

Child Care Regulations in New Mexico

Overview

A summary of child care regulations in New Mexico.

- New Mexico “Aim High” Star Rating Child Care System
- Types of care that must be licensed
- Types of care that may operate without a license
- Age-group definitions
- Subsidized child care
- Whom to contact
- Child abuse reporting
- Child care centers
- Group family child care homes
- Family child care homes

Child care is regulated differently in every state and sometimes even in different counties or cities in the same state. In New Mexico, the Children, Youth and Families Department, Child Care Licensing, licenses part-time and full-time child care centers, group family child care homes, and family child care homes. Other types of local regulations, such as zoning, health, building, and fire safety codes, may also apply to child care facilities.

This guide explains the level of quality required by child care regulations in New Mexico. Some child care programs in the state operate at this level and some well above it. As a parent, you have your own standards and will look for providers you trust to meet them. Over time, your informed consumer choice and cooperation with the licensing agency can help improve the quality of child care in your community.

Both the law and licensing requirements are subject to change. To ensure that you have accurate and complete information, check with the licensing office to see whether there have been any changes since the information in this guide was last updated.

New Mexico “Aim High” Star Rating Child Care System

This program was created to help parents identify quality child care and to encourage and reward child care providers. Providers receive one star on their licenses for meeting the minimum requirements. Additional stars are earned through an increase in standards for areas including staff training and education, program environment, daily activities, family participation, and sharing of progress and information with parents. All licensed providers receiving child care assistance subsidies must have a 2-Star level at the time of their renewal. For more information, contact the Office of Child Development.

Types of care that must be licensed

Child care licensing is a type of regulatory activity in which the state authorizes an individual or a group to operate a child care facility. The New Mexico Children, Youth and Families Department, Child Care Licensing, is responsible for monitoring compliance with state standards, establishing procedures for revoking a license, and providing appeal mechanisms.

In New Mexico, the following forms of child care must be licensed:

- *Child care centers.* Full- or part-time care in a nonresidential setting for 13 or more children. In New Mexico, this includes nursery schools, preschools, pre-kindergartens, religiously affiliated centers, and “out of school time” programs.
- *Group family child care homes.* Full- or part-time care in a residence for between seven and 12 children, including the provider’s children under 6 years old.
- *Family child care homes.* Full- or part-time care in a residence for five or six children, including the provider’s children under 6 years old.

More detailed information about child care centers, group family child care homes, and family child care homes can be found later in this guide.

Types of care that may operate without a license

Some types of child care are not required to be licensed by the state. There are no agencies investigating or regulating these providers, so be sure to thoroughly check a provider’s background and experience before choosing one of these types of care.

In New Mexico, the following forms of child care are exempt from licensing:

- Care provided in the child’s home or by relatives
- Family child care homes that provide full- or part-time care in a residence for between one and four children may voluntarily register to participate in public subsidy and the federal food program
- Parent’s day-out programs held in a church, religious building, place of worship, or public building open only two days per week for no more than four hours per day
- Programs operated by the federal government or tribal governing agencies
- Summer day camps or religious schools held in a place used for worship
- Recreational programs operated by recognized organizations and not in residences
- Programs held with the parents on the premises while care is provided
- Facilities providing 24-hour care on a continuous basis
- Private schools accredited or recognized by the New Mexico Department of Education and operating for children 5 years and younger

When children's programs are run by public elementary schools, the local school board is responsible for regulating them. Other government agencies that run children's programs also do their own regulating.

Age-group definitions

- *Infant*: child between 6 weeks and 1 year
- *Toddler*: child between 1 and 2 years
- *Preschooler*: child between 2 and 5 years
- *School-age*: child 6 years and older

Subsidized child care

The New Mexico Children, Youth and Families Department, makes funds available to families to assist them with child care payments. The amount of the co-payment depends on family size and income. Recipients of these funds must be working, in school, or in a job training program to qualify. Families with children from 6 weeks to 13 years old that are currently receiving or have recently received temporary assistance for needy families (TANF) or are receiving food stamps and employment and training assistance are automatically eligible for at least partial assistance. Other families with limited incomes may also be eligible if additional funds are available. Families who are eligible may receive assistance whether their child is in a family child care home or a child care center, as long as the type of care complies with state regulations.

