



## **Regulatory Registry Consultation Document Regarding the Child Care and Early Years Act, 2014 and the Education Act**

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## Purpose

The purpose of this document is to seek feedback on proposed regulations under the Child Care and Early Years Act, 2014 (CCEYA) and the Education Act. Please take the time to review this document and provide us with your comments. More information about how to respond is provided at the end of the document. Responses must be received by the Ministry of Education (“the ministry”) no later than **April 1, 2016**.

The government’s early years vision is to ensure that Ontario’s children and families are well supported by a system of responsive, high-quality, accessible, and increasingly integrated early years programs and services. Additional information about this vision is provided in the [Ontario Early Years Policy Framework \(OEYPF\)](#).

In support of this vision, on August 31, 2015, the CCEYA came into effect, replacing the Day Nurseries Act (DNA). The following “phase 1” regulations also came into effect on August 31, 2015, following a public consultation period:

- [Ontario Regulation 137/15: General](#)
- [Ontario Regulation 138/15: Funding, Cost Sharing and Financial Assistance](#)

## Proposed Regulatory Changes

Given the transformative scope of the new legislative framework for the child care and early years sector, the ministry is taking a multi-year, phased approach to the development and implementation of new regulations under the Act.

The proposed second phase of regulatory changes is planned for the coming year and will focus on the following key areas:

- A. Service System Management and Funding
- B. Licensing Clarity
- C. Enforcement
- D. Tiered Licensing – term of a licence
- E. Licensing Standards
- F. Licensing Fees
- G. Before- and after-school programs for children age 6-12 years (BASP 6-12): Extended Day and Third Party Programs
- H. Miscellaneous Regulations

### A. Service System Management and Funding

#### A1. Service System Management

Consolidated Municipal Service Managers (CMSMs) and District Social Services Administration Boards (DSSABs) are the designated child care and early years service system managers responsible for planning and managing services at the local level. The CCEYA recognizes the essential role that CMSMs and DSSABs play in planning, managing, and funding local child care and early years programming.

First Nations with funding relationships with the Province are not required to be designated service system managers, nor are they subject to requirements related to service system plans; however, First Nations may choose to take on a service manager role under the CCEYA.

The Province allocates funding across Ontario equitably, based on a data-driven funding formula, to support access to child care and early years programming across the province. In addition, as articulated in the CCEYA, the province has an interest in ensuring that child care and early years programs and services meet certain requirements such as (but not limited to) ensuring the health, safety, and well-being of children, are of high quality, and respect the equity, inclusiveness, and diversity in the communities they serve.

The CCEYA provides for the creation of accompanying regulations to further clarify the content and procedural matters related to service system plans and to further clarify the powers and duties of a service system manager.

In addition, the CCEYA provides for the issuance of policy statements by the ministry, as outlined in section 55, related to the operation of child care and early years programs, as well as for the purpose of guiding service system managers in developing and implementing their local child care and early years service system plans.

It is the ministry’s intention to provide additional clarity on procedural and content matters related to service system plans as well as additional clarity on the powers and duties of service system managers. The ministry is aware of the need to strike the appropriate balance between achieving consistencies across the province on the one hand while also ensuring there is enough flexibility to allow for the different local priorities and realities across CMSMs and DSSABs to be addressed.

To achieve this, the ministry is proposing targeted regulatory changes and the issuance of an accompanying provincial policy statement to assist service system managers.

Current Requirement	Proposed Change
Section 51 of the CCEYA provides for the creation of regulations on the content and procedural matters of service system plans.	<p>Add regulations to clarify content and procedural matters relating to service system plans, including:</p> <ul style="list-style-type: none"> <li>- Add requirements that service plans be updated <b>at least</b> every five years and that approved service system plans must be posted on the service system manager’s public website.</li> <li>- Add requirements relating to the content of plans including ensuring that service system plans include items of provincial interest as articulated in section 49 of the CCEYA, including but not limited to providing for strong and sustainable partnerships among the Province, service system managers, and others in the community.</li> </ul> <p>The ministry will provide additional clarification and guidance through a provincial policy statement and/or guidelines.</p>
Section 51 of the CCEYA provides for the creation of regulations to add other prescribed persons or entities a service system manager shall consult with in the development of the service system plan.	Add a regulation to set out family support programs in the list of prescribed persons or entities.
Section 52 of the CCEYA provides for the creation of regulations to add other prescribed persons or entities a service system manager shall cooperate with in the implementation of the service system plan.	Add a regulation to set out family support programs in the list of prescribed persons or entities.
Section 56 of the CCEYA provides for the creation of regulations to further clarify and support the duties of service system managers.	Add regulations to further clarify and support the duties of service system managers in their role coordinating the planning and operation of child care and early years programs and services (section 56), as well as the duty to consult during the development and implementation of the child care and early years service system plan (sections 51 and 52).

In addition to the proposed regulatory changes noted above, the ministry intends to issue an accompanying provincial policy statement and guidelines to assist service system managers regarding their role as service system managers, including but not limited to such items as providing advice on prospective child care licensees as outlined in section 62 of the CCEYA, the content of plans, and the development of service system plans. Additional details may also be provided through annual guidelines.

**Timing:** These proposed changes to the regulation would come into effect no earlier than December 2017 (i.e. a transition period of approximately 18 months).

## A2. Funding Related Provisions

The Province provides funding to support child care and early years operating costs per service agreements and the provincial funding guideline. Regulations under the CCEYA govern the financial and reporting relationship between the Province and service system managers and First Nations with funding relationships with the Province.

The current regulations in Ontario Regulation 138/15: Funding, Cost Sharing and Financial Assistance were carried forward from the previous regulatory regime (i.e. the DNA). However, provisions do not accurately reflect current funding-related practices. As such, the ministry is proposing to bring forward the existing regulation with the exception of the proposed revisions below, which are intended to bring the regulatory framework in line with current funding and reporting practices. It is important to note that these regulatory changes are being undertaken to update existing funding-related regulations and will maintain existing cost share ratios.

Current Requirement	Proposed Change
<p>Section 4 of Ontario Regulation 138/15 relates to the funding relationship between a First Nation and the Province. Specifically, this section directs a First Nation to provide the ministry with an estimate of the next year's revenues and expenditures, which may be amended throughout the year. The estimate must be approved by a director (i.e. an employee of the ministry).</p> <p>In addition, any funding provided to the First Nation under section 5 cannot exceed the estimate approved by the director. Any deviation from the estimate may be adjusted.</p> <p>Funds expended by a First Nation must be expensed in accordance with the director-approved estimate.</p>	<p>Amend the existing section to align with current practices, including removing outdated regulations related to director approval of First Nations estimates and procedures for amending those estimates.</p> <p>Add a provision to align reporting requirements with current practices (e.g. current funding guidelines).</p>
<p>Section 5 of Ontario Regulation 138/15 sets out the cost sharing amount for First Nations who have entered into funding agreements with the Province under CCEYA section 54(3).</p>	<p>Amend the existing section to align with current practices including removing and replacing cost share amounts with cost share maximums (e.g. cost share requirements will not be in excess of 20 per cent; these changes would not impede First Nations from increasing their contributions above the required cost sharing amounts).</p> <p>Add a reference to the current practice of service agreements (e.g. Child Care and Family Support Service Agreement) which is where funding arrangements are addressed including but not limited to setting out the actual percentage amount.</p> <p>Add a new provision to reference the role of the federal government in funding First Nations child care and early years services.</p>

Current Requirement	Proposed Change
Section 6 of Ontario Regulation 138/15 sets out the services for which funding may be provided under section 7 (see next row).	<p>Add family support programs as defined in Ontario Regulation 137/15, section 3(2) to the list of services.</p> <p>It is not the ministry's intention to require service system managers to cost share family support programs for which the service system manager is not currently cost sharing.</p>
Section 7 of Ontario Regulation 138/15 sets out the cost sharing amounts for CMSMs and DSSABs with respect to the services described in section 6.	<p>Amend the existing regulation, including removing and replacing the cost share amounts with maximum cost share percentage requirements as follows:</p> <ul style="list-style-type: none"> <li>- Not in excess of 20 per cent for services set out in section 6 of Ontario Regulation 138/15. However this would not impede service system managers from increasing their municipal contributions above the required cost sharing amounts.</li> <li>- Not in excess of 50 per cent for administration costs.</li> <li>- No cost sharing requirement for DSSABs for those services that are provided in territories without municipal organization.</li> </ul> <p>Actual cost sharing amounts will continue to be communicated through individual service agreements.</p> <p>These changes would not preclude service system managers from increasing their municipal contributions above the required cost sharing amounts.</p> <p>A new item would be added to align reporting requirements with current practices (e.g. service agreements and current funding guidelines).</p>

**Timing:** These proposed changes would come into effect when the regulation is implemented (i.e. no transition period).

## B. Licensing Clarity

### B1. Authorized Recreation and Skill Building Programs

The CCEYA sets out in legislation and regulation what programs and services are considered child care and whether a licence is required.

As part of the first phase of regulations under the CCEYA, [a transition regulation](#) was included in Ontario Regulation 137/15 to carry over the long-standing policy that exempts recreation programs from requiring a licence provided that the care is offered for no more than three hours in a day and the care is:

- Operated by a children's recreation service provider listed in the [regulation on Recreation Programs \(Ontario Regulation 797\)](#) made under the [Ministry of Tourism and Recreation Act \(MTRA\)](#);
- Operated by a family support program funded by the Ministry of Education for children who are 3 years, 8 month of age ('junior kindergarten' or JK age) or older; or
- Part of Ontario's After School Program funded by the Ministry of Tourism, Culture and Sport (MTCS).

Under Ontario Regulation 797, recognition as a “children’s recreation service provider” is granted through a blend of local approval mechanisms and third party accreditation processes that are inconsistently available and vary in level of oversight and quality across Ontario.

The CCEYA provides authority for the ministry to set out criteria in regulation that would enable “authorized recreational and skill building programs” to care for children age six years and older without a licence.

The regulations being proposed for phase 2 would replace the transition regulation currently in Ontario Regulation 137/15 regarding programs that run for no more than three hours a day.

Recognizing the role of local service system managers, the different needs and circumstances of their communities, and the flexibility required to support viable care options, the ministry is proposing local service system managers and First Nations would be able to authorize recreation and skill building programs/services provided that the programs/services demonstrate that they offer evidence-based quality programming that supports the health, safety, and well-being of children. After School Programs funded by MTCS and members of provincial sports organizations would also be authorized. These proposed regulations will be supplemented by ministry policy, which would include direction regarding assessing the quality of programs/services for the purposes of authorizing a program.

