal child care program offers parents a variety of child care settings and options. The mixed delivery system of providers gives parents choices with nonprofit, for-profit, secular, faith-based, and Tribal child care in centers and home-based settings. New Mexico PreK and the federal Early Head Start and Head Start programs are also important parts of New Mexico's early education offerings that help meet the needs of children and families and can be used in combination with child care assistance to create a full-day, full-year program. New Mexico's universal child care program is now funded at $606 million annually, and more than 85 percent of all providers receive funding through universal child care. While most child care in New Mexico is delivered by non-profit and for-profit businesses, it is now primarily publicly funded. Testimony from providers makes clear this investment is stabilizing and helping the child care sector grow to better meet the needs of children and parents.

The universal child care program is structured to promote quality care that supports children's development, competitive compensation for the staff that provides this essential service to children and families, incentive supply growth and stable business operations so parents can find the child care that meets their needs. Competitive and fair compensation for the workforce who care for New Mexico's children is particularly critical to these goals, the long-term success of the state's universal child care program, and the prudent use of public dollars. The program uses a cost-estimation model to inform the child care assistance rates it pays providers. The model is informed by engagement with providers and comprehensive data analysis of what is needed to sustainably support staffing patterns, quality service delivery, program size, child age, non-personnel expenses, hours of operation, and health and safety standards. New Mexico has

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prioritized multiple payment rate increases over the past five years, which has helped drive a 27 percent increase in licensed capacity and a 20 percent increase in the number of licensed child care providers. Entry wages in the cost-estimation model have risen from $12.10 per hour to $18 per hour over this period, which has helped strengthen the stability of the state's child care workforce, which has grown by 64 percent. These rules build on these accomplishments and take additional important steps to strengthen the workforce by setting a minimum portion of state payments that must go to staff salaries and benefits.

These rules further codify New Mexico's historic universal child care program with the passage of SB 241. They set forth the structure of a program designed to meet the needs of children and families, support the essential staff who care for our children, and promote a stable child care sector that can meet the needs of our families in ways that will strengthen New Mexico's economy. They also complement the department's ongoing efforts to build the supply of high-quality care, increase the compensation and professional development of the child care workforce, and reduce barriers to supply growth. The department offers free professional development, and technical assistance to child care providers and free coaching for providers participating in its FOCUS quality system to enhance classroom quality and help build a stronger early childhood workforce for the future. The department is also in the final stages of a multi-year effort to redesign the FOCUS quality rating and improvement system based on community feedback and research of best practices for supporting children's development and well-being. In addition, the department this fiscal year will pilot a cross-sector Wage Scale and Career Ladder, based on the recommendations of an implementation work group convened to develop structures that recognize and compensate the expertise, experience, and credentials of early childhood professionals. The department is also focused on the physical infrastructure necessary to meet the demands of universal child care. Strategic capital investments in child care facilities paired with the removal of local zoning barriers through the Regulated Child Care Zoning Requirements Act actively incentivize the construction, renovation, and expansion of child care supply statewide. Together, New Mexico's historic achievement of universal child Care along with these other key department initiatives are building an equitable high-quality child care system that will create a stronger future for New Mexico's residents.

Statement of Purpose

To implement Senate Bill 241 and provide necessary updates to the licensing and child care assistance program regulations, the New Mexico Early Childhood Education and Care Department (ECECD) is amending New Mexico Administrative Code Sections 8.9.3 and 8.9.4. The final rule updates regulations to codify requirements in Senate Bill 241 and essential to the implementation of universal child care. These changes are detailed in the explanatory statements below.

Notice of Rulemaking and Public Comment

On June 9, 2026, a Notice of Rulemaking and Public Rule Hearing was published in the New Mexico Register for the proposed amendments to 8.9.3 NMAC and 8.9.4 NMAC. A copy of the Notice as well as a copy of the proposed amendments were posted on the Early Childhood Education and Care Department's website on the same day. Public comments were accepted

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from the posting of the Notice on June 9, 2026, through the end of the public hearing on July 9, 2026. The hearing was held in Santa Fe, NM, on July 9, 2025, where ECECD provided the public with the opportunity to offer comment on the proposed amendments. In total, ECECD received 183 written comments and 89 oral comments.

Discussion of Rule Changes

CHILD CARE ASSISTANCE, 8.9.3 NMAC

Portion of child care assistance rate required for wages and compensation

Ensuring that New Mexico's child care payments to providers are prioritized for the compensation and benefits of the workforce involved in the daily operations of caring for children is essential for all children to receive high-quality care and strong stewardship of public dollars. The final rule requires providers put at least half of child care assistance from ECECD towards the wages and compensation of their staff. Child care is a labor-intensive service because young children need individualized care and attention to ensure they are safe, happy, and learning while away from their families. In New Mexico and across America, child care workers have long been underpaid for the essential work they do caring and educating our children because the child care system is a broken economic market and parent fees cannot cover fair wages and compensation. Inadequate wages and compensation keep new professionals from entering the profession, spur high turnover rates, suppress supply, undermine the quality of care, and limit parents in finding the care they need. For these reasons, ECECD has prioritized multiple initiatives in the past five years to improve wages and these efforts , and they have risen 65 percent. It is critical that New Mexico's landmark universal child care program build on this success and ensure this substantial public investment create a system of fair and competitive wages and compensation for child care staff. This is fundamental to a successful New Mexico universal child care program and for the needs of children and families being met by this system and why SB 241 requires ECECD to set the portion of child care assistance required for wages and compensation. At the same time, child care providers need sufficient budget flexibility to maintain stable business operations and there must be sufficient flexibility for supply growth.

The final rule requires providers to use at least fifty percent of the child care assistance funding received from ECECD for the wages and compensation of specific staff. Calculation of the fifty percent includes the wages, benefits, and mandatory taxes of directors, assistant directors, teachers, assistant teachers, substitute teachers, floaters, administrative support involved in daily operations, cooking personnel involved in daily operations, transportation staff involved in daily operations, and custodial staff involved in daily operations. ECECD expects this list of staff to be standard in almost all instances, but in the rare case where a provider has a staff member critical to the daily provision of care for children not included in this rule, providers may apply for a waiver to include additional staff who provide daily on-site operational support at the child care facility. The required minimum portion for staff required in the final rule provides sufficient flexibility for sustainable business practices while prioritizing staff compensation. The requirement reflects the vital importance of ensuring that New Mexico's investments in a universal child care system both support a sustainable child care sector that can meet the needs of

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children and families but that the investments are primarily used to compensate the professionals who deliver that care and education.

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Business Reporting Requirements

The final rule includes reporting requirements as required by SB 241 to ensure effective implementation and accountability of the child care assistance program by ECECD and the Legislature. SB 241 required ECECD to establish regulations to ensure effective implementation of reporting requirements, responsibilities, and accountability for the child care assistance program. These reporting requirements are commensurate with the significant fiscal investment by the state of New Mexico in the child care assistance program and the importance of strong oversight and good stewardship of this important investment.

As required by SB 241, the final rule requires businesses to report specific information on their business structure and operations. This includes information such as the legal structure of the business, some debts and liens against the business, out-of-state sources of funding, hours of operation, and employee benefit structure. The rule requires providers to begin reporting this information to ECECD by July 1, 2027 and annually by July 1 of each year thereafter.

Also as required by SB 241, the final rule requires businesses to report the total amount spent in the previous calendar year on employee salaries and benefits for specified roles. Providers must begin reporting this information to ECECD by July 1, 2027, and annually by July 1 of each year thereafter. Providers must also report wages benefit, and professional qualification of each employee, including staff members' roles and levels as established in the department's wage scale and career ladder framework. This information, which is also required by SB 241, must first be reported by July 1, 2027, and biannually by January 15 and July 1 of every year thereafter.

Concerns raised by the public about this information not remaining confidential within the department because it would be subject to disclosure requests under the Inspection of Public Records Act (IPRA) cannot be addressed without a statutory exception provided by the Legislature. The rule no longer requires staff addresses and telephone numbers be included in the data system to address safety concerns raised by commenters.

CHILD CARE LICENSING, 8.9.4 NMAC

Professional Development Information System

In 2026, the department launched the professional development information system (PDIS) as part of its ongoing efforts to modernize the licensing system, enhance professional development and learning support, and better understand the roles, credentials, and wages of the early childhood workforce. PDIS will be used by the department to streamline some licensing processes and reduce burden on providers and the child care workforce. PDIS will also be used to strategically design policies and practices aimed at advancing a well-compensated and credentialed workforce, including implementing the Wage Scale and Career Ladder. To effectively meet these important purposes for the field and the department, the final rule requires

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providers to maintain some personnel information in PDIS. The department does not require or expect an employee's entire personnel file to be uploaded to PDIS and the final rule clarifies what information is required to be maintained within PDIS and what information is required to be maintained by the provider outside of PDIS and made available for review upon request. The department notes that verification of background check results are to be included in PDIS but this data is limited only to results and the date of the background check and does not include any other information about the applicant, the application, the results, or the findings.

Concerns raised by the public about this information not remaining confidential within the department because it would be subject to disclosure requests under the Inspection of Public Records Act (IPRA) cannot be addressed without a statutory exception provided by the Legislature. The rule no longer requires staff addresses and telephone numbers to be included in the data system to address safety concerns raised by commenters.

Copayments

New Mexico's universal child care program provides child care assistance at no cost to families.

Copayments for some families will only go into effect if specific economic conditions in the state occur. If copayments policies are triggered by economic conditions, copayments may be assessed for families making over six hundred percent of the federal poverty line, which would be fewer than ten percent of families. The amount of copayment would be determined by income, household size, and federal poverty guidelines and published yearly by ECECD. Families would be given a 90-day notice period before any copayment would be issued.

The state conditions that would potentially trigger ECECD instituting any copayments are: the number of children receiving child care assistance exceeds the year's projected enrollment by three percent; the state recurring general fund revenue growth percentage is projected to be lower than the percentage change in the annual consumer price index for urban consumers in the prior calendar year; the 12-month average percentage change in the annual consumer price index for urban consumers exceeds three percent; the average price for west Texas intermediate crude oil during the appliable fiscal year is less than fifty dollars per barrel; or the department identifies an additional condition. If copayments are triggered, the state will pay copayments for families at or below 600 percent of the federal poverty level.