For further information about program availability and how to qualify, call the New Mexico Children, Youth and Families Department, Child Care Services Bureau's toll-free hot line at 800-832-1321 or 505-827-7499.

Whom to contact

For more detailed information regarding child care regulations in New Mexico, to obtain a copy of the state standards, or to report licensing violations contact:

New Mexico Children, Youth and Families Department Child Care Services Bureau

P.O. Drawer 5160

Santa Fe, NM 87502-5160

505-476-0130, 505-476-5510 or 505-476-5440

New Mexico Kids Warm Line: 800-691-9067

www.newmexicokids.org

This service is for parents and providers to discuss child care, child development, and child health.

Child abuse reporting

The staffs of all child care facilities are required to report known or suspected child abuse or neglect to the state or to police. To report suspected child abuse, call 505-841-6100 or toll-free 800-797-3260. For more information on child abuse and neglect, go to www.cyfd.org/index.htm.

Child care centers

Licenses

- License is required and must be renewed annually.
- License must be posted.
- Liability insurance is not required.

State inspection

- Inspections take place prior to licensing, at renewal, to assess a deficiency correction, and after a complaint.
- All inspections except those prior to licensing may or may not be announced.

Staff:child ratios

- 6 weeks to 24 months: one staff for up to six children (1:6)
- 2 years: one staff for up to 10 children (1:10)
- 3 to 4 years: one staff for up to 12 children (1:12)
- 5+ years: one staff for up to 15 children (1:15)

Children under 2 years old must be cared for apart from older children.

Centers with mixed-age groups

- 6 weeks through 24 months: one staff to every six 6 children (1:6)
- 2 through 4 years: one staff to every 12 children (1:12)
- 3 through 5 years: one staff to every 14 children (1:14)
- 6+ years: one staff to every 15 children (1:15)

In mixed-age groups of children 35 months and younger, the staff:child ratio is determined by the age of the youngest child.

Maximum group size

- Requirements are based on the size of the center and all children on site are counted.

Staff qualifications

Director

- Must be at least 21 years old.
- Must have a high school diploma or a general equivalency diploma (GED).
- Must be on site at least half of the center's operating hours.
- Must have one of the following:
 - Bachelor's degree in early childhood education or a related field, plus at least one year of experience in an early childhood growth and development setting
 - Associate's degree in child development or early childhood education, plus at least two years of experience in an early childhood growth-and-development setting
 - Child Development Associate (CDA) credential, Certified Child Care Professional (CCP) credential, Montessori teacher certification, National Administration credential (NAC), or one-year vocational certificate, plus at least two years of experience
- All experience must be in an early childhood growth-and-development setting.
- Must attend orientation.

Teacher

- Must be at least 18 years old or supervised.
- Must attend orientation.

Substitute

- Must meet same requirements as staff.

Staff training

- All staff working directly with children must attend a 45-hour entry level course or an approved three-credit course within six months of beginning employment.
- Staff who work more than 20 hours per week must have at least 24 hours annually that address first aid, CPR, infection control, and at least three competency areas as defined by the state within one year and all seven within two years.
- Staff who work fewer than 20 hours per week must have at least 12 hours annually of additional training.
- Infant and toddler caregivers must have at least four hours of training on infant and toddler care within six months of beginning employment as part of the annual training requirement.

- Must have separate training to care for mildly ill and special needs children.

CPR and first aid

- First-aid training is required in addition to training hours.
- CPR is required.
- At least one staff member currently trained in first aid and CPR must be present at all times.

Staff medical requirements

- No requirements.

Staff background checks

- Operators, staff, and volunteers must have federal and state criminal background checks with fingerprinting.
- All staff must have child abuse background checks.
- All staff must have employment history checks.

Discipline

- Certain methods of discipline, including corporal punishment, are prohibited.
- Must have a written, posted policy.