Current Requirement	Proposed Change
<p><b>Certain 3-hour Programs (transition)</b></p> <p>Section 3 of Ontario Regulation 137/15 sets out that the following programs may operate for up to three hours a day without a licence:</p> <ul style="list-style-type: none"> <li>- Family support programs funded by the Ministry of Education provided for children who are JK age or older.</li> <li>- Programs operated by a children’s recreation service provider as set out by Regulation 797 under the Ministry of Tourism and Recreation Act. There is no age restriction. This includes: <ul style="list-style-type: none"> <li>o Recreation committees appointed through by-law by a local service board/municipal/band council or through resolution by a school board (must include two members from appointing body).</li> <li>o Providers recognized through resolution by recreation committees.</li> <li>o Membership with the Ontario Camping Association or a provincial sports organization.</li> <li>o MTCS agencies and attractions.</li> </ul> </li> <li>- Is part of Ontario’s After School Program funded by MTCS.</li> </ul> <p>This transitional regulation will be revoked on January 1, 2017.</p>	<p>For <b>family support programs</b>, no change is being proposed. The exemption would expire on January 1, 2017.</p> <p>For <b>authorized recreation and skill building programs</b> that only care for children six years of age and up, set out that the program:</p> <ul style="list-style-type: none"> <li>- Operates for no more than three consecutive hours on weekdays (e.g. after-school programs).</li> </ul> <p><b>AND is:</b></p> <ul style="list-style-type: none"> <li>o Operated by a school board, First Nation, the Métis Nation of Ontario, or a municipality;</li> <li>o An Ontario After School Program funded by MTCS;</li> <li>o A member of a provincial sports organization;</li> <li>o Operated by an MTCS agency or “attraction” (e.g. Royal Ontario Museum);</li> <li>o Otherwise authorized by the local service system manager to offer care in their designated geographic areas provided that the program can demonstrate that it offers evidence-based, quality programming and supports the health, safety, and well-being of children;</li> <li>o Authorized by a First Nation to offer care on its territory provided that the program can demonstrate that it offers evidence-based, quality programming and supports the health, safety, and well-being of children.</li> </ul>

**Timing:** These proposed changes would come into effect when the regulation is implemented (i.e. no transition period).

Section 3(1) paragraph 4 of Ontario Regulation 137/15 will be revoked on January 1, 2017. Three hour programs that serve children under the age of six years that fall under this exemption will no longer be exempted from licensing requirements beginning on January 1, 2017. For example, this may include three hour programs serving four and five year olds every day that are operated by a children’s recreation service provider (recognized under Regulation 797 under the Ministry of Tourism and Recreation Act) or a ministry-funded family support program.

## B2. Exempt Circumstances

Section 4 of the CCEYA sets out what programs and services fall outside the scope of child care and do not require a licence. Additional exemptions are set out in the Ontario Regulation 137/15 made under the CCEYA. The ministry is proposing regulatory amendments to provide greater clarity and ensure programs are not inadvertently captured as child care.

Current Requirement	Proposed Change
Ontario Regulation 137/15 sets out exempt circumstances under section 3.	In addition to existing exempt circumstances, add an exemption for: <ul style="list-style-type: none"> <li>- Care or supervision provided to child performers in accordance with the new Protecting Child Performers Act, 2015, which sets out requirements for employers of child performers to provide supervision when the child is at the workplace.</li> <li>- Care or supervision where the parents of the children remain onsite, are available to attend to the needs of the child, and are onsite to access training, education, or community services delivered by a social service or health-related organization.</li> </ul>
Section 2 of Ontario Regulation 137/15 sets out factors related to determining whether a program falls under the “recreational, etc.” exemption set out under the Act.	For greater clarity, add that a private school, within the meaning of the Education Act, or a camp (programs that operate for a short period of time over the summer or during school breaks that focus on a recreational, outdoor, cultural, religious, or specialized activity) does not fall under the “recreational, etc.” exemption.
Ontario Regulation 137/15 references “September 1” in sections 2 and 3.	Amend the regulation to refer to the start of the school year as opposed to September 1.

**Timing:** These proposed changes would come into effect when the regulation is implemented (i.e. no transition period).

## C. Enforcement

The CCEYA provides a range of enforcement tools to support compliance with the Act and to strengthen oversight of child care settings. The suite of enforcement tools allows the ministry to respond promptly and appropriately to the different levels of risk and compliance of providers. These tools include:

- **Compliance orders:** The ministry can issue a compliance order to require any person in contravention of the Act or the regulations to stop contravening the provision within a specified time period.
- **Administrative penalties:** A number of contraventions related to licensed and unlicensed child care may be subject to an administrative penalty. The amounts range from \$500 to \$4000, and may accrue up to a maximum of \$100,000.
- **Protection orders:** Require licensed and unlicensed child care providers to stop operating if, upon inspection, there are reasonable grounds to believe that there is an imminent threat to the health and safety of children.

- **Restraining orders:** The ministry may also apply to the Superior Court of Justice for an order to restrain a person from providing child care where there is an imminent threat to the health and safety of children.

In addition, the CCEYA lists 12 contraventions, as well as failure to comply with an order, as offences. An offence under the Act is subject to a fine of up to \$250,000 and/or imprisonment for no more than one year. An individual convicted of an offence under the Act is prohibited from ever providing child care.

## C1. Administrative Penalties

As part of phase 1, regulations were implemented to set out that certain contraventions of the CCEYA (i.e. the **legislation**), including caring for more than the permitted number of children, obstructing ministry enforcement officers, and operating multiple unlicensed premises, were subject to administrative penalties.

As a next step in broadening what contraventions are subject to administrative penalties, it is proposed that administrative penalties be applied to contraventions of certain **regulations** that, if not met or contravened, pose a high risk to the health and safety of children. Additionally, contraventions of regulations related to the number of children on site would also be subject to administrative penalties.

Current Requirement	Proposed Change
<p>An administrative penalty may be issued for contraventions related to prohibited practices and duties in the CCEYA (i.e. the legislation).</p> <p>There are currently no administrative penalty amounts applied to contraventions of regulations.</p>	<p>Add a provision that sets out that administrative penalties may be issued to licensees who are in contravention of requirements related to age categories, ratios, and maximum group sizes, in addition to a number of other licensing standards linked to high risk for the health and safety of children. The contraventions and penalty amounts proposed are:</p> <ul style="list-style-type: none"> <li>- \$2,000 per child exceeding the permitted number as per age categories, ratios, licensed capacity, and maximum group sizes related to centre-based and home-based child care.</li> <li>- \$2,000 for not reporting a serious occurrence to the Ministry of Education within the specified timeframe (see section E13 of this document).</li> <li>- \$2,000 for committing prohibited practices such as corporal punishment, harsh or degrading measures, deprivation of basic needs, or confinement (see section E11 of this document).</li> <li>- \$1,000 for failing to ensure drugs are administered and/or stored appropriately.</li> <li>- \$1,000 for failing to post names of children with food allergies/restrictions.</li> <li>- \$750 for failing to keep a daily record of attendance.</li> <li>- \$750 for home child care agencies failing to have an up-to-date list of home providers, copies of the agency’s agreement with each provider, and a comprehensive and accurate list of the children receiving child care.</li> </ul>

**Timing:** This proposed change would come into effect six months after the new regulation is implemented.



## C2. Offences

The ministry is proposing to broaden its enforcement tools by prescribing additional contraventions of the legislation and regulation (General) that may be an offence under the Act. Expanding the list of offences is intended to support the range of enforcement approaches the ministry may take with licensees who repeatedly fail to come into compliance with licensing requirements, as well as to support increased oversight of health and safety standards.

The CCEYA provides the ministry with a suite of enforcement tools that can be used before considering prosecution which allows the ministry to respond promptly and appropriately based on the severity of the violation and the history of the provider.

Current Requirement	Proposed Change
<p>The CCEYA sets out 12 offences that are related to committing a prohibited act (such as operating multiple child care sites without a licence, preventing parental access, obstructing an inspector) as well as failing to comply with an order issued by the ministry.</p>	<p>In addition to the existing list of offences, prescribe by regulation that any failure to act in accordance with the following provisions of the Act and regulations would be an offence under the Act:</p> <ul style="list-style-type: none"> <li>- Duty to disclose if not licensed and retain record of disclosure (section 12 of the Act).</li> <li>- Duty to provide receipt for payment (section 15 of the Act).</li> <li>- Prohibited practices (section 48 of Ontario Regulation 137/15).</li> <li>- Ratios and maximum group sizes in child care centres (section 8(1) of Ontario Regulation 137/15).</li> <li>- Compliance with health and safety standards, Building Code, Fire Code, etc. (section 13 and section 25 of Ontario Regulation 137/15).</li> <li>- Duty to obtain initial reference check (section 60 of Ontario Regulation 137/15).</li> <li>- Supervision by adult at all times (section 11 of Ontario Regulation 137/15).</li> <li>- Licensed maximum capacity (a new regulation proposed in section E2(i) of this document).</li> </ul> <p>This new provision would impact child care providers as well as licensees.</p>

**Timing:** The proposed changes would come into effect when the regulation is implemented (i.e. no transition period).

## D. Tiered Licensing

The ministry's role as a modern regulator includes making sure there is a supportive legislative and regulatory framework in place for child care, as well as adapting its licensing practices to be as responsive and effective as possible.

As part of the transformation of Ontario's child care system, the ministry is embarking on a new, progressive approach to licensing child care centres in the province.

While maintaining the ministry's current oversight of children's health, safety, and well-being, this new approach – "tiered licensing" – will have a dual purpose of incentivizing high levels of regulatory compliance while also focusing resources/efforts on centres which need greater levels of support to achieve compliance. Tiered licensing will also allow for more time during inspections for discussions about pedagogy and program quality.

This new approach was informed by robust statistical analysis, extensive consultation with Ontario's child care stakeholders and experts in the field of child care regulation, as well as best

practices from across North America. Additionally, tiered licensing responds to recent recommendations from Ontario’s Auditor General.

Under tiered licensing, each child care centre will be placed into one of three “tiers” depending on its compliance history over the last three years, including the number and risk level of non-compliances and whether the ministry issued any enforcement actions (e.g. provisional licences, licence suspensions, compliance orders, and/or administrative penalties).

Centres that have consistently demonstrated very high levels of compliance over the past three years will be eligible for a two year licence (pending regulatory change – see below) and will receive an abbreviated licence renewal inspection every other year. These centres will receive an interim monitoring visit during the two year period.

Centres that have had a low or moderate number of non-compliances over the past three years but have not been in receipt of ministry enforcement actions will receive abbreviated annual licence renewal inspections.

Centres that are experiencing difficulty with meeting provincial licensing standards and/or have received ministry enforcement actions over the past three years will receive a full licence renewal inspection every year, as well as additional compliance monitoring and support.

Tiered licensing, and the two year licence duration, will not be available to centres that have been operating for less than three years. After three years of operation, child care centres will be placed into one of the three tiers, depending on their compliance history. It is important to note that the tiered licensing approach will also not apply to licensed home child care.

Additional communication to licensees about tiered licensing is planned for Winter – Spring 2016.

## D1. Term of a Licence

To support the implementation of tiered licensing, it is proposed that Ontario Regulation 137/15 be amended to allow for the duration of a licence to be up to two years.

Current Requirement	Proposed Change
The CCEYA sets out that if there are no regulations, the term of the licence specified by the director cannot exceed one year. Currently, there is no regulation that sets out the term of a licence.	Create a new section in the regulation that sets out the term of a licence to be a period for up to two years. A ministry policy will be developed and issued to support this exercise of discretion.