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8.9.4 NMAC – Explanatory Statement

8.9.4.7

Current Language	Proposed Language	Final Adopted Language
8.9.4.7(N)(1) NMAC	*8.9.4.7(N)(1) NMAC*	*8.9.4.7(N)(1) NMAC*
N. Terms beginning with the letter "N":	**N. Terms beginning with the letter "N":**	**N. Terms beginning with the letter "N":**
(1) **"National accreditation status"** means the achievement and maintenance of accreditation status by an accrediting body that has been approved by ECECD. ECECD determines the program criteria and standards to evaluate and approve accrediting bodies. The following are the only national accrediting bodies that are approved by ECECD:	(1) **"National accreditation status"** means the achievement and maintenance of accreditation status by an accrediting body that has been approved by ECECD. ECECD determines the program criteria and standards to evaluate and approve accrediting bodies. The following are the only national accrediting bodies that are approved by ECECD:	(1) **"National accreditation status"** means the achievement and maintenance of accreditation status by an accrediting body that has been approved by ECECD. ECECD determines the program criteria and standards to evaluate and approve accrediting bodies. The following are the only national accrediting bodies that are approved by ECECD:
(a) the association of Christian schools international (ACSI);	(a) the association of Christian schools international (ACSI);	(a) the association of Christian schools international (ACSI);
(b) the council on accreditation (COA) for early childhood education and after school programs;	(b) the council on accreditation (COA) for early childhood education and after school programs;	(b) the council on accreditation (COA) for early childhood education and after school programs;
(c) the international Christian accrediting association (ICAA);	(c) the international Christian accrediting association (ICAA);	(c) the international Christian accrediting association (ICAA);
(d) the national accreditation commission for early care and education programs (NAC);	(d) the national accreditation commission for early care and education programs (NAC);	(d) the national accreditation commission for early care and education programs (NAC);
(e) the national association for the education of young children (NAEYC) academy for early childhood program accreditation;	(e) the national association for the education of young children (NAEYC) academy for early childhood program accreditation;	(e) the national association for the education of young children (NAEYC) academy for early childhood program accreditation;
(f) the national association of family child care (NAFCC); or	(f) the national association of family child care (NAFCC); [~~or~~]	(f) the national association of family child care (NAFCC); [~~or~~]
(g) the national early childhood program accreditation (NECPA).	(g) the national early childhood program accreditation (NECPA);	(g) the national early childhood program accreditation (NECPA);
	(h) association Montessori internationale (AMI); or	(h) association Montessori internationale (AMI); or
	(i) American Montessori Society (AMS).	(i) American Montessori Society (AMS).

Explanatory Statement

There were no substantive public comments received. ECECD is adopting the amendments as originally proposed.

8.9.4.7		FILED WITH STATE RECORDS
Current Language	**Proposed Language**	**Final Adopted Language**
8.9.4.7(S)(4) NMAC (4) **"School-age"** means a child in care who is age five to 18 years.	*8.9.4.7(S)(4) NMAC* (4) **"School-age"** means a child in care who is [~~age five years old to 18 years~~] at least five years old by 12:01 a.m. on September 1 of the current school year and not older than 18 years old.	*8.9.4.7(S)(4) NMAC* (4) **"School-age"** means a child in care who is [~~age five years old to 18 years~~] at least five years old by 12:01 a.m. on September 1 of the current school year and not older than 18 years old.

Explanatory Statement

Public Comment Summary:
Public comment suggested revising the definition of "school-age" to expand the age range to allow out-of-school-time providers on elementary school campuses to serve the entire student body without obtaining a separate license for preschool students. Commenters stated this change would support continuity of care for families. Additional comments recommended aligning the school-age definition in 8.9.3 and 8.9.4 to avoid misinterpretation.

Department Response:
ECECD is adopting the amendments as originally proposed.

8.9.4.11		
Current Language	**Proposed Language**	**Final Adopted Language**
8.9.4.11(A)(1) NMAC (1) INITIAL LICENSE: A license is issued to a child care facility that has met all requirements of these regulations and shall remain valid as long as the licensee maintains good standing in compliance with all applicable rules of the department, or if not in compliance with a rule, has been granted a waiver or variance of that rule by the department or has entered into a plan of correction during their annual inspection, and the child care facility certifies on its annual inspection survey its desire to renew the license for another year. A denial of an initial or renewal application may only occur pursuant to 8.9.4.12 NMAC. (f) 5-star level is voluntary and requires meeting and maintaining licensing requirements, FOCUS levels 3, 4 and 5 quality criteria at all times and maintaining ECECD approved national accreditation status.	*8.9.4.11(A)(1) NMAC* (1) INITIAL LICENSE: A license is issued to a child care facility that has met all requirements of these regulations and shall remain valid as long as the licensee maintains good standing in compliance with all applicable rules of the department, or if not in compliance with a rule, has been granted a waiver or variance of that rule by the department or has entered into a plan of correction during their annual inspection, and the child care facility certifies on its annual inspection survey its desire to renew the license for another year. A denial of an initial [~~or renewal~~] application may only occur pursuant to 8.9.4.12 NMAC. (f) 5-star level is voluntary and requires meeting and maintaining licensing requirements, FOCUS levels 3, 4 and 5 quality criteria at all times and maintaining ECECD approved national accreditation status.	*8.9.4.11(A)(1) NMAC* A. TYPES OF LICENSES: (1) INITIAL LICENSE: A license is issued to a child care facility that has met all requirements of these regulations and shall remain valid as long as the licensee maintains good standing in compliance with all applicable rules of the department, or if not in compliance with a rule, has been granted a waiver or variance of that rule by the department or has entered into a plan of correction during their annual inspection, and the child care facility certifies on its annual inspection survey its desire to renew the license for another year. A denial of an initial [~~or renewal~~] application may only occur pursuant to 8.9.4.12 NMAC. (a) 1-star level is designated for programs not receiving child care subsidy. 1-star level requires meeting and maintaining licensing requirements at all times, except for the requirements outlined in the following items: Items (i), (ii) and (iii) of Subparagraph (a) of Paragraph (1) of Subsection A of 8.9.4.11 NMAC. (i) for centers: Paragraph (17) of Subsection G of 8.9.4.22 NMAC, Paragraphs (5) through (9) of Subsection

		G of 8.9.4.24 NMAC, and Subsection H of 8.9.4.34 NMAC; **(ii)** for licensed family and group child care homes: Paragraph (4) of Subsection E of 8.9.4.32 NMAC, Paragraph (15) of Subsection F of 8.9.4.32 NMAC, Paragraphs (4) through (8) of Subsection G of 8.9.4.34 NMAC, and Subsection H of 8.9.4.34 NMAC; **(iii)** for licensed out of school time programs: Subparagraph (k) of Paragraph (1) of Subsection E of 8.9.4.41 NMAC, Paragraph (14) of Subsection F of 8.9.4.41 NMAC, Paragraphs (5) through (9) of Subsection B of 8.9.4.43 NMAC and Subsection C of 8.9.4.43 NMAC. **(b)** 2-star level requires meeting and maintaining licensing requirements at all times. **(c)** 2+ star level is voluntary and requires meeting and maintaining licensing requirements as well as meeting the most recent FOCUS eligibility requirements and 2+ star criteria. **(d)** 3-star level is voluntary and requires meeting and maintaining licensing requirements and FOCUS level 3 quality criteria at all times. **(e)** 4-star level is voluntary and requires meeting and maintaining licensing requirements and FOCUS levels 3 and 4 quality criteria at all times. **(f)** 5-star level is voluntary and requires meeting and maintaining licensing requirements and maintaining at all times either FOCUS levels 3, 4, and 5 quality criteria [~~at all times and maintaining~~] or ECECD approved national accreditation status.

Explanatory Statement

Public Comment Summary:

Public comment expressed concern that the existing language requiring providers to meet FOCUS criteria at all times and maintain ECECD-approved national accreditation unintentionally suggests that programs must meet both requirements simultaneously. Commenters recommended clarifying the provision by replacing "and" with "or" to acknowledge that nationally accredited programs may achieve a five-star level either through accreditation or by meeting FOCUS criteria.

Department Response:

ECECD is modifying the language at 8.9.4.11(A)(1)(f) NMAC to more clearly articulate the relationship between accreditation and FOCUS criteria, ensuring the rule accurately reflects pathways to star-level designation.

8.9.4.11

Current Language	Proposed Language	Final Adopted Language
8.9.4.11(A)(2) NMAC	*8.9.4.11(A)(2) NMAC*	*8.9.4.11(A)(2) NMAC*
(2) TEMPORARY LICENSE: The licensing authority will, at its discretion, issue a temporary license when it finds the child care facility in partial compliance with these regulations.	(2) TEMPORARY LICENSE: The licensing authority will, at its discretion, issue a temporary license when it finds the child care facility in partial compliance with these regulations.	(2) TEMPORARY LICENSE: The licensing authority will, at its discretion, issue a temporary license when it finds the child care facility in partial compliance with these regulations.
(a) A temporary license can, at the discretion of the licensing authority, be issued for up to 120 days, during which time the child care facility shall correct all specified deficiencies.	(a) A temporary license can, at the discretion of the licensing authority, be issued for up to 120 days, during which time the child care facility shall correct all specified deficiencies.	(a) A temporary license can, at the discretion of the licensing authority, be issued for up to 120 days, during which time the child care facility shall correct all specified deficiencies.
(b) The licensing authority will not issue more than two consecutive temporary licenses.	(b) The licensing authority will not issue more than two consecutive temporary licenses.	(b) The licensing authority will not issue more than two consecutive temporary licenses.
(c) After a second temporary license has been issued, a new application must be submitted within 30.	(c) After a second temporary license has been issued, a new application must be submitted within 30 days.	(c) After a second temporary license has been issued, a new application must be submitted within 30 days.
Explanatory Statement		
There were no substantive public comments received. ECECD is adopting the amendments as originally proposed.		