Parents' rights

- Parents must receive a "Parent Handbook" that includes program activities, operations, and policies and procedures, and must be accompanied by a signed acknowledgment of policies.
- Parents must be permitted to visit and observe the child at any time.
- Parents must be informed in writing of any incident, including any illness, that must be reported to the department and that could threaten the health or safety of the children in the center.
- Parents must be informed if there are pets in the center.
- Parents may see all inspection reports.
- Any event requiring a report to the state licensing agency must also be reported to parents.

Health and safety requirements

- Must meet all health and safety, fire, and building requirements.
- Must have written emergency procedures.

- Must have a manual or an automatic fire alarm system.
- Must have a minimum of two fire extinguishers.
- Must have smoke detectors.
- Must have an emergency evacuation plan posted in each room used by children.
- Electrical outlets must be covered.
- Hazardous or toxic materials must be inaccessible to children.
- Outdoor play area must be safe and have a fence with a latching gate.
- Must have a first-aid kit and a manual.
- Must hold monthly fire drills.
- Must have a working phone.
- Emergency numbers must be posted by the phone.
- Pets must be vaccinated.
- Wading pools must be emptied after use.
- Swimming pools must be inaccessible to children and must be inspected with a current permit granted from the Environmental Department.
- Smoking is prohibited.

Child medical requirements

- Must have all age-appropriate immunizations, including hepatitis B.
- Must have written permission to administer medications.

Care for sick children

- Children who become ill must be isolated and supervised, and their parents notified immediately.
- Children with a temperature of 101 degrees, certain communicable diseases, or severe illness must be excluded from care.

Group family child care homes

Licenses

- License is required and must be renewed annually.
- License must be posted.
- Liability insurance is not required.

State inspection

- Inspections take place prior to licensing, at renewal, to assess a deficiency correction, and after a complaint.
- All inspections, except those prior to licensing, may or may not be announced.

Staff:child ratios

- 6 weeks to 2 years: one staff for up to two children (1:2)
- Other: one staff for up to six children (1:6)

Two caregivers are required when more than six children are present or when more than two children under 2 years are present.

Maximum group size

- May care for up to 12 children.
- May care for up to four children under 2 years old if a second caregiver is present and the home is licensed to provide such care.

Staff qualifications

Provider

- Must be at least 18 years old.
- Must attend orientation.
- Must reside in home.

Assistant

- Must be at least 18 years old to supervise children and to be counted in the staff:child ratio.
- Must attend orientation.

Substitute or volunteer

- Must meet same requirements as staff.

Staff training

- Provider must attend a 45-hour entry-level course or approved three-credit course within six months of beginning employment.
- Staff must have 12 hours of training annually, including six hours in child growth and development and three hours in health, safety, nutrition, and infection control.

- Infant and toddler caregivers must have at least two hours of training on infant and toddler care within six months of beginning employment as part of the annual training requirement.

CPR and first aid

- First-aid and CPR training is required and count for no more than three hours of annual training.
- At least one person certified in CPR and first aid must be on duty at all times.

Staff medical requirements

- No requirements.

Staff background checks

- Operators, staff, and volunteers must have federal and state criminal background checks with fingerprinting.
- All staff must have child abuse background checks.
- All staff must have employment history checks.

Discipline

- Certain methods of discipline, including corporal punishment, are prohibited.
- Must have a written, posted policy.

Parents' rights

- Parents must receive a "Parent Handbook" that includes program activities, operations, and policies and procedures, and must be accompanied by a signed acknowledgment of policies.
- Parents must be permitted to visit and observe the child at any time.
- Parents must be informed in writing of any incident, including any illness, that must be reported to the department and that could threaten the health or safety of the children in the center.
- Parents must be informed if there are pets in the home.
- Parents may see all inspection reports.
- Any event reported to the state must also be reported to the parents.

Health and safety requirements

- Must meet all health and safety, fire, and building requirements.
- Must comply with all local regulations.
- Firearms must be unloaded and inaccessible to children.