**Timing:** This proposed change to the regulation would come into effect when the new regulation is implemented (i.e. no transition period).

## E: Licensing Standards

Many licensing standards under the DNA were carried over unchanged to the CCEYA for phase 1 of the regulatory pathway for the CCEYA. The new and amended provincial standards being proposed for phase 2 reflect contemporary research and best practices, feedback received from stakeholders and partners, and recommendations from the province’s Auditor General.

### E1. Home Child Care

In Ontario, licensed home child care is carried out by licensed home child care agencies which contract with individual child care providers. Agencies are required to ensure that all provincial health, safety, and program quality requirements are met in every home they oversee. Home visitors – employees of agencies – are required to conduct unannounced visits four times a year

and check that all licensing requirements are being met. Once a year, the ministry inspects each licensed home child care agency and a sample of their contracted providers' homes.

While maintaining the ministry's oversight/regulatory role and a provincial focus on health, safety, and quality in home child care, the ministry is proposing to remove the caseload cap from the current regulation that prescribes a home visitor may oversee no more than 25 homes. This proposed change would provide flexibility to agencies' business practices and recognize that child care providers have a range of experiences and skills that may require varying degrees of support from a home visitor. This approach aligns with other provinces and territories that license home child care agencies; Ontario is currently the only jurisdiction that prescribes this business practice in regulation.

Licensed home child care agencies will continue to be subject to all ministry requirements and be responsible for inspecting and monitoring their contracted home providers through an initial inspection and quarterly unannounced home visits conducted by the agency's home visitors. To support children's health, safety, and well-being and ensure home child care programs are providing quality experiences for children, the ministry will be issuing a standardized Home Visitor Inspection Checklist that every home visitor will be required to complete during every visit.

Current Requirement	Proposed Change
Section 6(5) of Ontario Regulation 137/15 sets out that, unless otherwise approved by a director, every licensee of a home child care agency shall employ at least one full-time home child care visitor, who shall be a person described in section 56, for every 25 premises where the licensee oversees the provision of home child care, who shall provide support at each such premises and monitor each such premises, and who shall be responsible to the licensee.	Every licensee of a home child care agency shall employ at least one home child care visitor who shall be responsible to the licensee and who shall be a person described in section 56, to provide support and monitor each such premises where the licensee oversees the provision of home child care. This would include ensuring all licensing standards and health and safety requirements are being met.

**Timing:** This proposed change would come into effect when the regulation is implemented (i.e. no transition period).

## **E2. Age Groupings, Ratios, Maximum Group Size, Qualifications, and Family Groupings (Child Care Centres)**

While phase 1 changes to age groupings and ratios focused on children over the age of 3 years, 8 months of age – a natural delineation given this is the age children in Ontario are eligible to attend a publicly-funded school pursuant to the Education Act – phase 2 has a primary focus on children from birth to 3 years, 8 months of age, with some additional changes that would impact older children.

Regulatory requirements for age groupings and ratios for young children and infants and the proportion of qualified staff in programs, which are set out in Schedule 1 of Ontario Regulation 137/15, have not changed in decades. Since that time, a number of factors have emerged that necessitate a re-examination of the requirements to support access, viability, and quality programs:

- We have learned more about the differing needs of children at various stages of development and what should be considered when grouping children in child care centres.
- Research has demonstrated what constitutes high quality programs, including the importance of trained, qualified staff, especially for young children. Research on quality in child care suggests that staff qualifications are highly correlated with positive, responsive interactions with children and the provision of programs and experiences that support children's learning and development, particularly when combined with higher adult to child ratios (i.e. fewer children per adult) and smaller group sizes for younger children.

- Changes in parents' work patterns and the demographics of communities have altered the availability of child care services and how they are used across the province.
- In recent years, the federal government enhanced parental leave benefits, effectively increasing the total maternity and parental leave time to one year.
- In 2010, Ontario began the rollout of full-day kindergarten (FDK), enabling four and five year old children to participate in publicly-funded full-day of kindergarten education.

Requirements set out in regulation need to address the complex and dynamic relationship between staff-child ratios, group size, and educator training/qualifications while meeting the varied needs of families and communities in Ontario and supporting successful business models. Proposed changes also need to address our common understanding of what high-quality programs look like, as described in *How Does Learning Happen? Ontario's Pedagogy for the Early Years*, in addition to health and safety matters.

To address all of these complex, interconnected pieces, the ministry is proposing a multi-faceted approach that would provide flexibility for both licensees and parents, address the developmental needs of children, support quality, health, safety, and well-being, and provide options to address local issues related to access and viability. The proposed changes for child care centres are focused on:

- **Age Groupings, ratios, and group sizes:**

- o The ministry is proposing changes to age groupings and ratios in licensed child care centres, including aligning the infant grouping with the one year parental/maternity leave.
- o To better support transitions, particularly as children enter school and move between grades, the new model for age groupings would allow for overlapping age boundaries for preschool, kindergarten, and primary/junior school age groupings.

See chart after this section regarding this change as well as proposed changes to age groupings, ratios, maximum group size, and minimum number of qualified staff.

- **Staff qualifications:**

- o The ministry is proposing to increase the proportion of 'qualified' professionals required in programs for young children from 1/3 to 2/3 in infant, toddler, and preschool rooms. The ministry is also proposing to recognize staff qualifications other than an early childhood educator (ECE) diploma for programs exclusively serving children age 9-12 years, such as individuals with a diploma in child and youth care, recreation and leisure services, or who members in good standing with the Ontario College of Teachers. Approval from a director (i.e. ministry employee) would not be required for such non-ECE staff for this age group.

- **Family groupings:**

- o A new type of grouping is being proposed for child care centres: a "family grouping" would permit the placement of children from different age groups together in the same play activity area/room.
- o While maintaining stringent requirements to ensure health, safety, and quality, family groupings would help to increase access to licensed child care, particularly in areas of the province with dispersed and/or small populations where child care options are limited, or in areas where there is a need for child care during non-standard hours of operation.
- o This new type of grouping could also play a key role in supporting the unique and diverse child care needs of various cultural and linguistic communities, such as Aboriginal, First Nations, Métis, Inuit, as well as francophone communities.
- o The number of staff required for the group would be based on a formula currently under development; the formula would determine how many staff are needed, based on both the number and ages of the children.
- o Along with limiting the use of the family grouping to only very small centres with 15 or fewer children during the core day, there would be additional requirements related to family groupings:

- No more than six children under two years of age permitted;
- Minimum staffing requirements where there are more than six children in care, irrespective of what the formula would allow for;
- Requiring a minimum proportion of staff be a registered ECE (e.g. one-half of required staff or two-thirds of required staff must be a registered ECE); and
- The regulation could allow for family groupings to be used for child care outside of standard hours (i.e. extended care) to meet community needs.

## E2(i). Age Groupings, Ratios, etc.: Proposed Changes

The following chart sets out proposed changes to age groupings, ratios, group sizes, minimum number of qualified staff, and a new family grouping option. The proposal in the chart below considers feedback received from licensees and other child care partners in response to the 2013-14 consultation document posted by the ministry on the Ontario Regulatory Registry website, which included a proposal to adjust age grouping and ratios as well as proposing a multi-age/family grouping model.

Current Requirements					Proposed Change				
Name of Age Category	Age Range	Ratio of Staff to Children	Maximum Number of Children	Minimum Number of Qualified Staff*	Name of Age Category	Age Range	Ratio of Staff to Children	Maximum Number of Children	Minimum Number of Qualified Staff*
<b>Infant</b>	0 – 18 months	3 to 10	10	1	<b>Infant</b>	0– 12 months	1 to 3	9	2
<b>Toddler</b>	18 – 30 months	1 to 5	15	1	<b>Toddler</b>	12– 24 months	1 to 4	12	2
<b>Preschool</b>	30 months – 6 years	1 to 8	16	1	<b>Preschool</b>	24 months – younger than 5 years as of August 31	1 to 8	24	2
<b>Kinder-garten</b>	44 – 68 months	1 to 13	26	1	<b>Kinder-garten</b>	44 months – younger than 7 years as of August 31	1 to 13	26	1
<b>Primary/ junior school age</b>	68 months – 13 years	1 to 15	30	1	<b>Primary/ junior school age</b>	68 months – younger than 13 years as of August 31	1 to 15	30	1
<b>Junior school age</b>	9 – 13 years	1 to 20	20	1	<b>Junior school age</b>	9 years – younger than 13 years as of August 31	1 to 20	20	1
					<b>Family Grouping</b>	0-12 years	based on formula	15	1/2 to 2/3 of required staff

\* 'qualified staff' means a registered early childhood educator or otherwise approved by a director (i.e. ministry employee) or, in the case of the junior school age grouping (9-12 years old), if the proposed change is approved, qualifications as described on page 12 (e.g. diploma in child and youth care, recreation and leisure services, or member in good standing with the Ontario College of Teachers). Additional staff required to meet ratios would not be required to be an ECE.

In addition to requirements identified in Schedule 1 regarding ratio and group sizes, it is also proposed that a new regulation is set out to ensure that licensees at no given time may exceed the maximum capacity set out in the licence. This proposed change would come into effect when the regulation is implemented (i.e. no transition period).

**Timing:** To give programs time to adopt the new requirements, the ministry is proposing that the new requirements related to age groupings, ratios, staff qualifications, and family groupings come into effect on January 1, 2017, as optional to implement in the first two years. Licensees will have

an opportunity to transition to the new age groupings and ratios over a three year period with full implementation across all programs by January 1, 2020. As of January 1, 2020, all programs would be required to operate using the new model.

For existing licensees, during the first year of implementation (i.e. 2017), revision requests to move to the new age groupings and ratios would be processed only at the time of licence renewal (i.e. no stand-alone revision requests would be accepted).

Any new programs licensed after January 1, 2017, would be required to meet the new age groupings, ratios, and staff qualification requirements.

With regards to the new requirements for qualified staff, the ministry would allow existing positions to remain staffed as they were before January 1, 2017, (i.e. by unqualified individuals). New requirements would apply to these positions once vacated, unless otherwise approved by the director.

## E2(ii). Mixed-Age Groupings: Proposed Changes

“Mixed-age groupings” refers to groupings that include a certain percentage/number of younger children in an older age grouping based on the age categories set out in Schedule 1 of Ontario Regulation 137/15. Changes are being proposed to recognize and respond to the individualized needs of children and support transitions, while maintaining limits in the age range in a group to ensure children’s safety.