8.9.4.11		
Current Language	**Proposed Language**	**Final Adopted Language**
8.9.4.11(A)(3) NMAC	*8.9.4.11(A)(3) NMAC*	*8.9.4.11(A)(3) NMAC*
(3) AMENDED LICENSE: A child care facility shall submit a new notarized application to the licensing authority before modifying information required to be stated on the license. Examples of such modifications include dates, capacity, director and number of stars.	(3) AMENDED LICENSE: A child care facility shall submit a new [~~notarized~~] application to the licensing authority before modifying information required to be stated on the license. Examples of such modifications include dates, capacity, director and number of stars.	(3) AMENDED LICENSE: A child care facility shall submit a new [~~notarized~~] application to the licensing authority before modifying information required to be stated on the license. Examples of such modifications include dates, capacity, director and number of stars.
(a) A child care facility will apply to the licensing authority for an amended license in order to change the director. The child care facility must notify the licensing authority within 24 hours after the child care facility becomes aware of the need to name a new director and, if necessary, appoint a temporary acting director with the minimum requirements of a high school diploma or GED and	(a) A child care facility will apply to the licensing authority for an amended license in order to change the director. The child care facility must notify the licensing authority within 24 hours after the child care facility becomes aware of the need to name a new director and, if necessary, appoint a temporary acting director with the minimum requirements of a high school diploma or GED and	(a) A child care facility will apply to the licensing authority for an amended license in order to change the director. The child care facility must notify the licensing authority within 24 hours after the child care facility becomes aware of the need to name a new director and, if necessary, appoint a temporary acting director with the minimum requirements of a high school diploma or GED and

three years of experience. The temporary acting director's appointment is valid for 90 days. **(b)** A notarized application must be submitted for a change of capacity. Application for an increase or decrease of capacity will not be approved nor an amended license issued until an on-site visit has been made by the licensing authority to determine that the child care facility meets all applicable codes and regulations. A child care facility must not accept additional children or change the layout of the child care facility until the licensing authority has approved and issued the amended license. **(c)** A child care facility will apply to the licensing authority for an amended license in order to change the number of stars. An application for a different star level will not be approved nor an amended license issued until on-site visits have been made and it has been determined that the child care facility meets all applicable criteria.	three years of experience. The temporary acting director's appointment is valid for 90 days. **(b)** [~~A notarized~~] An application must be submitted for a change of capacity. Application for an increase or decrease of capacity will not be approved nor an amended license issued until an on-site visit has been made by the licensing authority to determine that the child care facility meets all applicable codes and regulations. A child care facility must not accept additional children or change the layout of the child care facility until the licensing authority has approved and issued the amended license. **(c)** A child care facility will apply to the licensing authority for an amended license in order to change the number of stars. An application for a different star level will not be approved nor an amended license issued until on-site visits have been made and it has been determined that the child care facility meets all applicable criteria.	three years of experience. The temporary acting director's appointment is valid for 90 days. **(b)** [~~A notarized~~] An application must be submitted for a change of capacity. Application for an increase or decrease of capacity will not be approved nor an amended license issued until an on-site visit has been made by the licensing authority to determine that the child care facility meets all applicable codes and regulations. A child care facility must not accept additional children or change the layout of the child care facility until the licensing authority has approved and issued the amended license. **(c)** A child care facility will apply to the licensing authority for an amended license in order to change the number of stars. An application for a different star level will not be approved nor an amended license issued until on-site visits have been made and it has been determined that the child care facility meets all applicable criteria.
Explanatory Statement		
There were no substantive public comments received. ECECD is adopting the amendments as originally proposed.		

8.9.4.11		
Current Language	**Proposed Language**	**Final Adopted Language**
8.9.4.11(A)(5) NMAC **(5)** MILITARY LICENSE: **(a)** Centers on military installations are governed and inspected by the United States department of defense (DoD) and obtain national accreditations. Therefore, such centers do not require an inspection by the New Mexico licensing authority. **(b)** In order to participate in the child care assistance program,	*8.9.4.11(A)(5) NMAC* **(5)** MILITARY LICENSE: **(a)** Centers on military installations and United States department of defense (DoD) certified homes serving only military families on or off the installation are governed and inspected by the [~~United States department of defense (DoD) and~~] DoD must obtain national accreditations. Therefore, such centers [~~do not require an~~] and DoD certified homes are not	*8.9.4.11(A)(5) NMAC* **(5)** MILITARY LICENSE: **(a)** Centers on military installations and United States department of defense (DoD) certified homes serving only military families on or off the installation are governed and inspected by the [~~United States department of defense (DoD) and~~] and DoD must obtain national accreditations. Therefore, such centers [~~do not require an~~] and DoD certified homes are not

providers licensed by the DoD must submit the following: **(i)** Licensing application **(ii)** Annual submission of a letter or memo detailing the approved DoD background clearance status for the director and all staff members in accordance with 8.9.6 NMAC, to include the individual's name, date of birth, and home address; **(iii)** DoD annual certification; **(iv)** DoD approved accreditation, if applicable; and **(v)** W-9 form and supporting documentation, if applicable.	subject to inspection by the New Mexico licensing authority. **(b)** In order to participate in the child care assistance program, providers licensed by the DoD must submit the following: **(i)** Licensing application **(ii)** Annual submission of a letter or memo detailing the approved DoD background clearance status for the director and all staff members in accordance with 8.9.6 NMAC, to include the individual's name, date of birth, and home address. For certified homes, the letter or memo must include the names of the licensee, household members over 18 years old, and all secondary educators; **(iii)** DoD annual certification; **(iv)** DoD approved accreditation, if applicable; and **(v)** W-9 form and supporting documentation, if applicable.	subject to inspection by the New Mexico licensing authority. **(b)** In order to participate in the child care assistance program, providers licensed by the DoD must submit the following: **(i)** Licensing application **(ii)** Annual submission of a letter or memo detailing the approved DoD background clearance status for the director and all staff members in accordance with 8.9.6 NMAC, to include the individual's name, date of birth, and home address. For certified homes, the letter or memo must include the names of the licensee, household members over 18 years old, and all secondary educators; **(iii)** DoD annual certification; **(iv)** DoD approved accreditation, if applicable; and **(v)** W-9 form and supporting documentation, if applicable.

Explanatory Statement

Public Comment Summary:

Public comment provided feedback that generally supported clarification that safety and background clearance requirements for Department of Defense (DoD)-certified providers are verified through existing DoD processes, as outlined in 8.9.4.11(A)(5)(b) (ii), (iii), and (iv) NMAC. Commenters emphasized the importance of maintaining appropriate oversight while respecting federal jurisdiction. Some commenters recommended additional verification steps for programs receiving Child Care Assistance funds.

Department Response:

The proposed language reflects the statutory and jurisdictional limitations applicable to DoD certified homes; therefore, ECECD is adopting the amendments as originally proposed. The amendments maintain alignment with federal requirements, clarifies documentation obligations for DoD-licensed providers, and ensures that ECECD continues to rely on DoD's established safety, background check, and accreditation systems for verification.

8.9.4.17		
Current Language	**Proposed Language**	**Final Adopted Language**
8.9.4.17(E) NMAC **E.** By applying for a new license or a license renewal, the licensee grants the licensing authority representative the right to enter the premises and survey the child care facility, including inspection and	*8.9.4.17(E) NMAC* **E.** By applying for a new license [~~or a license renewal~~], the licensee grants the licensing authority representative the right to enter the premises and survey the child care facility, including inspection and	*8.9.4.17(E) NMAC* **E.** By applying for a new license [~~or a license renewal~~], the licensee grants the licensing authority representative the right to enter the premises and survey the child care facility, including inspection and

copying of child care facility records, both while the application is being processed and, if licensed, at any time during the licensure period.	copying of child care facility records, both while the application is being processed and, if licensed, at any time during the licensure period.	copying of child care facility records, both while the application is being processed and, if licensed, at any time during the licensure period.

Explanatory Statement

Public Comment Summary:

Public comment was received noting that although ECECD removed the license renewal provision from 8.9.4.17(E) NMAC, the requirement for local fire inspections and fire marshal approval remains in other sections. The commenter stated that this misalignment creates confusion for municipalities and requested clarification in the regulatory language.

Department Response:

ECECD addressed this issue through emergency rulemaking, effective July 1, 2026, which resolves the identified conflict. ECECD is proceeding with adoption of the amendments as originally proposed.

8.9.4.22

Current Language	Proposed Language	Final Adopted Language
8.9.4.22(F) NMAC F. PERSONNEL RECORDS: (1) A licensee shall keep and maintain a complete up-to-date file in ECECD's professional development information system (PDIS), for each staff member, including substitutes and volunteers working more than six hours of any week and having direct contact with the children. If the center chooses to retain duplicate physical copies of these records, these records shall be stored in a secure location for the privacy of the staff members. New information shall be updated in a timely manner in PDIS. Providers will have six months to comply from the date these regulations are promulgated. Records shall contain at a minimum the following: (a) name, address and telephone number; (b) position; (c) current and past duties and responsibilities; (d) dates of hire and termination; (e) documentation of a background check and employment history verification; if background check is in process then documentation of the	N/A	*8.9.4.22(F) NMAC* F. PERSONNEL RECORDS: ~~[(1) A licensee shall keep and maintain a complete up-to-date file in ECECD's professional development information system (PDIS), for each staff member, including substitutes and volunteers working more than six hours of any week and having direct contact with the children. If the center chooses to retain duplicate physical copies of these records, these records shall be stored in a secure location for the privacy of the staff members. New information shall be updated in a timely manner in PDIS. Providers will have six months to comply from the date these regulations are promulgated. Records shall contain at a minimum the following:]~~ A center shall keep and maintain an up-to-date personnel file with all information required by ECECD for each staff member, including substitutes and volunteers who work more than six hours in any week and have direct contact with children. Personnel files shall be updated as soon as practicable, but not longer than thirty days after any changes. (1) The following items, at minimum, shall be maintained in ECECD's Professional Development Information System (PDIS): (a) name ~~[, address and telephone number;]~~ (b) current position;