- Electrical outlets must be covered.
- Hazardous or toxic materials must be inaccessible to children.
- Must have a first-aid kit.
- Must have an approved, up-to-date emergency evacuation and disaster-preparedness plan.
- Must have a working phone.
- Emergency numbers must be posted by the phone.
- Pets must be vaccinated.
- Outdoor play area must be safe and enclosed with a fence at least 4 feet high with at least one latched gate for safely exiting the area.
- Wading pools must be emptied after use.
- Swimming pools must be inaccessible to children and must be inspected with a current permit granted from the Environmental Department.
- Smoking is prohibited in all areas, including vehicles, when children are present.

Child medical requirements

- Must have all age-appropriate immunizations, including hepatitis B.
- Must have written permission to administer medications.

Care for sick children

- Children who become ill must be isolated and supervised, and their parents notified immediately.
- Children with a temperature of 101 degrees, certain communicable diseases, or severe illnesses must be excluded from care.

Family child care homes

Licenses

- Must be licensed and renewed annually.
- License must be posted.
- Liability insurance is not required.

State inspection

- Inspections take place prior to licensing, at renewal, to assess a deficiency correction, and after a complaint.
- All inspections, except those prior to licensing, may or may not be announced.

Staff:child ratios

- Infant: one staff for up to two children (1:2)
- 6 weeks to school-age: one staff for up to six children (1:6), with no more than two children under 2 years old

Maximum group size

- One provider may care for up to six children, including the provider's own children under 6 years old, if no more than two children are under 2 years old.
- May care for up to four children under 2 years old if a second caregiver is present and the home is licensed to provide such care.

Staff qualifications

Provider

- Must be at least 18 years old.
- Must attend orientation.
- Must reside in the home.

Assistant

- Must be at least 18 years old to supervise children and to be counted in the staff:child ratio.
- Must attend orientation.

Substitute or volunteer

- Must meet same requirements as staff.

Staff training

- Provider must attend a 45-hour entry-level course or an approved three-credit course within six months of beginning employment.
- Must have 12 hours annually, including six hours in child growth and development and three hours in health, safety, nutrition, and infection control.
- Infant and toddler caregivers must have at least two hours of training on infant and toddler care within six months of beginning employment as part of the annual training requirement.

CPR and first aid

- First-aid and CPR training are required and count for no more than three hours in annual training.
- At least one person certified in first aid and CPR must be on duty at all times.

Staff medical requirements

- No requirements

Staff background checks

- Operators, staff, and volunteers must have federal and state criminal background checks with fingerprinting.
- All staff must have child abuse background checks.
- All staff must have employment history checks.

Discipline

- Certain methods of discipline, including corporal punishment, are prohibited.
- Must have a written, posted policy.

Parents' rights

- Parents must receive a "Parent Handbook" that includes program activities, operations, and policies and procedures, and must be accompanied by a signed acknowledgment of policies.
- Parents must be permitted to visit and observe the child at any time.
- Parents must be informed in writing of any incident, including any illness, that must be reported to the department and that could threaten the health or safety of the children in the center.
- Parents must be informed if there are pets in the home.
- Parents may see all inspection reports.
- Any event reported to the state must also be reported to parents.

Health and safety requirements

- Must meet all health and safety, fire, and building requirements.
- Must comply with all local regulations.
- Firearms must be unloaded and inaccessible to children.
- Electrical outlets must be covered.
- Hazardous or toxic materials must be inaccessible to children.

- Must have a first-aid kit.
- Must have an approved, up-to-date emergency evacuation and disaster-preparedness plan.
- Must have a working phone.
- Emergency numbers must be posted by the phone.
- Pets must be vaccinated.
- Outdoor play area must be safe and enclosed with a fence at least 4 feet high with at least one latched gate for safely exiting the area.
- Wading pools must be emptied after use.
- Swimming pools must be inaccessible to children and must be inspected with current permit granted from the Environmental Department.
- Smoking is prohibited in all areas, including vehicles, when children are present.

Child medical requirements

- Must have all age-appropriate immunizations, including hepatitis B.
- Must have written permission to administer medications.

Care for sick children

- Children who become ill must be isolated and supervised, and their parents notified immediately.
- Children with a temperature of 101 degrees or certain communicable diseases must be excluded from care.