Current Requirement	Proposed Change
<p><b>Infant , Toddler, and Preschool Groups</b> Section 8(3) of Ontario Regulation 137/15 sets out that a director may approve a centre to use mixed-age groupings for toddlers and preschool groups, allowing for no more than 20 percent of the children to be from the younger age group.</p> <p>Section 8(2) of Ontario Regulation 137/15 sets out that mixed-age groupings are limited to only one room in each age category (infants/toddlers/preschoolers).</p> <p>Section 8(3) of Ontario Regulation 137/15 sets out if there are more than 20 percent of children from the younger age group, the ratio and maximum group size for the youngest child in the group would apply.</p>	<p><b>Infant , Toddler, and Preschool Groups</b> The following would apply only to the new age categories, ratios, etc. being proposed (see previous chart):</p> <p>Infant Group:</p> <ul style="list-style-type: none"> <li>- Mixed-age grouping would be permitted for 20 percent of children from the toddler group.</li> </ul> <p>Toddler Group:</p> <ul style="list-style-type: none"> <li>- Mixed-age grouping would be permitted for 20 percent of children who are no younger than 10 months.</li> </ul> <p>Preschool Group:</p> <ul style="list-style-type: none"> <li>- Mixed-age grouping would be permitted for 20 percent of children who are no younger than 22 months.</li> </ul> <p>Allow for a director to approve mixed-age grouping in more than one room in all age categories.</p> <p>If there are more than 20 percent of children from a younger age group, the ratio and maximum group size for the youngest child in the group would apply, as well as other requirements based on the age of the child (for example: play equipment or change tables).</p>
<p><b>Kindergarten Rooms</b> Section 8(3) of Ontario Regulation 137/15 sets out that director may approve a centre to use mixed-age groupings for kindergarten groups, allowing up to 25 percent of younger aged children who are older than three years of age but younger than 44 months, if all other children in the group are kindergarten-aged</p>	<p><b>Kindergarten Rooms</b> Amend the existing regulation regarding the 25 percent allowance to clarify: “who are three years of age <b>as of December 31.</b>”</p>

Current Requirement	Proposed Change
<p>children.</p> <p>A centre may include up to 20 percent of children from a younger age group whether or not there are also children who are over 68 months in the kindergarten group.</p>	<p>Remove the provision regarding the allowance of 20 percent of children may be from the younger age group as it is no longer required with the addition of the new allowance for 25% as described above (i.e. redundant provision).</p>

**Timing:** Proposed changes to age mixing in infant, toddler, and preschool groups would **only** apply to the new proposed age groupings and ratios and would therefore come into effect on the same schedule as proposed changes to age groupings and ratios.

The proposed changes that affect mixed-age groupings in kindergarten rooms would come into effect when the regulation is implemented (i.e. no transition period).

Existing director approvals for mixed-age groupings based on current age groupings would continue to apply through the duration of a licence until a licensee moves over to the new age groupings, ratios, etc.

### E2(iii). Reduced Ratios

To protect children’s health, safety, and well-being, the ministry is proposing changes to the staffing allowances for reduced ratios during busy transition periods of the day including arrival and departure times, and during the rest period. Having the full complement of staff, particularly during rest periods, will ensure young children can be carefully monitored and adults can respond to any changes in the child’s physical state.

Current Requirement	Proposed Change
<p>Section 8(4) of Ontario Regulation 137/15 sets out that reduced ratios are not allowed for infant groups.</p> <p>Reduced ratios are allowed for all other age groups during periods of arrival and departure and during the rest period. The ratio of employees to children in a child care centre may be reduced to not less than two-thirds of the required ratio.</p> <p>There is currently no time period specified in regulation for reduced ratios at arrival and departures.</p>	<p>For infants and toddlers:</p> <ul style="list-style-type: none"> <li>- No reduced ratios permitted.</li> </ul> <p>For preschool and other licensed full day programs:</p> <ul style="list-style-type: none"> <li>- Applies to arrival and departure time: Up to one hour after centre opens and one hour before centre closes, a ratio of employees to children may be reduced to not less than two-thirds of the required ratio.</li> </ul> <p>For before-and after-school programs:</p> <ul style="list-style-type: none"> <li>- Up to ½ hour after centre opens in the morning and ½ hour before centre closes in the evening, a ratio of employees to children may be reduced to not less than two-thirds of the required ratio.</li> </ul> <p>For extended hours care (e.g. overnight child care)</p> <ul style="list-style-type: none"> <li>- No reduced ratios permitted across all age groups.</li> </ul> <p>Family grouping:</p> <ul style="list-style-type: none"> <li>- No reduced ratios permitted.</li> </ul>
<p>The Ministry of Education Playground Safety Policy prohibits reduced ratios during outdoor time, including arrival and departure time.</p>	<p>Enshrine in regulation the prohibition of reduced ratios during all outdoor time. There is no change to the requirement; it is being moved from policy into regulation.</p>

**Timing:** With the exception of the current prohibition against reduced ratios during outdoor play periods (which is currently in effect and will continue to be in effect), these proposed requirements would come into effect on the same schedule as proposed changes to age groupings and ratios.

## E2(iv). Age Grouping Changes: Impacts to Other Regulations

The ministry recognizes that the proposed changes to age groupings, ratios, and group sizes will have implications for other regulations. The ministry is looking at options to support licensees transitioning to the proposed new age grouping for infant, toddler, and preschool groupings, as well as the proposed family grouping model, in relation to play activity space, sleep areas, equipment and furnishings, and active and outdoor play.

The following proposed changes will only apply to the new age grouping and ratios; all other provisions for existing age grouping and ratios would continue to apply:

**Play Activity Space:** With the proposed change to age ranges and group size for the infant and toddler groups, current requirements may create challenges for some licensees. In order to help existing programs adapt to the new age groupings and be flexible to the needs of children in care, the ministry is proposing additional amendments to regulations related to play activity space and active play.

Current Requirement	Proposed Change
Section 16(1)(a) sets out that there be 2.8 square metres of unobstructed floor space for each child in infant, toddler, and preschool groups, based on the licensed capacity.	<p>Infant or toddler programs licensed before January 1, 2017, may use existing play activity space of no less than 2.33 square metres of unobstructed floor space per child for the new toddler group.</p> <p>All new licenses issued after January 1, 2017, and any programs that undergo renovations to add a new toddler program or room relocation would be required to have a play activity space of 2.8 square metres per child for each toddler group.</p> <p>Note that any implications that may arise for outdoor space would be addressed through director approvals.</p>
Section 47(1) sets out that infants not yet able to walk are separated from other children during active indoor and outdoor play periods.	<p>Remove requirement to separate infants not able to walk from other children during active indoor and outdoor play in recognition of the fact that the proposed toddler group (1-2 year olds) will include children with a range of abilities.</p> <p>Family groupings may include a broad range of ages with children of varying abilities. It will be necessary to ensure programs can plan active play periods that allow all children to participate safely.</p>

### Separate Play Activity Rooms:

Current Requirement	Proposed Change
Section 17 of Ontario Regulation 137/15 sets out that each age group is required to have a separate play activity room.	For the proposed family grouping, there would be no requirement for separate play activity rooms for children of different ages, however, consideration for appropriate play space and materials would be expected.
Section 17(2) and Schedule 1 references that the preschool group size may be up to 16 with allowance for two preschool groups to be in the same room with no more than 24 children.	Update Schedule 1 to reflect a maximum group size for a preschool group of 24 children and remove section 17(2).

**Sleep Areas:** Given the younger age of entry to the proposed toddler group (1-2 years), it will be important that programs can be responsive to the varied sleeping schedules that may be necessary for children in this group. This may require that programs rethink their space and



equipment needs in existing toddler rooms. Also, see section E4 of this document regarding proposed new sleep requirements.

Current Requirement	Proposed Change
<p>Section 17(1)(a) of Ontario Regulation 137/15 sets out that a separate sleeping area is required for infants.</p> <p>Currently there is no requirement for a separate sleeping area for toddlers or other age groups.</p>	<p>Programs licensed prior to January 1, 2017, would work with their existing space in order to best meet the needs of children through discussion with parents.</p> <p>All new licenses issued after January 1, 2017, and any programs that undergo renovations or room relocation to create a new toddler room would be required to have a separate sleeping area.</p>
<p>Section 19(2)5 of Ontario Regulation 137/15 sets out that licensees are required to have a cot for each child in a toddler group</p>	<p>All programs would have cribs or cots available for children under two years of age, with decisions about sleep arrangements made in discussion with parents of the child.</p>

### Diaper Changing:

Current Requirement	Proposed Change
<p>Section 18 of Ontario Regulation 137/15 sets out that for each infant and toddler group there is a table or counter space that is adjacent to a sink that would be suitable for dressing or changing diapers.</p> <p>There are currently no requirements related to dressing or changing diapers for preschool groups.</p>	<p>For each preschool group, there would be space for diapering and access to water for hand washing to meet the needs of children in child care.</p> <p>For family groupings, there would be space for diapering and access to water for hand washing to meet the needs of children in child care.</p>

**Timing:** These proposed changes would come into effect on the same schedule as proposed changes to age groupings and ratios.

### E3. Licensee responsible

The ministry is proposing to update the regulatory requirements around the responsibility of licensees:

Current Requirement	Proposed Change
<p>Section 6 of Ontario Regulation 137/15 sets out that a licensee:</p> <ul style="list-style-type: none"> <li>- Is responsible for the operation and management of centres or the home child care agency.</li> <li>- May appoint a person who to be responsible to the licensee for the day-to-day operation and management and if that person is not there, another person can be delegated the responsibility.</li> </ul> <p>A licensee of a child care centre must employ a supervisor to plan and direct the program, be in charge of the children, oversee the staff, and be responsible to the licensee.</p>	<p>Add to the existing provision that a licensee (and his/her delegate) and supervisors are also responsible for the care or supervision of children, consistent with the definition of “child care” in the Act.</p>

**Timing:** This proposed change would come into effect when the new regulation is implemented (i.e. no transition period).

## E4. Sleep Supervision and Infant Sleep Position

The ministry is proposing to set out in regulation specific requirements around sleep supervision/monitoring and sleep position for infants.

Current Requirement	Proposed Change
Nothing in regulation specific to sleep supervision/monitoring or infant sleep position.	<p>Add a new regulation requiring licensees to have a sleep policy in place, including supervision procedures for infants and toddlers (see section E2(i) regarding proposed changes to age groupings and ratios), which would set out how sleeping infants and toddlers will be monitored, including direct visual checks and how frequently such checks would occur.</p> <p>Add a new requirement that, in the case of child care centres with three or more children age 0-18 months sleeping in a separate sleep area/room, a staff person would need to be physically present in the sleep area/room during the entire sleep period to monitor the children.</p> <p>Add new requirements that electronic sleep monitoring devices be checked to make sure they work and that monitors cannot be used in place of direct visual checks of sleeping children.</p> <p>Add a new requirement that licensees ensure that children age 0-12 months of age are placed for sleep in a manner consistent with recommendations set out in the most current version of the Joint Statement on Safe Sleep: Preventing Sudden Infant Deaths in Canada, a document endorsed by Health Canada. This requirement could only be waived if a note from a medical doctor is submitted to the licensee.</p>

**Timing:** These proposed changes would come into effect when the regulation is implemented (i.e. no transition period).

## E5. Sleep furnishings (home child care)

The ministry is proposing to allow for more flexibility in home child care locations (licensed) with respect to requiring a cot/bed for each child. This would entail allowing for director approval for alternate arrangements such as permitting the use of a mat for sleep. The allowance for director approvals with regards to sleep furnishings is already in place for child care centres (for certain age groups).