notice of provisional employment showing that it is in process, must be placed in file. A background check must be conducted at least once per five-year interval on all required individuals; (f) an annual signed statement that the staff member would or would not be disqualified as a direct provider of care under the most current version of the background checks and employment history verification provisions pursuant to 8.9.6 NMAC; (g) documentation of current first-aid and cardiopulmonary resuscitation training; (h) documentation of all appropriate training by date, time, hours and area of competency; (i) emergency contact number; (j) universal precaution acknowledgment form; (k) confidentiality form; (l) results of performance evaluations (shall be maintained outside of PDIS); (m) administrative actions or reprimands (shall be maintained outside of PDIS); (n) written plan for ongoing professional development for each educator, including the director, that is based on the seven areas of competency, consistent with the career lattice, and based on the individual's goals; and (o) signed acknowledgment that the staff have read and understand the personnel handbook; (p) signed acknowledgement that all staff have reviewed and are aware of the center's disaster preparedness plan and evacuation plan; and (2) A center shall maintain dated weekly work schedules for the director, all staff, all educators and volunteers and keep the records on file for at least 12 months. The record		~~[(e) current and past duties and responsibilities;]~~ ~~[(d)]~~(c) dates of hire and termination; ~~[(e)]~~(d) documentation of a background check and employment history verification; if background check is in process, then documentation of the notice of provisional employment showing that it is in process must be placed in file. A background check must be conducted at least once per five-year interval on all required individuals; ~~[(f)]~~(e) an annual signed statement that the staff member would or would not be disqualified as a direct provider of care under the most current version of the background checks and employment history verification provisions pursuant to 8.9.6 NMAC; ~~[(g)]~~(f) documentation of current first-aid and cardiopulmonary resuscitation training; ~~[(h)]~~(g) documentation of all appropriate training by date, time, hours and area of competency; ~~[(i) emergency contact number;~~ ~~(j) universal precaution acknowledgment form;~~ ~~(k) confidentiality form;~~ ~~(l) results of performance evaluations (shall be maintained outside of PDIS);~~ ~~(m) administrative actions or reprimands (shall be maintained outside of PDIS);~~ ~~(n)~~](h) written plan for ongoing professional development for each educator, including the director, that is based on the seven areas of competency, consistent with the career lattice, and based on the individual's goals; and ~~[(o)]~~(i) signed acknowledgment that the staff have read and understand the personnel handbook. ~~[(p) signed acknowledgement that all staff have reviewed and are aware of the center's disaster preparedness plan and evacuation plan; and]~~ (2) The following items, at minimum, shall be maintained by the provider outside of PDIS and shall be made available for review upon request: (a) current and past duties and responsibilities; (b) emergency contact number; (c) results of performance evaluations; and

shall include the time the workers arrived at and left work and include breaks and lunch.		(d) administrative actions or reprimands. [~~(2)~~](3) A center shall maintain dated weekly work schedules for the director, all staff, all educators, and all volunteers and keep the records on file for at least 12 months. The record shall include the time the workers arrived at and left work and include breaks and lunch.

Explanatory Statement

Public Comment Summary:

Public comment recommended that ECECD clarify how personal information uploaded into the Professional Development Information System (PDIS) will be protected. Commenters requested details on what information may be released through Inspection of Public Records Act (IPRA) requests, how the department will store, access, and use PDIS data, and recommended exempting any personally identifiable employee information from public disclosure. Commenters expressed concern that required personal information could become public and place vulnerable employees at risk, particularly undocumented employees and employees with personal safety concerns. Commenters recommended ECECD address these privacy concerns before making PDIS requirements mandatory.

Department Response:

Section 8.9.4.22(F) addresses personnel records and Professional Development Information System (PDIS) requirements for licensed child care centers. Although ECECD did not notice 8.9.4.22 for changes, the high volume of public comment received from employees in licensed child care centers regarding personnel records and PDIS requirements necessitates revisions to this section. Leaving this section unrevised would fail to fully address public concerns and would lead to uneven requirements for different types of licensed providers.

ECECD is modifying the regulatory language in response to public comment. First, ECECD is removing the requirement that licensed child care providers upload employee address, telephone number, and emergency contact information into PDIS. Providers will instead be required to maintain this information outside of PDIS, within their own records. This will ensure that sensitive personal information is not stored in a system subject to public records requests.

ECECD is also revising language to require licensed child care providers to maintain other personnel records in PDIS and other records outside of PDIS, to be made available for review upon request. This will allow the department to efficiently monitor essential personnel records for the purposes of regulatory oversight while protecting certain personnel records from public records disclosures.

In addition, the department enhances confidentiality protections by applying established state IT security safeguards to all sensitive data associated with PDIS. Access to nonpublic personnel information is restricted through role-based permissions and minimum necessary use, while secure transmission protocols, auditing, and monitoring controls help detect and prevent unauthorized access. These measures align with existing requirements for handling confidential state information and reinforce the department's broader IT risk management practices.
The department also strengthens safeguards related to IPRA exposure by maintaining secure storage environments, applying consistent redaction procedures, and conducting structured review of any PDIS related records prior to release. IT staff and contractors supporting PDIS 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.

8.9.4.23

Current Language	Proposed Language	Final Adopted Language
8.9.4.23(C)(1) NMAC C. STAFF/CHILD RATIOS AND GROUP SIZES: (1) Ratios and group sizes shall be observed as outlined in the tables below: *[See Table A1 in Appendix]*	*8.9.4.23(C)(1) NMAC* C. STAFF/CHILD RATIOS AND GROUP SIZES: (1) Ratios and group sizes shall be observed as outlined in the tables below: *[See Table A2 in Appendix]*	*8.9.4.23(C)(1) NMAC* C. STAFF/CHILD RATIOS AND GROUP SIZES: (1) Ratios and group sizes shall be observed as outlined in the tables below: *[See Table A3 in Appendix]*

Explanatory Statement

Public Comment Summary:

Public comment expressed concern that including AMI and AMS staffing ratios in this section creates confusion. Commenters recommended removing these ratios or adding language deferring to the applicable accrediting body for Montessori-specific ratio requirements.

Department Response:

ECECD is adopting the amendments as originally proposed to ensure clarity and consistency across staffing ratio provisions within this section.

Public Comment Summary:

Public comment requested an adjustment to director qualification language in 8.9.4.23(B) to extend a historical cutoff date for the national administrator credential.

Department Response:

ECECD is declining to revise the historical cutoff date for the national administrator credential at this time and is adopting amendments as originally proposed.

8.9.4.32

Current Language	Proposed Language	Final Adopted Language
8.9.4.32(E)(5) NMAC (5) Licensed child care homes shall maintain the complete, up-to-date personnel records in ECECD's professional development information system, (PDIS), for each staff member, including substitutes and volunteers working more than six hours of any week and having direct contact with the children. If the home chooses to retain duplicate physical copies of these records, these records shall be stored in a secure location for the privacy of the staff members. New information shall be updated in a	*8.9.4.32(E)(5) NMAC* (5) Licensed child care homes shall maintain the complete, up-to-date personnel records in ECECD's professional development information system, (PDIS), for each staff member, including substitutes and volunteers working more than six hours of any week and having direct contact with the children. If the home chooses to retain duplicate physical copies of these records, these records shall be stored in a secure location for the privacy of the staff members. New information shall be updated in a timely manner in PDIS. [~~Records~~	E. PERSONNEL RECORDS: [~~A home shall keep the following records on file and make them available to the licensing authority.~~] A licensed home shall maintain complete and up to date personnel records for the licensee and all second educators, including substitutes and volunteers working more than six hours per week. Records must be updated as soon as practicable, but no later than thirty days after any change. (1) [~~Documentation of a background check and employment history verification for all staff members and all adults living in the home. If a background check is in process for a staff member, then documentation of the notice of provisional employment showing that~~

timely manner in PDIS. Records shall contain at a minimum the following: (a) name, address and telephone number; (b) position; (c) current and past duties and responsibilities; (d) dates of hire and termination; (e) documentation of a background check and employment history verification; if background check is in process then documentation of the notice of provisional employment showing that it is in process, must be placed in file. A background check must be conducted at least once per five-year interval on all required individuals; (f) an annual signed statement that the staff member would or would not be disqualified as a direct provider of care under the most current version of the background checks and employment history verification provisions pursuant to 8.9.6 NMAC; (g) documentation of current first-aid and cardiopulmonary resuscitation training; (h) documentation of all appropriate training by date, time, hours and area of competency; (i) emergency contact number; (j) universal precaution acknowledgment form; (k) confidentiality form; (l) results of performance evaluations (shall be maintained outside of PDIS); (m) administrative actions or reprimands (shall be maintained outside of PDIS); (n) written plan for ongoing professional development for each educator, including the director, that is based on the seven areas of competency, consistent with the	~~shall contain at a minimum the following:~~ ~~(a) name, address and telephone number;~~ ~~(b) position;~~ ~~(c) current and past duties and responsibilities;~~ ~~(d) dates of hire and termination;~~ ~~(e) documentation of a background check and employment history verification; if background check is in process then documentation of the notice of provisional employment showing that it is in process, must be placed in file. A background check must be conducted at least once per five-year interval on all required individuals;~~ ~~(f) an annual signed statement that the staff member would or would not be disqualified as a direct provider of care under the most current version of the background checks and employment history verification provisions pursuant to 8.9.6 NMAC;~~ ~~(g) documentation of current first-aid and cardiopulmonary resuscitation training;~~ ~~(h) documentation of all appropriate training by date, time, hours and area of competency;~~ ~~(i) emergency contact number;~~ ~~(j) universal precaution acknowledgment form;~~ ~~(k) confidentiality form;~~ ~~(l) results of performance evaluations (shall be maintained outside of PDIS);~~ ~~(m) administrative actions or reprimands (shall be maintained outside of PDIS);~~ ~~(n) written plan for ongoing professional development for each educator, including the director, that is based on the seven areas of competency, consistent with the~~	~~it is in process must be placed in the file. A background check must be conducted at least once every five years on all required individuals;]~~ The following items, at minimum, shall be maintained in ECECD's Professional Development Information System (PDIS): (a) documentation of a background check and employment history verification for all staff members; if a background check is in process, then documentation of the notice of provisional employment showing that it is in process must be placed in the file. A background check must be conducted at least once every five years on all required individuals; (b) an annual signed statement that the individual would or would not be disqualified as a direct provider of care under the most current version of the background checks and employment history verification provisions pursuant to 8.9.6 NMAC. (c) documentation of all completed training, including first-aid and CPR; (d) A written plan for ongoing professional development for each educator that is based on the seven areas of competency, consistent with the career lattice, and based on the individual's goals. Family child care homes who do not have employees are exempted from this requirement. (e) signed acknowledgment that the individual has read and understands the personnel handbook. (2) ~~[An annual signed statement that the staff member would or would not be disqualified as a direct provider of care under the most current version of the background checks and employment history verification provisions pursuant to 8.9.6 NMAC.]~~The following items, at minimum, shall be maintained by the home provider outside of PDIS and made available upon request: (a) documentation of a background check and employment history verification for all adults living in the home. A background check must be conducted at least once every five years on all required individuals. (b) records of arrival and departure times for second educators, including breaks and lunch; (c) current and past duties and responsibilities for second educators;