Current Requirement	Proposed Change
27(3)(2) of Ontario Regulation 137/15 sets out that in a home child care location, there needs to be a cot or a bed for each child age 18 months to five years of age who is present for six or more hours.	Amend the current requirement to set out that a director (i.e. ministry employee) may allow for alternate arrangements (i.e. add “unless otherwise approved by a director”).

**Timing:** This proposed change would come into effect when the regulation is implemented (i.e. no transition period).

## E6. Posting of Allergies (child care centres)

As children may be allergic to agents that may be used in both food and play materials (for example: flour), it is proposed that the current requirement to post children’s allergies in kitchens

and eating areas be expanded to also require such lists to be posted in other areas of the child care centre including, at a minimum, the play area/room.

Current Requirement	Proposed Change
Section 43(3) of Ontario Regulation 137/15 sets out that every licensee of a child care centre must post a list of children with allergies or other food restrictions and those allergies/food restrictions in each cooking and dining area.	Amend the current requirement to set out that allergy lists must also be posted in other commonly used areas of the centre, including, at a minimum, the play area/room.

**Timing:** This proposed change would come into effect upon the regulation being implemented (i.e. no transition period).

## E7. Children with Medical Conditions

More and more children with medical needs – either due to chronic conditions such as allergies including anaphylaxis, asthma, diabetes, seizure disorders such as epilepsy, or acute conditions such as concussions – attend child care. To support the health, safety, and well-being of children with medical needs, the ministry is proposing to expand on existing regulatory requirements around children with anaphylaxis, by extending similar requirements to apply to children with a range of medical needs, such as those described above.

The ministry will work with sector and government partners to help provide support to licensees around these proposed requirements.

Current Requirement	Proposed Change
Ontario Regulation 137/15 sets out that every licensee must have an anaphylactic policy that includes a strategy to reduce the risk of exposure to anaphylactic causative agents, a communication plan for the dissemination of information on life-threatening allergies, including anaphylactic allergies and the development of an individual plan which includes emergency procedures in respect of the child and child care providers, volunteers, and students must be trained on these emergency procedures.	<p>Amend the current regulation to require every licensee to have a policy to support children with medical needs that includes the development of an individual plan for each child with a medical need such as anaphylaxis, asthma, seizures, diabetes, etc. The individual plan would need to include a preventative response strategy such as steps to be taken to reduce the risk of exposure to any causative agents or situations etc. that may exacerbate the medical condition or cause a reaction (e.g. anaphylactic reaction) as well as emergency response procedures (e.g. administration of medication).</p> <p>The individual plan would also need to contain a statement about supports that will be made available to the child and a statement regarding any instructions about any precautions, etc. that must be in place when a child with a medical condition is part of an evacuation or participating in an off-site field trip (e.g. bring medication, bring food, etc.).</p> <p>The policy would need to set out a communication plan for the dissemination of information to staff, students, and volunteers on life-threatening allergies, including anaphylactic allergies, as well as any other medical conditions present in a child care centre.</p> <p>Training would be required on procedures to be followed in the event of a child having a reaction or experiencing medical distress (e.g. anaphylactic reaction, seizure, etc).</p> <p>Individual plans for children with medical conditions would need to be kept as part of a child's record.</p>

**Timing:** These proposed changes would come into effect one year from the time the regulation is implemented (i.e. 12 month transition period), except in the case for children with anaphylaxis where the existing requirements around anaphylactic policies would remain in effect until the new requirements replace them.

## E8. Immunization Requirements

The ministry is proposing to harmonize current requirements around exemptions from immunization under the CCEYA for licensed child care with those set out under the Immunization of School Pupils Act (ISPA).

Current Requirement	Proposed Change
<p>Ontario Regulation 137/15 sets out a person (adult or child) who is required to be immunized under the regulation may be exempted from the immunization requirements on medical grounds or if immunization conflicts with the sincerely held convictions of religion or conscience. A notice of such objections must be submitted in writing to the licensee. In the case of a medical exemption, a legally qualified health practitioner such as a doctor must provide the licensee with written documentation.</p>	<p>Consistent with the ISPA, amend the current requirement under the CCEYA to set out that a standardized, ministry-issued form must be completed for both medical and religious/conscience exemptions for immunization.</p> <p>Consistent with the ISPA, the objection based on religious/conscience grounds would need to be sworn or affirmed before a commissioner for taking affidavits (e.g. licensed paralegals, justice of the peace, etc.). Both the parent of a child or adult seeking an exemption and the commissioner would be required to sign the ministry-issued form.</p>

**Timing:** These proposed changes would come into effect when the new regulation is implemented for **new child care centre staff and new providers contracted with a home child care agency** and for **newly enrolled children**; existing staff, home providers, and children will have 12 months to provide updated information consistent with the new requirements.

## E9. First Aid Certification

To support the health, safety, and well-being of children, during the first phase of regulatory development under the CCEYA, a new provision was added requiring standard first aid certification. In response to feedback from the sector, the ministry is proposing to modify that requirement.

Current Requirement	Proposed Change
<p>Section 58(2) of Ontario Regulation 137/15 sets out that every licensee shall ensure that every employee working at a child care centre and every provider of home child care or in-home services has a valid certification in standard first aid, including infant and child CPR, issued by a training agency recognized by the Workplace Safety and Insurance Board (WSIB) or otherwise approved by a director.</p>	<p>For greater clarity, amend the regulation to set out that the requirement for standard first aid certification, including infant and child CPR, applies to:</p> <ul style="list-style-type: none"> <li>- Supervisors of centres;</li> <li>- Individuals present at the child care centre who are counted, on a regular or irregular basis, towards meeting ministry ratio requirements as set out in Ontario Regulation 137/15;</li> <li>- Home child care providers and in-home services providers; and</li> <li>- Any persons who could take the place of a provider of home child care or in-home services.</li> </ul> <p>Additionally, an amendment would be made to allow for individuals to be exempted from the first aid certification requirement, only with approval from a director (i.e. ministry employee) and only under extenuating circumstances; additional guidance would be set out by policy.</p>

Current Requirement	Proposed Change
	The allowance for a training program to be “otherwise approved by a director” would be removed. All training programs would need to be WSIB approved.

**Timing:** These proposed changes would come into effect when the new regulation takes effect (i.e. no transition period).

## E10. Emergency Management Plans and Procedures (for child care centres)

The health, safety, and well-being of children is of paramount importance. A host of emergency situations can occur at a child care centre. Being prepared for emergencies such as a flood, intruder, or other major incidents is important to safeguard children and adults in centres; to this end, the ministry is proposing to add a new regulation which would require child care centres to have in place emergency management plans/procedures. What constitutes a “major incident” would mirror definitions set out in the [Provincial Model for a Local Police/School Board Protocol](#) (as current).

Licensees subject to requirements for emergency management plans/procedures or captured in emergency plans/procedures in publicly-funded schools and those who are captured under any other legislated federal, provincial, or municipal requirements for emergency management plans/procedures would not be subject to the proposed new requirements under the CCEYA.

Current Requirement	Proposed Change
No current requirements under the CCEYA to have plans in place for emergencies other than fire.	<p>Add new regulations requiring licensees of child care centres to develop an emergency management plan and procedures to be followed in the event of a major incident where there is an imminent threat of harm/injury to children and adults in the centre resulting from:</p> <ul style="list-style-type: none"> <li>- A major incident or threat inside of the child care centre or outside of but in proximity of the child care centre.</li> <li>- An environmental or weather related situation, where it is necessary to keep all occupants within the child care centre.</li> <li>- A major incident or threat (other than fire) requiring an evacuation of the premises, including specifying a designated safe and appropriate off-site location to meet.</li> <li>- The plan/procedures would also need to include information on: <ul style="list-style-type: none"> <li>▪ The roles and responsibilities of staff in the event of an emergency.</li> <li>▪ Procedures to be followed for any children and adults who require additional support.</li> <li>▪ Procedures for ensuring children’s safety and communicating with parents in the case of an emergency.</li> <li>▪ Procedures to be followed to contact local emergency response agencies (police etc.).</li> <li>▪ A recovery response following a major incident including how to: <ul style="list-style-type: none"> <li>- Debrief staff, children, and parents.</li> <li>- Get the centre back up and running following a major incident.</li> <li>- Support children and staff who may have experienced distress during the incident and/or evacuation.</li> </ul> </li> </ul> </li> <li>- Requirement for a statement in the parent handbook that the licensee has an emergency</li> </ul>

Current Requirement	Proposed Change
	management plan and a statement regarding how parents will be notified when an emergency management plan has been activated.

**Timing:** These proposed changes would come into effect one year from the time the regulation is implemented (i.e. 12 month transition period).

### E11. Prohibited Practices

The ministry is proposing to add clarification and additional items to provisions related to prohibited practices. These changes are being proposed to address the health, safety, and well-being of children and bring Ontario's standards in line with other North American jurisdictions.

Current Requirement	Proposed Change
Section 48 of Ontario Regulation 137/15 sets out that no licensee shall permit corporal punishment; deliberate use of harsh or degrading measures on the child that would humiliate the child or undermine his or her self-respect; depriving the child of basic needs, locking the exits of the child care centre or home child care premises for the purpose of confining the child; or using a locked or lockable room or structure to confine the child if he or she has been separated from other children.	<p>Amend the regulation to include more robust descriptions of prohibited practices. This would include setting out that children are not to be threatened or exposed to derogatory language and sleep and toilet use would be added to the list of "basic needs" that cannot be deprived.</p> <p>Add new requirements to address the physical restraint of children and prohibit any actions that could result in bodily harm to a child including, but not limited to, feeding children against their will.</p> <p>The current rules about locking exits and prohibition of locking children in confined spaces will be modified given the proposed new requirement for enhanced emergency plans (see section E10 regarding emergency management plans), which could include situations where, during an emergency, children could be confined to a room temporarily until the emergency is resolved.</p>

**Timing:** These proposed changes would come into effect when the new regulation takes effect (i.e., no transition period).

### E12. Bodies of Water (home child care)

In 2013, the ministry issued a policy to address the risk of harm/injury related to pools or other bodies of water in homes of providers contracted with a licensed home child care agency. The ministry is proposing to set out requirements in regulation, rather than in policy:

Current Requirement	Proposed Change
By ministry policy, licensed home child care agencies are required to develop a policy around water safety, including reflecting the ministry requirement that prohibits the use of and access to all standing bodies of water (e.g. ponds) and recreational in-ground/above-ground swimming, portable/ "kiddie"/ inflatable wading-type, and hydro-massage pools, hot tubs, and spas located on the premises of any single or multi-dwelling private residence, including a provider's own house, townhouse complex or apartment building where the provider resides, for children under the supervision/care of provider in his/her capacity as a child care provider during operating hours.	<p>A new regulation would be developed setting out that access and/or use of water bodies such as pools/ponds at home child care (licensed) locations is prohibited for children under six years of age.</p> <p>Home child care agencies would be able to develop a policy for the access and/or use of bodies of water for children aged six years and older, if the access/use is monitored by an individual who is a holder of a current National Lifeguard Service's Lifeguard Certificate.</p>

**Timing:** This proposed change would come into effect when the regulation is implemented (i.e. no transition period). When the regulatory requirements comes into effect, the 2013 policy [Standing and Recreational Bodies of Water in Licensed Private-Home Day Care and Best Practices for Water Safety in All Regulated Child Care Settings](#) will no longer be required and as such will no longer be in effect. Additional guidance and resources regarding swimming/water safety will be included in the ministry-issued Child Care Centre and Home Child Care Manuals.

### E13. Serious Occurrences

Current requirements for serious occurrences are set out in a combination of regulatory provisions and ministry policy. However, the serious occurrence policy was last updated in 2009 and does not align with current practices. Moreover, the definition of “serious occurrence” requires updating.

The ministry is proposing to embed key requirements related to serious occurrence reporting in regulation to address any serious incidents that may affect the health, safety, and well-being of children and staff and to require that these serious incidents are reported, tracked, and followed-up on.

Current Requirement	Proposed Change
<p>Section 1 of Ontario Regulation 137/15 defines "serious occurrence" as:</p> <ul style="list-style-type: none"> <li>- The death of a child;</li> <li>- Any serious injury to a child;</li> <li>- Fire or other disaster;</li> <li>- Complaints concerning operational, physical or safety standards; or</li> <li>- Abuse of a child.</li> </ul>	<p>Update the current definition in regulation of what constitutes a “serious occurrence” to include only incidents related to:</p> <ul style="list-style-type: none"> <li>- Any death of a child who is enrolled at a child care centre or home child care;</li> <li>- Allegations of abuse and/or neglect of a child while in attendance at a child care centre or home child care;</li> <li>- A life threatening injury or illness of a child that is enrolled at a child care centre or home child care;</li> <li>- Missing or unsupervised child(ren) while in attendance at a child care centre or home child care; or</li> <li>- Any incident and/or any other unplanned disruption of service that poses a risk to the health, safety, and well-being of the children.</li> </ul>
<p>Section 38 of Ontario Regulation 137/15 sets out that every licensee must:</p> <ul style="list-style-type: none"> <li>- Have written serious occurrence policies and procedures in place that are also implemented;</li> <li>- Report all serious occurrences within 24 hours;</li> <li>- Create an annual summary or analysis of all serious occurrences on file;</li> <li>- Keep all serious occurrence notification forms for at least three years; and</li> <li>- Post a summary of the serious occurrence and any action taken for at least 10 business days in a conspicuous place at the child care centre.</li> </ul>	<p>Add clarification that the 24 hour window to report a serious occurrence starts when the licensee or delegate or supervisor becomes aware of the incident.</p> <p>Add a requirement in regulation that licensees conduct an annual analysis of all serious occurrences, document the actions taken in response to the analysis, and maintain a record of this analysis.</p> <p>Add to the regulations minimum requirements (currently set out in ministry policy) that must be included in a licensee’s serious occurrence policy and procedures that would address how to:</p> <ul style="list-style-type: none"> <li>- Identify a serious occurrence;</li> <li>- Respond to a serious occurrence; and</li> <li>- Report a serious occurrence.</li> </ul>

**Timing:** These proposed changes would come into effect when the new regulation is implemented (i.e. no transition period).

## E14. Playground Safety Related Requirements

The current requirements for playground safety are set out in a ministry policy that was last updated in 2003 and which continues to reference the DNA. The ministry is proposing to move playground safety requirements from policy to regulation.

Current Requirement	Proposed Change
Currently, there are no playground safety requirements in regulation beyond outdoor play space requirements; requirements are set out in ministry policy.	<p>Add a requirement that all fixed structures meet the most recent version of the Canadian Standards Association standards for children's play spaces and equipment.</p> <p>Add in regulation a requirement that every licensee of a child care centre ensure that:</p> <ul style="list-style-type: none"> <li>- A playground safety policy is developed;</li> <li>- Regular inspections are conducted as required by the Canadian Standards Association;</li> <li>- A plan of action is developed to address any issues identified during regular playground inspections; and</li> <li>- A playground repair log is maintained.</li> </ul>

**Timing:** These proposed changes would come into effect when the new regulation is implemented (i.e. no transition period). Once the regulations are implemented, the ministry policy regarding playground safety would not be necessary and, as such, would no longer be in effect.

## F. Licensing Fees

### F1: Fee Schedules

The fees paid to the provincial government to obtain a new or renewed child care licence have not changed since 1993 and are some of the lowest when compared to other jurisdictions. It is proposed that section 81 of Ontario Regulation 137/15 be amended to update the child care licensing fee schedule. The proposed changes to licensing fees would apply to:

- Applications for a new licence to operate a child care centre or home child care agency;
- Renewals of child care licences; and
- Revisions of child care licences.

The fees being proposed are proportionate to the number of child care spaces or number of contracted homes a licensee or prospective licensee has/will have.

The proposed fees represent a recovery rate of approximately 10% against ministry expenditures related to delivering child care licensing and investigation/enforcement services in the province.

The new fee schedule proposed for **child care centres** is:

Capacity (# of child care spaces)	Current Requirement			Proposed Change		
	New Licence Fee	Renewal Fee	Late Fee	New Licence Fee	Renewal Fee	Revised Licence Fee* Minimum \$25)
Up to 24	\$15	\$10	\$25	\$200	\$100	\$50
25-49	\$15	\$10	\$25	\$250	\$120	\$65
50-74	\$15	\$10	\$25	\$300	\$140	\$75
75-99	\$15	\$10	\$25	\$350	\$170	\$90
100-124	\$15	\$10	\$25	\$400	\$200	\$100
125 and up	\$15	\$10	\$25	\$450	\$230	\$115



The new fee schedule proposed for **home child care agencies** is:

Homes	Current Requirement			Proposed Change		
	New Licence Fee	Renewal Fee	Late Fee	New Licence Fee	Renewal Fee	Revised Licence Fee* (Minimum \$25)
Up to 25	\$15	\$10	\$25	\$200	\$100	\$50
26-50	\$15	\$10	\$25	\$250	\$120	\$65
51-75	\$15	\$10	\$25	\$300	\$140	\$75
76-100	\$15	\$10	\$25	\$350	\$170	\$90
101-125	\$15	\$10	\$25	\$400	\$200	\$100
126 and up	\$15	\$10	\$25	\$450	\$230	\$115

\* For both centres and home child care agencies, a fee of \$25 will be applied for administrative changes to a licence.

The revised licence fee structure (based on capacity) will be applied to a licence revision where a site visit is required.

**Timing:** These proposed changes to licensing fees would come into effect on July 1, 2016.

## G. BASP 6-12 Extended Day and Third Party Programs

Building on the duty of school boards to offer extended day programs for students in FDK, the [Child Care Modernization Act, 2014](#) includes amendments to the [Education Act](#) that expand this duty to include 6-12 year olds in all publicly-funded elementary schools serving students up to grade 6. These amendments will come into effect on a date to be proclaimed by the Lieutenant Governor in Council (LGIC).

The ministry is proposing to amend the [existing regulation on extended day and third party programs \(Ontario Regulation 221/11\)](#) to support an integrated approach to delivering before- and after-school programs for 4-12 year olds.

The proposed amendments would:

- Reflect the new expanded duty to offer programs for 6-12 year olds; and
- Integrate lessons learned from the implementation of extended day and third party programs for four and five year olds.

Establishing a regulatory framework is a first step in the work to roll out this new duty. Additional engagement with school boards, local service system managers, providers, and communities will be required to support the planning and implementation of this new requirement.

### G1. Multiple Modes of Service Delivery

With the introduction of FDK and the requirement for school boards to offer extended day or third party programming, before- and after-school for kindergarten-aged children, the government is supporting access to quality early learning opportunities for children as part of a seamless day, and convenience for families.

In 2014-15, 72% of schools offering FDK also offered before- and-after school programs for four and five year olds through a licensed child care centre or directly by the board. Many of these programs include care for 6-12 year olds.

According to information collected by the ministry (2014 Licensed Child Care Data), approximately 60% of licensed child care centres across Ontario (3,159 of 5,144 centres) are licensed to provide before- and after-school care for school-aged children. Within these centres, there are over 135,000 licensed spaces for school-aged children.

Quality recreation programs and services also play a role in the provision of age appropriate programs for school-age children. Recognizing this role and to provide more flexibility in options for care, currently, child care subsidies are available to recreation programs for school-age children provided the programs meet requirements to ensure the health and safety of children. These recreation programs are often directly operated by municipalities or a not-for-profit organization.

[Ontario's After School Program](#), funded by the Ministry of Tourism, Culture and Sport (MTCS), also helps sport and recreation organizations deliver quality programs for children and youth in priority neighborhoods across the province. The programs generally run between 3 p.m. and 6 p.m. and help students to have active lifestyles, develop healthy eating habits, gain confidence, and do better in school. Each year, the program provides thousands of children and youth who may not otherwise have an opportunity, a chance to participate in engaging, safe, and supervised activities.

The ministry is proposing multiple options to deliver before- and after-school programs for 6-12 year olds to broaden parental choice, increase access, provide flexibility for school boards to respond to the local needs and circumstances of their communities, and acknowledge the role of quality recreation providers in playing a role in offering evidence-based and developmentally responsive programming for 6-12 year olds.

The ministry is also seeking advice on providing flexibility for programs to be offered off of school property for 6-12 year olds to support existing partnerships between school boards and their communities and access child-friendly spaces outside the school that may better support a range of activities that respond to the needs and interests of school-aged students.

Current Requirement	Proposed Change
<p><b>Eligible Providers</b> Under the Education Act, programs eligible to offer extended day and third party programs must be a licensed child care centre, directly operated by a school board, or a program prescribed by regulation. Programs must also meet mandatory requirements to qualify as a third party operator.</p> <p>No eligible providers are currently set out in regulation.</p>	<p>Amend the existing regulation to include authorized recreational and skill building programs (see section B1), such as the Ontario After School Programs funded by the MTCS and municipally-run programs, as an eligible program that can offer after-school programming for 6-12 year olds for up to three hours. Programs would be obligated to meet specific programming requirements and standards.</p> <p>Licensed child care centres and board operated programs would continue to be eligible to offer before and after school programming for children ages 4-12.</p>
<p><b>Off-Site Programs for 6-12 year olds (off-school property)</b> Under the Education Act, extended day and third party programs for four and five year olds must be provided on a school premises.</p>	<p>The amendments to the Education Act that establish the duty for school boards to provide before- and after-school programming for 6-12 year olds, provide flexibility for these programs to be offered off of school property.</p> <p>Regulations are proposed to support the provision of after school programs for 6-12 year olds off of school property.</p>

**Timing:** These proposed changes would come into effect on a date to be determined. It is anticipated that the effective date will be no earlier than September 2017.

## G2. Assessing and Reporting Demand and Viability

The current regulation on extended day and third party programs for four and five year olds, sets out requirements related to the calculation of fees and the collection and reporting of information regarding the demand for and viability of before- and after-school programs.