department's career lattice, and based on the individual's goals; and (o) signed acknowledgment that the staff have read and understand the personnel handbook; (p) signed acknowledgement that all staff have reviewed and are aware of the center's disaster preparedness plan and evacuation plan;	~~department's career lattice, and based on the individual's goals; and~~ ~~(o) signed acknowledgment that the staff have read and understand the personnel handbook;~~ ~~(p) signed acknowledgement that all staff have reviewed and are aware of the center's disaster preparedness plan and evacuation plan;~~]	(d) emergency contact information for second educators; (e) results of performance evaluations for second educators; (f) administrative actions or reprimands for second educators. ~~[(3) A record of the time the second educators arrived at and left work, to include breaks and lunch.~~ ~~(4) A written plan for ongoing professional development for each educator that is based on the seven areas of competency, consistent with the career lattice, and based on the individual's goals. Family child care homes who do not have employees are exempted from this requirement.~~ ~~(5) Licensed child care homes shall maintain the complete, up-to-date personnel records in ECECD's professional development information system, (PDIS), for each staff member, including substitutes and volunteers working more than six hours of any week and having direct contact with the children. If the home chooses to retain duplicate physical copies of these records, these records shall be stored in a secure location for the privacy of the staff members. New information shall be updated in a timely manner in PDIS. Records shall contain at a minimum the following:~~ ~~(a) name, address and telephone number;~~ ~~(b) position;~~ ~~(c) current and past duties and responsibilities;~~ ~~(d) dates of hire and termination;~~ ~~(e) documentation of a background check and employment history verification; if background check is in process then documentation of the notice of provisional employment showing that it is in process, must be placed in file. A background check must be conducted at least once per five year interval on all required individuals;~~ ~~(f) an annual signed statement that the staff member would or would not be disqualified as a direct provider of care under the most current version of the background checks and employment~~

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		~~history verification provisions pursuant to 8.9.6 NMAC;~~ ~~(g) documentation of current first-aid and cardiopulmonary resuscitation training;~~ ~~(h) documentation of all appropriate training by date, time, hours and area of competency;~~ ~~(i) emergency contact number;~~ ~~(j) universal precaution acknowledgment form;~~ ~~(k) confidentiality form;~~ ~~(l) results of performance evaluations (shall be maintained outside of PDIS);~~ ~~(m) administrative actions or reprimands (shall be maintained outside of PDIS);~~ ~~(n) written plan for ongoing professional development for each educator, including the director, that is based on the seven areas of competency, consistent with the department's career lattice, and based on the individual's goals; and~~ ~~(o) signed acknowledgment that the staff have read and understand the personnel handbook;~~ ~~(p) signed acknowledgement that all staff have reviewed and are aware of the center's disaster preparedness plan and evacuation plan;]~~

Explanatory Statement

Public Comment Summary:

Public comment recommended that ECECD clarify how personal information uploaded into the Professional Development Information System (PDIS) will be protected. Commenters requested details on what information may be released through Inspection of Public Records Act (IPRA) requests, how the department will store, access, and use PDIS data, and recommended exempting any personally identifiable employee information from public disclosure. Commenters expressed concern that required personal information could become public and place vulnerable employees at risk, particularly undocumented employees and employees with personal safety concerns. Commenters recommended ECECD address these privacy concerns before making PDIS requirements mandatory.

Department Response:

Section 8.9.4.32(E) addresses personnel records requirements for licensed child care homes. ECECD is modifying the regulatory language in response to public comment. First, ECECD is removing the requirement that licensed child care

providers upload employee address, telephone number, and emergency contact information into PDIS. Providers will instead be required to maintain this information outside of PDIS, within their own records. This will ensure that sensitive personal information is not stored in a system subject to public records requests.

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ECECD is also revising language to require licensed child care providers to maintain other personnel records in PDIS and other records outside of PDIS, to be made available for review upon request. This will allow the department to efficiently monitor essential personnel records for the purposes of regulatory oversight while protecting certain personnel records from public records disclosures.

In addition, the department enhances confidentiality protections by applying established state IT security safeguards to all sensitive data associated with PDIS. Access to nonpublic personnel information is restricted through role-based permissions and minimum necessary use, while secure transmission protocols, auditing, and monitoring controls help detect and prevent unauthorized access. These measures align with existing requirements for handling confidential state information and reinforce the department's broader IT risk management practices.

The department also strengthens safeguards related to IPRA exposure by maintaining secure storage environments, applying consistent redaction procedures, and conducting structured review of any PDIS related records prior to release. IT staff and contractors supporting PDIS 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.

8.9.4.40		
Current Language	**Proposed Language**	**Final Adopted Language**
8.9.4.40(A)(1) NMAC (1) APPLICATION FORM: An applicant shall complete an application form provided by the licensing authority. Applications will be rejected unless all supporting documents are received within six months of the date indicated on the application. A 45 day extension will be granted if the licensee provides documentation to the licensing authority that documents were submitted to the appropriate agencies in a timely manner but, through no fault of their own, they have not received responses from these agencies.	*8.9.4.40(A)(1) NMAC* (1) APPLICATION FORM: An applicant shall complete an application form provided by the licensing authority. Applications will be rejected unless all supporting documents are received within six months of the date indicated on the application. A 45-day extension will be granted if the licensee provides documentation to the licensing authority that documents were submitted to the appropriate agencies in a timely manner but, through no fault of their own, they have not received responses from these agencies.	*8.9.4.40(A)(1) NMAC* (1) APPLICATION FORM: An applicant shall complete an application form provided by the licensing authority. Applications will be rejected unless all supporting documents are received within six months of the date indicated on the application. A 45-day extension will be granted if the licensee provides documentation to the licensing authority that documents were submitted to the appropriate agencies in a timely manner but, through no fault of their own, they have not received responses from these agencies.
Explanatory Statement		
There were no substantive public comments received. ECECD is adopting the amendment as originally proposed.		

8.9.4.40		
Current Language	**Proposed Language**	**Final Adopted Language**
8.9.4.40(B)(3) NMAC (3) A program must meet the following space requirements:	*8.9.4.40(B)(3) NMAC* (3) A program must meet the following space requirements:	*8.9.4.40(B)(3) NMAC* (3) A program must meet the following space requirements:

(a) 35 square feet of indoor activity space measured wall to wall on the inside for each child in a program, excluding single-use areas, such as restrooms, kitchens, and storage areas, and excluding offsets and built-in fixtures. (b) A program must have an outdoor activity space.	(a) 35 square feet of indoor activity space measured wall to wall on the inside for each child in a program, excluding single-use areas, such as restrooms, kitchens, and storage areas, and excluding offsets and built-in fixtures. (b) [~~A program must have an outdoor activity space.~~] 75 square feet of outdoor activity space for each child using the area at one time.	(a) 35 square feet of indoor activity space measured wall to wall on the inside for each child in a program, excluding single-use areas, such as restrooms, kitchens, and storage areas, and excluding offsets and built-in fixtures. (b) [~~A program must have an outdoor activity space.~~] 75 square feet of outdoor activity space for each child using the area at one time.
Explanatory Statement		
There were no substantive public comments received. ECECD is adopting the amendment as originally proposed.		

8.9.4.41		
Current Language	**Proposed Language**	**Final Adopted Language**
N/A – New Text	*8.9.4.41(C) NMAC* C. POLICY AND PROCEDURES: All facilities operating under these regulations are required to establish, implement, and adhere to written policies and procedures. These documents must be clearly dated to indicate when they were created and must be updated to reflect any revisions. Whenever policies or procedures are amended, the facility shall update the revision and date it. The written policies and procedures must cover the following areas: (1) actions to be taken in case of accidents or emergencies involving a child, parents, or staff members; (2) policies and procedures for admission and discharge of children; (3) policies and procedures for expulsion of children. Policies and procedures shall include how the facility will maintain a positive environment and will focus on preventing the expulsion of school-age children. The facility must develop policies that include clear, appropriate, consistent expectations, and consequences to address disruptive student behaviors; and	*8.9.4.41(C) NMAC* C. POLICY AND PROCEDURES: All facilities operating under these regulations are required to establish, implement, and adhere to written policies and procedures. These documents must be clearly dated to indicate when they were created and must be updated to reflect any revisions. Whenever policies or procedures are amended, the facility shall update the revision and date it. The written policies and procedures must cover the following areas: (1) actions to be taken in case of accidents or emergencies involving a child, parents, or staff members; (2) policies and procedures for admission and discharge of children; (3) policies and procedures for expulsion of children. Policies and procedures shall include how the facility will maintain a positive environment and will focus on preventing the expulsion of school-age children. The facility must develop policies that include clear, appropriate, consistent expectations, and consequences to address disruptive student behaviors; and ensure fairness, equity, and continuous improvement;