Parents, school boards, local service system managers, and licensed child care providers have expressed a need to review existing requirements on how school boards assess demand for before- and after-school programs. For example, families have noted that they were not notified of the parent survey or that the survey was unclear. The ministry is proposing to make amendments to the regulations to more effectively assess demand, streamline processes, and better align with local service system planning.

Current Requirement	Proposed Change
<p><b>Assessing Demand</b> Sections 6-8 of Ontario Regulation 221/11 require boards to survey parents of students each year to assess demand. Based on the survey, boards project enrolment to determine whether they are required to offer a program.</p>	<p>Remove the requirement for school boards to survey parents and replace it with a requirement for boards to demonstrate that demand has been assessed in consultation with the local service system manager, First Nations, child care providers, existing before- and after-school providers, and parents of students attending the school.</p>
<p><b>Exemptions</b> Under section 9 of Ontario Regulation 221/11, schools that determine demand for four and five year olds is lower than 20 students are exempt from the duty.</p> <p>Under section 3 of Ontario Regulation 221/11, schools that do not offer junior kindergarten or full-day kindergarten are exempt from the duty to provide before/after school programs for four and five year olds.</p>	<p>All schools would be required to offer before and after school programs for any of their FDK-Grade 6 students through a third party or directly operated by the board (see G1).</p> <p>Where an exemption in a school is sought, there must be consensus between the local school board, First Nations, and the local service system manager that a program is not required.</p>
<p><b>Reporting and Affirmation</b> Section 13 of Ontario Regulation 221/11 requires all boards to submit to the Minister by May 15 of each year, information on: schools where extended day and third party programs will and will not be offered to four and five year olds, the names of third party providers and program fees.</p>	<p>Remove the prescribed date of May 15 from the regulation and set out details of reporting requirements by policy.</p>
<p><b>Fee Calculation</b> Sections 16-20 Ontario Regulation 221/11 set out a process for calculating fees for extended day programs.</p>	<p>Amend the regulation to remove the prescribed process to determine fees. The regulation will continue to require that board-operated programs must be run on a cost-recovery basis.</p>

**Timing:** These proposed changes would come into effect on a date to be determined. It is anticipated that the effective date will be no earlier than September 2017.

## G3. Programming Requirements

The ministry is proposing to align standards so there is a consistent approach regardless of whether a child is in licensed child care, a recreation program, or board-operated program, while recognizing and valuing the flexibility and options offered by these different programs.

Additional program requirements will be set out in regulation and/or policy and guidelines for extended day and after-school programs, based on [How Does Learning Happen? Ontario's Pedagogy for the Early Years \(HDLH\)](#), including requirements related to physical activity or active play and well-being. Recognizing that early engagement in active play and healthy habits can lead to lifelong interest and participation, before- and after-school programs offer an opportunity for children to engage in physical play and the outdoors. This could include requiring board-operated

before- and after-school programs to offer a minimum of 30 minutes of active play, similar to the proposal for licensed child care (see section H5 of this document). Authorized recreation providers would be required to offer 60 minutes or 30% of time dedicated to physical activity. This aligns with the Canadian Physical Activity Guidelines for Children and supports the Province’s commitment of 60 minutes of physical activity for children connected to the school day.

School boards would be required to ensure that program requirements are included in the service agreement with programs operated by authorized recreation providers.

Where licensed child care provides before- and after-school programming for 4-12 year olds, those programs would continue to be governed by and licensed under CCEYA.

Ongoing engagement with partners will be required to set out further program details however, some key program requirements are proposed below.

Current Requirement	Proposed Change
<p><b>Staff Qualifications</b>            Licensed child care centres must comply with regulations under the CCEYA.</p> <p>Under the Education Act, board-operated programs must have an ECE in each program serving children 4-8 years of age.</p> <p>Under section 25 of Ontario Regulation 221/11, board-operated programs that only serve children over the age of 9 years are not required to designate an ECE.</p>	<p>For programs offered by licensed child care centres, see amendments being proposed for staff qualifications in section E2.</p> <p>For programs serving 9-12 year olds exclusively, board-operated programs would be required to have a staff person with a diploma or degree in a child/youth related field such as child and youth care, recreation, and leisure services, or be a member in good standing with the Ontario College of Teachers or the College of Early Childhood Educators.</p> <p>Similarly, for authorized recreation service providers, programs would be required to have a qualified staff person who is a graduate of post-secondary child/youth related field. Eligible recreation programs would be required to have training and professional development opportunities in place for program staff.</p>
<p><b>Ratio and Group Size</b>            Licensed child care centres must comply with regulations under the CCEYA.</p> <p>By policy, for extended day, a staff to child ratio of 1:13 is required for board-operated programs.</p>	<p>For programs offered by licensed child care centres, see amendments being proposed for age groupings and ratios in section E2.</p> <p>A staff to child ratio of 1:15 and a maximum group size of 30 is proposed for board-operated programs caring for children age 6-12 years. If more than 25% of the children are four and five years old, a ratio of 1:13 and average group size of 26 would apply.</p> <p>For recreation programs, a ratio of 1:15 and maximum group size of 30 is being proposed.</p> <p>Please note, maximum group size refers to the maximum number of children in a group and does not refer to the total number of children served by a program. For example, a program may serve 30 children in one area and serve another group of 30 children in a separate area.</p> <p>Where a program is the sole occupant of the premises, there must be a minimum of two adults on the premises.</p>

<p><b>Health and Safety</b> Requirements for schools and licensed child care centres are captured under existing standards and regulations under the Education Act and the CCEYA.</p>	<p>Maintain existing requirements for schools and licensed child care. For programs offered by licensed child care centres, see amendments being proposed for child care centres related to health and safety in section E. Recreation programs will be required to have policies in place that are reviewed annually regarding: safe arrival and departure of children, anaphylaxis, and the administration and storage of medication, safe food handling, reporting injuries and incidents impacting health to parents and the school, police record checks, first aid certification, and nutrition.</p>
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**Timing:** These proposed changes would come into effect on a date to be determined. It is anticipated that the effective date will be no earlier than September 2017.

## H. Miscellaneous Regulations

In addition to the proposed regulations described above, there are additional regulatory amendments being proposed, as described below.

### H1. Policies and Procedures

When licensed child care providers, employees, volunteers, and students regularly review and monitor policies and procedures that support the delivery of the program, they are more aware of their roles and responsibilities and are better equipped to provide for the health, safety, and well-being of children receiving child care.

Licensees are required to develop a range of policies and procedures to support the delivery of their program. While licensees are required through regulation to follow, review, and monitor certain identified policies and procedures (such as those related to anaphylaxis and the program statement), many licensees already have processes in place to do this across all of their policies and procedures.

An expanded requirement that all legislated policies and procedures for licensees be put into practice and reviewed and monitored on a regular basis would help ensure a more streamlined and consistent approach to overall operations.

Current Requirement	Proposed Change
<p>Sections 39(2), 50, and 51 of Ontario Regulation 137/15 set out requirements for licensees to review and monitor policies and procedures related to anaphylaxis and the program statement.</p>	<p>Add an overarching requirement for licensed child care providers to ensure that all legislated policies and procedures are put into practice, and reviewed and monitored on a regular basis.</p>
<p>There are no other sections in the regulation that require licensees to follow, review, and monitor other specific policies and procedures (i.e. serious occurrences, staff training and development, reference checks, etc.).</p>	<p>Remove existing regulations regarding the review and monitoring of specific policies and procedures (i.e. anaphylaxis and the program statement) as these requirements would be replaced with the new, general requirement.</p>

**Timing:** These proposed changes would come into effect one year after the new regulation is implemented (i.e. a 12 month transition period).

## H2. Screening Measures

Obtaining a vulnerable sector check (VSC) is a precautionary measure that is used to help determine whether persons who are involved in the provision of child care or related services in child care are fit and suitable to hold positions of trust caring for dependent children.

The proposed changes support the licensee in promoting the health, safety, and well-being of children in their program by ensuring that all those entering the centre and working directly with children have had the necessary screening.

### H2(i). Individuals on Contract with Outside Organizations

Currently, there is no provincial requirement for licensees to obtain a vulnerable sector check for someone employed by an outside organization who has direct access to children in licensed child care (for instance, someone who provides provincially-funded Special Needs Resourcing services/supports). The ministry is considering two potential approaches that would help ensure appropriate screening measures are in place.

Current Requirement	Proposed Change
<p>Section 60 of Ontario Regulation 137/15 sets out requirements regarding who must provide a vulnerable sector check to licensees:</p> <p>Licensees of a <b>child care centre</b> are required to obtain a vulnerable sector check from every employee, before the person begins his/her employment, and every volunteer or student, before the person begins interacting with children at a child care centre.</p> <p>Licensees of a <b>home child care agency</b> are required to obtain vulnerable sector checks from the home child care provider, every person who is ordinarily a resident of the home, and every person who is regularly at the home before entering into an agreement with a home child care provider.</p> <p>After entering into an agreement, the licensee is required to obtain a vulnerable sector check from every person who intends to become ordinarily resident at the home, and every person who intends to be regularly at the premises, before the person begins interacting with children receiving child care at the premises.</p> <p>The licensee is also required to obtain vulnerable sector checks from staff at the home child care agency that may interact with children receiving child care before they begin their employment, and every volunteer or student, before the person begins interacting with the children.</p>	<p><b>Approaches under consideration:</b></p> <ol style="list-style-type: none"> <li>1) Require licensees to obtain an offence declaration from individuals who are employed by outside organizations and work directly with children in the licensed child care centre or provider contracted with a licensed home child care agency; and/or</li> <li>2) Require licensees to obtain an attestation from an outside organization that confirms vulnerable sector checks have been completed for its staff who work directly with children in licensed child care settings and that the vulnerable sector checks do not show convictions of any of the offences set out in section 9 of the CCEYA.</li> </ol>

**Timing:** These proposed changes would come into effect six months after the new regulation is implemented.

### H2(ii). Information Captured in Offence Declarations

On December 1, 2015, the Legislature passed the Police Record Checks Reform Act, 2015, to govern how police record checks are conducted in Ontario. This new legislation defines three types

of police record checks, limits and standardizes the types of information that can be released in each type of record check, and standardizes disclosure practices.

Prior to the Police Record Checks Reform Act, 2015, being passed, there were no consistent provincial standards for the type of information disclosed on a vulnerable sector check. In addition, convictions for offences under the CCEYA are not captured on a vulnerable sector check but would prohibit an individual from providing child care. As a result, the definition of an offence declaration was limited to an individual listing convictions for offences under the Criminal Code (Canada).

With the passage of the Police Record Checks Reform Act, 2015, there is an opportunity to align requirements for offence declarations with the standardized information released on a vulnerable sector check. This would help ensure licensees have relevant information to support the health and safety of children receiving child care.

Current Requirement	Proposed Change
Section 59 of Ontario Regulation 137/15 defines an offence declaration as a written declaration signed by an individual that lists all of the individual's convictions for offences under the Criminal Code (Canada), if any, during the period specified in the declaration.	Amend section 59 to define an offence declaration to include all the items that would be captured under a vulnerable sector check as well as convictions for offences under the CCEYA.

**Timing:** This proposed change would come into effect when the regulation is implemented (i.e. no transition period).

**H2(iii). Renewal Date of Offence Declarations**

Currently, licensees are required to obtain an offence declaration from each person required to provide a vulnerable sector check within 15 days of the anniversary date of the previous offence declaration or vulnerable sector check, whichever is most recent.

The ministry has heard from some stakeholders that this requirement has been difficult to implement given that each individual must complete an offence declaration on a different date.

The proposed change would provide licensees with flexibility to obtain an offence declaration from an individual any time throughout the year as long as it is no later than 15 days after the anniversary date of the previous offence declaration or vulnerable sector check, whichever is most recent.

Current Requirement	Proposed Change
Section 62 of Ontario Regulation 137/15 sets out that each offence declaration must be current to within 15 days of the anniversary date of the previous offence declaration or vulnerable sector check.	Remove the requirement that an offence declaration be completed 15 days prior to the anniversary date of the previous vulnerable sector check or offence declaration but maintain that the offence declaration be completed no later than 15 days after the anniversary date.

**Timing:** This proposed change would come into effect when the regulation is implemented (i.e. no transition period).

**H3. Supervision of Volunteers and Students**

In 2011, the ministry implemented a Child Care Supervision Policy for Volunteers and Students to help ensure an employee is always present with children to meet ratio requirements and respond in case of an emergency. The ministry is proposing to move these requirements from policy to regulation to strengthen oversight of the requirements.

Current Requirement	Proposed Change
By policy, licensees are to develop and implement a policy for the supervision of volunteers and students in child care settings that sets out only employees are to have direct unsupervised access to children.	Add a requirement in regulation for licensees to have policies and procedures for the supervision of volunteers and students to ensure that only employees have direct unsupervised access to children.

**Timing:** This proposed change would come into effect when the regulation is implemented (i.e. no transition period).

#### H4. Conflict Resolution

Having conflict resolution policies in place can support open discussions between licensed child care providers and parents through a fair and transparent process.

The proposed change would set out clear and consistent standards for licensed child care providers to ensure issues and concerns are addressed in a timely and transparent manner. This is not intended to replace ministry processes related to reporting serious occurrences, but rather support communication and positive relationships between licensees and parents.

Current Requirement	Proposed Change
<p>No specific requirements around conflict resolution.</p> <p>Section 45(1) of Ontario Regulation 137/15 requires every licensee to have a parent handbook that includes specific information about the program.</p> <p>Section 46(3)(h) of Ontario Regulation 137/15 requires that the program statement include goals to foster the engagement of and ongoing communication with parents about the program and their children.</p>	Add a new requirement to section 45(1) that requires licensees to include in the parent handbook a process that the licensee would follow to address parent issues and concerns.

**Timing:** This proposed change would come into effect one year from when the regulation is implemented (i.e. a 12 month transition period).

#### H5. Program Requirements regarding Outdoor Time

How Does Learning Happen? includes goals for children and expectations for programs centred on supporting children’s well-being, expression, engagement, and belonging, and providing environments in which children learn through exploration, play, and inquiry. This includes creating opportunities for children to engage in physical play in outdoor spaces that allow them to connect with the natural world and their community.

Ontario Regulation 137/15 supports this by requiring that children who receive child care for more than six hours in a day must spend a minimum of two hours each day outdoors, weather permitting. However, the existing requirement does not capture before- and/or after-school programs, which typically operate for less than six hours and have increased significantly with the introduction of FDK.

The proposed change below sets a minimum time per day for children in licensed before- and/or after-school programs to spend time outside, which supports the approaches outlined in How Does Learning Happen? and the overall physical health and well-being of children.



Current Requirement	Proposed Change
Section 47(1)c of Ontario Regulation 137/15 sets out program requirements that each child who receives child care for six hours or more in a day spends time outdoors for at least two hours each day, weather permitting, unless a physician or parent of the child advises otherwise in writing.	Add a new requirement that a before- and/or after-school program includes at least thirty minutes of outdoor time each day, weather permitting.  Where before- and/or after-school programs operate on non-instructional days (i.e. for full days), the requirement under section 47(1)c would continue to apply.

**Timing:** This proposed change would come into effect six months after the new regulation is implemented.

## H6. Requirement for Certain Number of Resource Teachers

The ministry is proposing to remove outdated staff to child ratio requirements for resource teachers that were carried forward from the DNA. These requirements, which require an integrated child care centre or home child care agency to employ one resource teacher for every four children with special needs, are not consistent with the updated definitions of children with special needs or the general approach to Special Needs Resourcing in licensed child care. This change would not impact licensed child care centres for children with special needs or the prescribed services for Special Needs Resourcing set out in the Ontario Regulation 138/15 (including the provision of staff).

Current Requirement	Proposed Change
Section 10(1) of Ontario Regulation 137/15 sets out that for every four children with special needs who receive child care in an integrated centre or at a premises where the licensee oversees the provision of home child care, a licensee must employ a resource teacher.	Remove the provision.

**Timing:** This proposed change would come into effect when the regulation is implemented (i.e. no transition period).

## Summary of Regulatory Proposals and Timing

	Effective upon regulation being implemented	Effective 6 months from regulation being implemented	Effective 12 months from regulation being implemented	Other Effective Date
A1. Service System Management				Service system plans would not be required before December 2017.
A2. Funding	✓			
B1. Authorized Recreation	✓			
B2 Exempt Circumstances	✓			
C1. Administrative Penalties		✓		
C2. Offences	✓			
D1. Term of a Licence	✓			
E1. Home Child Care	✓			

	Effective upon regulation being implemented	Effective 6 months from regulation being implemented	Effective 12 months from regulation being implemented	Other Effective Date
E2 (i). Age Groupings, Ratios, Group Size, etc.				✓ For existing licensees January 1, 2017, as optional with full implementation by January 1, 2020.  For new licence applicants, January 1, 2017.
Prohibition against exceeding the maximum capacity set out in the licence.	✓			
E2(ii). Mixed Age Grouping	✓ removal of 20% mix allowance for kindergarten groups			✓
E2(iii). Reduced Ratios	✓ reduced ratio on playground prohibited			✓ Other changes will coincide with effective dates for age groupings, ratios, etc.
E2(iv). Additional changes resulting from new age groupings, ratios, etc.				✓ Changes will coincide with effective dates for age groupings, ratios, etc.
E3. Licensee responsible	✓			
E4. Sleep Supervision & Position	✓			
E5. Sleep furnishings home child care	✓			
E6. Posting of allergies (child care centres)	✓			
E7. Children with medical conditions	✓ Existing rules apply for anaphylaxis		✓	
E8. Immunization exemptions	✓ For <b>new</b> staff, home child care (licensed) providers and <b>newly enrolled</b> children		✓ For <b>existing</b> staff, home child care (licensed) providers and children <b>already enrolled</b>	
E9. First Aid Certification	✓			
E10. Emergency Management Plans			✓	
E11. Prohibited Practices	✓			
E12. Bodies of Water	✓ (replaces 2013 policy)			
E13. Serious Occurrences	✓ (replaces items in policy)			
E14. Playground Safety	✓ (replaces policy)			

	Effective upon regulation being implemented	Effective 6 months from regulation being implemented	Effective 12 months from regulation being implemented	Other Effective Date
F1. Licensing Fees				✓ July 1, 2016
BASP G1. Multi Modes of Service Delivery				✓ September 1, 2017 at the earliest
G2. Assessing and Reporting Demand and Viability				✓ September 1, 2017 at the earliest
G3. Programming Requirements				✓ September 1, 2017 at the earliest
H1. Policies and procedures			✓	
H2(i). Individuals on contract with outside organizations		✓		
H2(ii). Information Captured in Offence Declarations	✓			
H2(iii). Renewal Dates of Offence Declarations	✓			
H3. Supervision of Students and Volunteers	✓ (replaces policy)			
H4. Conflict Resolution			✓	
H5. Outdoor Play for Before- and After-School Child Care		✓		
H6. Requirement for certain number of resource teachers	✓			

## Conclusion

While the proclamation of the CCEYA marked a monumental shift in the governance and provision of child care in Ontario, we are continuing to work together with our partners to transform and modernize child care in the province. Building on the first phase of regulatory changes, this subsequent phase will continue to refine and improve the regulatory framework to maintain momentum of positive change and continue to support the health, safety, and well-being of children.

It is important to note that in addition to regulatory changes, the ministry is also continuing to work on other activities related to child care modernization. For example, the ministry has authority under the CCEYA to extend the assignment of the Ontario Education Number (OEN) to licensed child care centres and, if prescribed in regulation, family support programs. The ministry will be reviewing requirements around record keeping, privacy, and security to ensure that any broad implementation of the OEN is well-supported. It is anticipated that the assignment of OENs by licensed child care centres will be implemented in a phased approach.

All interested parties are encouraged to provide feedback on the proposed regulations. The Ministry of Education values the unique and diverse perspectives from parents/families and broader child care and early years partners. Please provide the ministry with your comments no later than **April 1, 2016**.

You can send your response by e-mail to: [CCGE\\_modernization@ontario.ca](mailto:CCGE_modernization@ontario.ca)

Alternatively, you may wish to send your response by mail to:

Child Care Modernization  
c/o Early Years Division  
Ministry of Education  
900 Bay Street, 24th floor, Mowat Block  
Toronto ON M7A 1L2

Thank you for taking the time to review this document and provide feedback. Please note that you will not receive a formal response to your comment. Please continue to stay engaged with news about child care in Ontario by visiting [the government's child care website](#).

## Resources/References (Hyperlinks)

- [Auditor General Annual Report 2014](#)
- [Canadian Physical Activity Guidelines](#)
- [Child Care and Early Years Act, 2014](#)
  - [Ontario Regulation 137/15: General](#)
  - [Ontario Regulation 138/15: Funding, Cost Sharing and Financial Assistance](#)
- [Early Childhood Educators Act, 2007](#)
- [Education Act](#)
  - [Ontario Regulation 221/11: Extended Day and Third Party Programs](#)
- [How an Ontario Bill Becomes Law: A Guide for Legislators and the Public](#)
- [How Does Learning Happen? Ontario's Pedagogy for the Early Years \(April 2014\)](#)
- [Joint Statement on Safe Sleep: Preventing Sudden Infant Deaths in Canada](#)
- [Ontario Child Care Centre Licensing Manual](#)
- [Ontario Regulation 797 \(Ministry of Tourism and Recreation Act\)](#)
- [Minister's Policy Statement on Programming and Pedagogy made under the Child Care and Early Years Act, 2014](#)
- [Modernizing Child Care in Ontario: Sharing Conversations, Strengthening Partnerships, Working Together](#)
- [Ombudsman Report: Careless About Child Care](#)
- [Ontario Early Years Policy Framework](#)
- [Provincial Model for a Local Police/School Board Protocol](#)
- [Standing and Recreational Bodies of Water in Licensed Private-Home Day Care and Best Practices for Water Safety in All Regulated Child Care Settings](#)
- [Webcast archive – Child Care and Early Years Act, 2014 \(Ontario Regulation 137/15: Phase 1 Regulations\)](#)