	ensure fairness, equity, and continuous improvement; **(4)** policies and procedures for the handling of medications; **(5)** policies and procedures for the handling of complaints received from parents or any other person; **(6)** policies and procedures for actions to be taken in case children are discovered unattended or missing from the facility; **(7)** policies and procedures for the handling of children who are ill; **(8)** an up-to-date emergency evacuation and disaster preparedness plan, which shall include steps for evacuation, relocation, shelter in place, lock-down, communication, reunification with parents, individual plans for children with special needs and children with chronic medical conditions, and continuity of operations (see waivers, Subsection D of 8.9.4.14 NMAC). The plan shall be approved annually by the licensing authority and the department will provide guidance on developing these plans; **(9)** policies and procedures that promote the equal access of services for all children and families and prohibits discrimination based on race, color, religion, sex (including pregnancy, sexual orientation, or gender identity), national origin, disability, or age (40 or older); **(10)** policies and procedures that ensure the safe, developmentally appropriate, and intentional delivery of educational and recreational activities. These policies must outline expectations for activity planning, staff responsibilities, supervision practices, safety protocols, and strategies to promote meaningful engagement.	**(4)** policies and procedures for the handling of medications; **(5)** policies and procedures for the handling of complaints received from parents or any other person; **(6)** policies and procedures for actions to be taken in case children are discovered unattended or missing from the facility; **(7)** policies and procedures for the handling of children who are ill; **(8)** an up-to-date emergency evacuation and disaster preparedness plan, which shall include steps for evacuation, relocation, shelter in place, lock-down, communication, reunification with parents, individual plans for children with special needs and children with chronic medical conditions, and continuity of operations (see waivers, Subsection D of 8.9.4.14 NMAC). The plan shall be approved annually by the licensing authority and the department will provide guidance on developing these plans; **(9)** policies and procedures that promote the equal access of services for all children and families and prohibits discrimination based on race, color, religion, sex (including pregnancy, sexual orientation, or gender identity), national origin, disability, or age (40 or older); **(10)** policies and procedures that ensure the safe, developmentally appropriate, and intentional delivery of educational and recreational activities. These policies must outline expectations for activity planning, staff responsibilities, supervision practices, safety protocols, and strategies to promote meaningful engagement.
Explanatory Statement		

Public Comment Summary:

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Public comment stated that the proposed language regarding written policies and procedures is redundant with requirements already included in 8.9.4.41(C) and 8.9.4.41(D)(2) NMAC. Commenters noted that the requirement appears twice and recommended revising the section so that the policy and procedure language appears only once.

Department Response:

ECECD is modifying the proposed language at 8.9.4.41(D)(2) to remove redundancy and ensure the policy and procedure requirements are stated clearly and appear only once.

8.9.4.41

Current Language	Proposed Language	Final Adopted Language
8.9.4.41(C)(2) NMAC	*8.9.4.41(D)(2) NMAC*	*8.9.4.41(D)(2) NMAC*
(2) POLICIES AND PROCEDURES: All facilities operating under these regulations are required to establish, implement, and adhere to written policies and procedures. These documents must be clearly dated to indicate when they were created and must be updated to reflect any revisions. Whenever policies or procedures are amended, the facility shall update the revision and date it. The written policies and procedures must cover the following areas:	(2) POLICIES AND PROCEDURES: All facilities operating under these regulations are required to establish, implement, and adhere to written policies and procedures. These documents must be clearly dated to indicate when they were created and must be updated to reflect any revisions. Whenever policies or procedures are amended, the facility shall update the revision and date it. The written policies and procedures must cover the following areas:	(2) POLICIES AND PROCEDURES: [~~All facilities operating under these regulations are required to establish, implement, and adhere to written policies and procedures. These documents must be clearly dated to indicate when they were created and must be updated to reflect any revisions. Whenever policies or procedures are amended, the facility shall update the revision and date it. The written policies and procedures must cover the following areas:~~]
(a) enrollment procedures;	(a) enrollment procedures;	(a) enrollment procedures;
(b) disenrollment procedures;	(b) disenrollment procedures;	(b) disenrollment procedures;
(c) expulsion procedures;	(c) expulsion procedures;	(c) expulsion procedures;
(d) fee payment procedures, including penalties for tardiness;	(d) fee payment procedures, including penalties for tardiness;	(d) fee payment procedures, including penalties for tardiness;
(e) notification of absence;	(e) notification of absence;	(e) notification of absence;
(f) fee credits, if any (e.g. for vacations, absences, etc.);	(f) fee credits, if any (e.g. for vacations, absences, etc.);	(f) fee credits, if any (e.g. for vacations, absences, etc.);
(g) field trip policies;	(g) field trip policies;	(g) field trip policies;
(h) health policies (program's policies on admitting sick children, when children can return after an illness, administering medication, and information on common illnesses);	(h) health policies (program's policies on admitting sick children, when children can return after an illness, administering medication, and information on common illnesses);	(h) health policies (program's policies on admitting sick children, when children can return after an illness, administering medication, and information on common illnesses);
(i) emergency procedures and safety policies;	(i) emergency procedures and safety policies;	(i) emergency procedures and safety policies;
(j) snow days and school closure;	(j) snow days and school closure;	(j) snow days and school closure;
(k) confidentiality policy;	(k) confidentiality policy;	(k) confidentiality policy;

(l) child abuse/neglect reporting procedure; (m) guidance policy; (n) emergency procedures, safety policies, and disaster preparedness plan; (o) anti-discrimination policy that promotes the equal access of services for all children and families and prohibits discrimination based on race, color, religion, sex (including pregnancy, sexual orientation, or gender identity), national origin, disability, or age (40 or older); and (p) employee cellular telephone usage policy that directs and defines safe and appropriate use.	(l) child abuse/neglect reporting procedure; (m) guidance policy; (n) education policy; (o) recreation policy; [~~(n)~~] (p) emergency procedures, safety policies, and disaster preparedness plan; [~~(o)~~] (q) anti-discrimination policy that promotes the equal access of services for all children and families and prohibits discrimination based on race, color, religion, sex (including pregnancy, sexual orientation, or gender identity), national origin, disability, or age (40 or older); and [~~(p)~~] (r)employee cellular telephone usage policy that directs and defines safe and appropriate use.	(l) child abuse/neglect reporting procedure; (m) guidance policy; (n) education policy; (o) recreation policy; [(n)] (p) emergency procedures, safety policies, and disaster preparedness plan; [(o)] (q) anti-discrimination policy that promotes the equal access of services for all children and families and prohibits discrimination based on race, color, religion, sex (including pregnancy, sexual orientation, or gender identity), national origin, disability, or age (40 or older); and [(p)] (r)employee cellular telephone usage policy that directs and defines safe and appropriate use.

Explanatory Statement

Public Comment Summary:

Public comment stated that the proposed language regarding written policies and procedures is redundant with requirements already included in 8.9.4.41(C) and 8.9.4.41(D)(2) NMAC. Commenters noted that the requirement appears twice unnecessarily and recommended revising the section so that the policy and procedure language appears only once.

Department Response:

ECECD is modifying the proposed language to remove redundancy and ensure the policy and procedure requirements are stated clearly and appear only once.

8.9.4.41

Current Language	Proposed Language	Final Adopted Language
8.9.4.41(E) NMAC E. PERSONNEL RECORDS: (1) A licensee shall keep a complete up-to-date file for each staff member, including substitutes and volunteers having direct contact with the children. A program shall keep the file for one year after the staff member's last day of employment. Unless otherwise indicated, a licensee shall keep the items listed below in a central	*8.9.4.41(F) NMAC* [~~E.~~] F. PERSONNEL RECORDS: [~~(1) A licensee shall keep a complete up-to-date file for each staff member, including substitutes and volunteers having direct contact with the children. A program shall keep the file for one year after the staff member's last day of employment. Unless otherwise indicated, a licensee shall keep the items listed below in a central location except the following~~	*8.9.4.41(F) NMAC* [~~E.~~] F. PERSONNEL RECORDS: A program shall keep and maintain an up-to-date personnel file with all information required by ECECD for each staff member, including substitutes and volunteers who work more than six hours in any week and have direct contact with children. Personnel files shall be updated as soon as practicable, but not longer than thirty days after any changes. [~~(1) A licensee shall keep a complete up-to-date file for each staff member, including substitutes and volunteers~~

location except the following items which shall be kept on site: background clearances, abuse and neglect statements, staff emergency numbers and first aid/CPR certificates. Records shall contain at least the following:

(a) name, address and telephone number;

(b) position;

(c) current and past duties and responsibilities;

(d) dates of hire and termination;

(e) documentation of a background check and employment history verification. If a background check is in process, then documentation of the notice of provisional employment showing that it is in process must be placed in the file. A background check must be conducted at least once every five years on all required individuals. A copy must be kept onsite;

(f) an annual signed statement that the staff member would or would not be disqualified as a direct provider of care under the most current version of the background checks and employment history verification provisions pursuant to 8.9.6 NMAC. A copy must be kept onsite;

(g) documentation of first-aid and cardiopulmonary resuscitation with a pediatric component. A copy must be kept onsite;

(h) documentation of all appropriate training by date, time, hours and area of competency;

(i) emergency contact number;

(j) universal precaution acknowledgement; and

(k) a written plan for ongoing professional development for each staff member, including the director, that is based on the seven areas of competency, consistent with the

~~items which shall be kept on site: background clearances, abuse and neglect statements, staff emergency numbers and first aid/CPR certificates. Records shall contain at least the following:~~

~~(a) name, address and telephone number;~~

~~(b) position;~~

~~(c) current and past duties and responsibilities;~~

~~(d) dates of hire and termination;~~

~~(e) documentation of a background check and employment history verification. If a background check is in process, then documentation of the notice of provisional employment showing that it is in process must be placed in the file. A background check must be conducted at least once every five years on all required individuals. A copy must be kept onsite;~~

~~(f) an annual signed statement that the staff member would or would not be disqualified as a direct provider of care under the most current version of the background checks and employment history verification provisions pursuant to 8.9.6 NMAC. A copy must be kept onsite;~~

~~(g) documentation of first-aid and cardiopulmonary resuscitation with a pediatric component. A copy must be kept onsite;~~

~~(h) documentation of all appropriate training by date, time, hours and area of competency;~~

~~(i) emergency contact number;~~

~~(j) universal precaution acknowledgement; and~~

~~(k) a written plan for ongoing professional development for each staff member, including the director, that is based on the seven areas of competency, consistent with the~~

~~having direct contact with the children. A program shall keep the file for one year after the staff member's last day of employment.; Unless otherwise indicated, a licensee shall keep the items listed below in a central location except the following items which shall be kept on site: background clearances, abuse and neglect statements, staff emergency numbers and first aid/CPR certificates. Records shall contain at least the following:~~
~~(a) name, address and telephone number;~~
~~(b) position;~~
~~(c) current and past duties and responsibilities;~~
~~(d) dates of hire and termination;~~
~~(e) documentation of a background check and employment history verification. If a background check is in process, then documentation of the notice of provisional employment showing that it is in process must be placed in the file. A background check must be conducted at least once every five years on all required individuals. A copy must be kept onsite;~~
~~(f) an annual signed statement that the staff member would or would not be disqualified as a direct provider of care under the most current version of the background checks and employment history verification provisions pursuant to 8.9.6 NMAC. A copy must be kept onsite;~~
~~(g) documentation of first-aid and cardiopulmonary resuscitation with a pediatric component. A copy must be kept onsite;~~
~~(h) documentation of all appropriate training by date, time, hours and area of competency;~~
~~(i) emergency contact number;~~
~~(j) universal precaution acknowledgement; and~~
~~(k) a written plan for ongoing professional development for each staff member, including the director, that is based on the seven areas of competency, consistent with the career lattice, and based on the individual's goals.]~~
~~[(2)]~~ (1) A program shall maintain current work schedules and daily sign in sheets for the director, all staff, all educators, and volunteers and keep the records on file for at least 12 months. The record will include the time the

career lattice, and based on the individual's goals. **(2)** A program shall maintain current work schedules and daily sign in sheets for the director, all staff, all educators, and volunteers and keep the records on file for at least 12 months. The record will include the time the employee arrived at and left work and include breaks and lunch. **(3)** Licensed child care centers shall maintain the complete, up-to-date personnel records in ECECD's professional development information system, (PDIS), for each staff member, including substitutes and volunteers working more than six hours of any week and having direct contact with the children. If the program chooses to retain duplicate physical copies of these records, these records shall be stored in a secure location for the privacy of the staff members. New information shall be updated in a timely manner in PDIS. Records shall contain at a minimum the following: **(a)** name, address and telephone number; **(b)** position; **(c)** current and past duties and responsibilities; **(d)** dates of hire and termination; **(e)** documentation of a background check and employment history verification; if background check is in process then documentation of the notice of provisional employment showing that it is in process, must be placed in file. A background check must be conducted at least once per five-year interval on all required individuals; **(f)** an annual signed statement that the staff member would or would not be disqualified as a direct provider of care under the most current version of the background checks and employment history	~~career lattice, and based on the individual's goals.~~] [~~(2)~~] **(1)** A program shall maintain current work schedules and daily sign in sheets for the director, all staff, all educators, and volunteers and keep the records on file for at least 12 months. The record will include the time the employee arrived at and left work and include breaks and lunch. [~~(3)~~] **(2)** [~~Licensed child care centers~~] Programs shall maintain the complete, up-to-date personnel records in ECECD's professional development information system, (PDIS), for each staff member, including substitutes and volunteers working more than six hours of any week and having direct contact with the children. If the program chooses to retain duplicate physical copies of these records, these records shall be stored in a secure location for the privacy of the staff members. New information shall be updated in a timely manner in PDIS. Records shall contain at a minimum the following: **(a)** name, address and telephone number; **(b)** position; **(c)** current and past duties and responsibilities; **(d)** dates of hire and termination; **(e)** documentation of a background check and employment history verification; if background check is in process then documentation of the notice of provisional employment showing that it is in process, must be placed in file. A background check must be conducted at least once per five-year interval on all required individuals; **(f)** an annual signed statement that the staff member would or would not be disqualified as a direct provider of care under the most current version of the background checks and employment history	employee arrived at and left work and include breaks and lunch. [~~(3)~~] **(2)** [~~Licensed child care centers shall maintain the complete, up-to-date personnel records in ECECD's professional development information system, (PDIS), for each staff member, including substitutes and volunteers working more than six hours of any week and having direct contact with the children. If the program chooses to retain duplicate physical copies of these records, these records shall be stored in a secure location for the privacy of the staff members. New information shall be updated in a timely manner in PDIS. Records shall contain at a minimum the following:~~] The following items, at minimum, shall be maintained in ECECD's Professional Development Information System (PDIS): **(a)** name; [~~, address and telephone number;~~] **(b)** current position; [~~(c) current and past duties and responsibilities~~] [~~(d)~~]**(c)** dates of hire and termination; [~~(e)~~]**(d)** documentation of a background check and employment history verification; if background check is in process, then documentation of the notice of provisional employment showing that it is in process must be placed in file. A background check must be conducted at least once per five-year interval on all required individuals; [~~(f)~~]**(e)** an annual signed statement that the staff member would or would not be disqualified as a direct provider of care under the most current version of the background checks and employment history verification provisions pursuant to 8.9.6 NMAC; [~~(g)~~]**(f)** documentation of current first-aid and cardiopulmonary resuscitation training; [~~(h)~~]**(g)** documentation of all appropriate training by date, time, hours and area of competency; [~~(i) emergency contact number;~~ ~~(j) universal precaution acknowledgment form;~~ ~~(k) confidentiality form;~~ ~~(l) results of performance evaluations (shall be maintained outside of PDIS);~~ ~~(m) administrative actions or reprimands (shall be maintained outside of PDIS);~~]

verification provisions pursuant to 8.9.6 NMAC; (g) documentation of current first-aid and cardiopulmonary resuscitation training; (h) documentation of all appropriate training by date, time, hours and area of competency; (i) emergency contact number; (j) universal precaution acknowledgment form; (k) confidentiality form; (l) results of performance evaluations (shall be maintained outside of PDIS); (m) administrative actions or reprimands (shall be maintained outside of PDIS); (n) written plan for ongoing professional development for each educator, including the director, that is based on the seven areas of competency, consistent with the department's career lattice, and based on the individual's goals; and (o) signed acknowledgment that the staff have read and understand the personnel handbook; (p) signed acknowledgement that all staff have reviewed and are aware of the center's disaster preparedness plan and evacuation plan;	verification provisions pursuant to 8.9.6 NMAC; (g) documentation of current first-aid and cardiopulmonary resuscitation training; (h) documentation of all appropriate training by date, time, hours and area of competency; (i) emergency contact number; (j) universal precaution acknowledgment form; (k) confidentiality form; (l) results of performance evaluations (shall be maintained outside of PDIS); (m) administrative actions or reprimands (shall be maintained outside of PDIS); (n) written plan for ongoing professional development for each educator, including the director, that is based on the seven areas of competency, consistent with the department's career lattice, and based on the individual's goals; and (o) signed acknowledgment that the staff have read and understand the personnel handbook; (p) signed acknowledgement that all staff have reviewed and are aware of the center's disaster preparedness plan and evacuation plan;	~~(n)~~[(h)] written plan for ongoing professional development for each educator, including the director, that is based on the seven areas of competency, consistent with the department's career lattice, and based on the individual's goals; and ~~(o)~~[(i)] signed acknowledgment that the staff have read and understand the personnel handbook. ~~[(p) signed acknowledgement that all staff have reviewed and are aware of the center's disaster preparedness plan and evacuation plan;]~~ (3) The following items, at minimum, shall be maintained by the provider outside of PDIS and shall be made available for review upon request: (a) current and past duties and responsibilities (b) emergency contact number; (c) results of performance evaluations; and (d) administrative actions or reprimands.

Explanatory Statement

Public Comment Summary:

Public comment recommended that ECECD clarify how personal information uploaded into the Professional Development Information System (PDIS) will be protected. Commenters requested details on what information may be released through Inspection of Public Records Act (IPRA) requests, how the department will store, access, and use PDIS data, and recommended exempting any personally identifiable employee information from public disclosure. Commenters expressed concern that required personal information could become public and place vulnerable employees at risk, particularly undocumented employees and employees with personal safety concerns. Commenters recommended ECECD address these privacy concerns before making PDIS requirements mandatory.

Department Response:

Section 8.9.4.41(F) addresses personnel records requirements for licensed out-of-school time programs. ECECD is modifying the regulatory language in response to public comment. First, ECECD is removing the requirement that licensed child care providers upload employee address, telephone number, and emergency contact information into

PDIS. Providers will instead be required to maintain this information outside of PDIS, within their own records. This will ensure that sensitive personal information is not stored in a system subject to public records requests.

ECECD is also revising language to require licensed child care providers to maintain some personnel records in PDIS and some records outside of PDIS, such as current and past duties and responsibilities, results of performance evaluations, and administrative actions or reprimands, to be made available for review upon request. This will allow the department to efficiently monitor essential personnel records for the purposes of regulatory oversight while protecting certain personnel records from public records disclosures.

In addition, the department enhances confidentiality protections by applying established state IT security safeguards to all sensitive data associated with PDIS. Access to nonpublic personnel information is restricted through role-based permissions and minimum necessary use, while secure transmission protocols, auditing, and monitoring controls help detect and prevent unauthorized access. These measures align with existing requirements for handling confidential state information and reinforce the department's broader IT risk management practices.

The department also strengthens safeguards related to IPRA exposure by maintaining secure storage environments, applying consistent redaction procedures, and conducting structured review of any PDIS related records prior to release. IT staff and contractors supporting PDIS 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.

8.9.4.43

Current Language	Proposed Language	Final Adopted Language
8.9.4.43(D) NMAC	*8.9.4.43(D) NMAC*	*8.9.4.43(D) NMAC*
D. EQUIPMENT AND PROGRAM:	**D.** EQUIPMENT AND PROGRAM:	**D.** EQUIPMENT AND PROGRAM:
(1) A program shall provide sufficient equipment, materials, and furnishings for both indoor and outdoor activities so that at any one time each child can be individually involved. Toys shall be disinfected, at a minimum of, once per week. Frequency of disinfection of toys must be increased in the event of a communicable disease, following appropriate guidance.	(1) A program shall provide sufficient equipment, materials, and furnishings for both indoor and outdoor activities so that at any one time each child can be individually involved. Toys shall be disinfected, at a minimum of, once per week. Frequency of disinfection of toys must be increased in the event of a communicable disease, following appropriate guidance.	(1) A program shall provide sufficient equipment, materials, and furnishings for both indoor and outdoor activities so that at any one time each child can be individually involved. Toys shall be disinfected at a minimum of once per week. Frequency of disinfection of toys must be increased in the event of a communicable disease, following appropriate guidance.
(2) Each child at a program shall have a designated space for storage of clothing and personal belongings.	(2) Each child at a program shall have a designated space for storage of clothing and personal belongings.	(2) Each child at a program shall have a designated space for storage of clothing and personal belongings.
(3) A program shall store equipment and materials for children's use within easy reach of the children, including those with disabilities. A program shall store the equipment and materials in an orderly manner so children can select and replace the materials by themselves or with minimal assistance.	(3) A program shall store equipment and materials for children's use within easy reach of the children, including those with disabilities. A program shall store the equipment and materials in an orderly manner so children can select and replace the materials by themselves or with minimal assistance.	(3) A program shall store equipment and materials for children's use within easy reach of the children, including those with disabilities. A program shall store the equipment and materials in an orderly manner so children can select and replace the materials by themselves or with minimal assistance.
(4) A program shall provide children with toys, educational	(4) A program shall provide children with toys, educational	(4) A program shall provide children with toys, educational

materials, equipment and other materials and activities that are safe, developmentally appropriate, and encourage the child's educational progress, creativity, social interaction, and a balance of individual and group activity. Program staff must be onsite, available and responsive to children during all hours of operation. **(5)** A program shall post a daily activity schedule. A program shall follow a consistent pattern for routine activities such as meals, snacks and rest. **(6)** Media viewing shall be limited to six hours per month, but not to exceed one full length film in one day. Programs, movies, music and music programs shall be age appropriate and shall not contain adult content. Media viewing to include all of the above as well as computers, tablets, phones, smart devices and screen-based learning equipment. An exception is media that is used for curriculum-based purposes or led by an educator. **(7)** Children and family members shall be acknowledged upon arrival and departure. **(8)** Equipment and program requirements apply during all hours of program operation.	materials <u>that reinforce and complement the regular academic program</u>, equipment, and other materials and activities that are safe, developmentally appropriate, and encourage the child's educational progress, creativity, social interaction, and a balance of individual and group activity. Program staff must be onsite, available and responsive to children during all hours of operation. **(5)** A program shall post a daily activity schedule. A program shall follow a consistent pattern for routine activities such as meals, snacks and rest. **(6)** Media viewing shall be limited to six hours per month, but not to exceed one full length film in one day. Programs, movies, music and music programs shall be age appropriate and shall not contain adult content. Media viewing to include all of the above as well as computers, tablets, phones, smart devices and screen-based learning equipment. An exception is media that is used for curriculum-based purposes or led by an educator. **(7)** Children and family members shall be acknowledged upon arrival and departure. **(8)** Equipment and program requirements apply during all hours of program operation. <u>**(9)** Programs should reflect local community strengths, cultural knowledge, and student interests.</u> <u>**(10)** Programs should create meaningful opportunities for families to engage in student learning. Opportunities may include:</u> <u>**(a)** family learning nights;</u> <u>**(b)** student showcases;</u> <u>**(c)** cultural events;</u> <u>**(d)** parent workshops; and</u> <u>**(e)** community celebrations.</u>	materials <u>that reinforce and complement the regular academic program</u>, equipment, and other materials and activities that are safe, developmentally appropriate, and encourage the child's educational progress, creativity, social interaction, and a balance of individual and group activity. Program staff must be onsite, available and responsive to children during all hours of operation. **(5)** A program shall post a daily activity schedule. A program shall follow a consistent pattern for routine activities such as meals, snacks and rest. **(6)** Media viewing shall be limited to six hours per month, but not to exceed one full length film in one day. Programs, movies, music and music programs shall be age appropriate and shall not contain adult content. Media viewing to include all of the above as well as computers, tablets, phones, smart devices and screen-based learning equipment. An exception is media that is used for curriculum-based purposes or led by an educator. **(7)** Children and family members shall be acknowledged upon arrival and departure. **(8)** Equipment and program requirements apply during all hours of program operation. <u>**(9)** Programs should reflect local community strengths, cultural knowledge, and student interests.</u> <u>**(10)** Programs should create meaningful opportunities for families to engage in student learning. Opportunities may include:</u> <u>**(a)** family learning nights;</u> <u>**(b)** student showcases;</u> <u>**(c)** cultural events;</u> <u>**(d)** parent workshops; and</u> <u>**(e)** community celebrations.</u>

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Explanatory Statement
There were no substantive public comments received. ECECD is adopting the amendments as originally proposed.

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8.9.4.46		
Current Language	**Proposed Language**	**Final Adopted Language**
N/A – New Text	*8.9.4.46(J) NMAC* J. At all times, drivers shall have a way to communicate to the facility the number of children being transported. Drivers shall maintain a log to include the name of children, and drop-off and pick up times of all children being transported. The log shall be kept for a minimum of 12 months for review.	*8.9.4.46(J) NMAC* J. At all times, drivers shall have a way to communicate to the facility the number of children being transported. Drivers shall maintain a log to include the name of children, and drop-off and pick up times of all children being transported. The log shall be kept for a minimum of 12 months for review.
Explanatory Statement		
There were no substantive public comments received. ECECD is adopting the amendments as originally proposed.		

8.9.4 – Appendix with Tables

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Table A1

Current Language—8.9.4.23(C)(1) NMAC

Centers where children are grouped by age		
Age Group	Adult to child ratio	Maximum group size
Infants	1:6 or fraction of group thereof	12*
Toddlers	1:6 or fraction of group thereof	12*
two years	1:10 or fraction of group thereof	20
three years	1:12 or fraction of group thereof	24
four years	1:12 or fraction of group thereof	24
five years	1:15 or fraction of group thereof	30
six years and older	1:15 or fraction of group thereof	30

Centers Where Age Groups Are Combined		
Age Group	Adult to child ratio	Maximum group size
six weeks through 24 months	1:6 or fraction of group thereof	12*
two through four years	1:12 or fraction of group thereof	24
three through five years	1:14 or fraction of group thereof	28
six years and older	1:15 or fraction of group thereof	30
18 to 24 months with children ages 24 through 35 months	1:6 or fraction of group thereof	12*

*Providers whose group size exceeds the maximum group size for infants and toddlers indicated above prior to the date these regulations are promulgated shall continue with their current group size as long as ratios are maintained at all times. Providers whose group size meets the maximum group size for infants and toddlers indicated above prior to the date these regulations are promulgated must continue to meet the maximum group size. All new licensed providers and those requesting an infant or toddler capacity change after the date these regulations are promulgated must meet the maximum group size as indicated above

Table A2

Proposed Language—8.9.4.23(C)(1) NMAC

Centers where children are grouped by age		
Age Group	Adult to child ratio	Maximum group size
Infants	1:6 or fraction of group thereof	12*
Toddlers	1:6 or fraction of group thereof	12*
two years	1:10 or fraction of group thereof	20
three years	1:12 or fraction of group thereof	24
four years	1:12 or fraction of group thereof	24
five years	1:15 or fraction of group thereof	30
six years and older	1:15 or fraction of group thereof	30

Centers Where Age Groups Are Combined		
Age Group	Adult to child ratio	Maximum group size
six weeks through 24 months	1:6 or fraction of group thereof	12*
two through four years	1:12 or fraction of group thereof	24

three through five years	1:14 or fraction of group thereof	28
six years and older	1:15 or fraction of group thereof	30
18 to 24 months with children ages 24 through 35 months	1:6 or fraction of group thereof	12*

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*Providers whose group size exceeds the maximum group size for infants and toddlers indicated above prior to the date these regulations are promulgated shall continue with their current group size as long as ratios are maintained at all times. Providers whose group size meets the maximum group size for infants and toddlers indicated above prior to the date these regulations are promulgated must continue to meet the maximum group size. All new licensed providers and those requesting an infant or toddler capacity change after the date these regulations are promulgated must meet the maximum group size as indicated above.

In accordance with AMI or AMS accreditation standards, providers applying for or maintaining AMI or AMS accreditation may combine age groups as follows:		
Age Group	**Adult to Child Ratio**	**Maximum Group Size**
2 months – 15 months	1:3	10
12 months –3 years	1:6	12
2.5 – 6 years	1:15	30
6 years and older	1:15	30

Table A3

Adopted Language—8.9.4.23(C)(1) NMAC

Centers where children are grouped by age		
Age Group	Adult to child ratio	Maximum group size
Infants	1:6 or fraction of group thereof	12*
Toddlers	1:6 or fraction of group thereof	12*
two years	1:10 or fraction of group thereof	20
three years	1:12 or fraction of group thereof	24
four years	1:12 or fraction of group thereof	24
five years	1:15 or fraction of group thereof	30
six years and older	1:15 or fraction of group thereof	30

Centers Where Age Groups Are Combined		
Age Group	Adult to child ratio	Maximum group size
six weeks through 24 months	1:6 or fraction of group thereof	12*
two through four years	1:12 or fraction of group thereof	24
three through five years	1:14 or fraction of group thereof	28
six years and older	1:15 or fraction of group thereof	30
18 to 24 months with children ages 24 through 35 months	1:6 or fraction of group thereof	12*

*Providers whose group size exceeds the maximum group size for infants and toddlers indicated above prior to the date these regulations are promulgated shall continue with their current group size as long as ratios are maintained at all times. Providers whose group size meets the maximum group size for infants and toddlers indicated above prior to the date these regulations are promulgated must continue to meet the maximum group size. All new licensed providers and those requesting an infant or toddler capacity change after the date these regulations are promulgated must meet the maximum group size as indicated above.

In accordance with AMI or AMS accreditation standards, providers applying for or maintaining AMI or AMS accreditation may combine age groups as follows:		
Age Group	**Adult to Child Ratio**	**Maximum Group Size**
2 months – 15 months	1:3	10
12 months –3 years	1:6	12
2.5 – 6 years	1:15	30
6 years and older	1:15	30

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