



**Regulatory Registry Consultation Document
supporting the Renewed Early Years and Child Care
Policy Framework under the *Child Care and Early
Years Act, 2014***

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Purpose

The purpose of this document is to seek feedback on proposed regulatory amendments under the *Child Care and Early Years Act, 2014* (CCEYA). 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 December 1, 2017.

On August 31, 2015, the CCEYA came into effect, replacing the *Day Nurseries Act* (DNA). The ministry took a phased approach to introducing regulatory changes. The following regulations 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](#)

As part of the continued phased approach to introducing regulatory changes, a second set of regulatory requirements was introduced in May 2016 with varying effective dates to provide the sector with transitional time to adjust, and focused on areas such as licensing clarity, enforcement, tiered licensing, and before and after school programs for children age 6-12 years old.

Proposed Regulatory Changes

Given the transformative scope of the legislative framework for the child care and early years sector, the ministry continues to take a multi-year, phased approach to the development and implementation of new updated regulatory requirements under the act.

The government’s renewed early years and child care vision is to ensure that Ontario’s children and families have access to affordable, high-quality, and responsive child care and early years programs and services. Additional information about this vision is provided in the [Renewed Early Years and Child Care Policy Framework \(2017\)](#).

The ministry is proposing regulatory changes in the following key areas:

- A. Reduction of Administrative Burden
- B. Enhanced Enforcement
- C. Recreation
- D. Funding
- E. Age Groupings and Ratios
- F. Technical Amendments

Many of these proposed changes have been informed by feedback that the government has heard from the child care sector, including from licensees and child care providers. The proposed regulatory amendments support implementation of the Renewed Early Years and Child Care Policy Framework as they are aligned with the commitment to increase access, affordability, responsiveness and quality of child care and early years programs and services.

A. Reduction of Administrative Burden

The ministry is proposing regulatory changes to O. Reg. 137/15 (General), to reduce administrative burden for licensees.

A1. Children’s Emergency Records, Work Address

The ministry is proposing to remove a duplicative requirement for licensees to collect a parent’s work and home addresses as part of children’s emergency contact records. Many licensees have advised the ministry that the collection of home and work addresses is an unnecessary administrative burden because it is information that is not used. Each parent’s work and home telephone numbers would still be collected.

As well, parental address information would still be collected and available as part of the child’s enrolment information: clause 72(1)4 of O. Reg. 137/15 requires the licensee to keep up-to-date children’s records, available for inspection from ministry licensing staff, that include the address and telephone number at which a parent of the child or other person can be reached in case of an emergency during the hours when the child receives care.

Current Requirement	Proposed Change
Subsection 70(1) of O. Reg. 137/15 (General) requires licensees to collect the home address(es), work address(es) and telephone numbers of each parent.	Remove requirement for a parent’s work and home addresses to be included in the emergency contact information. Maintain requirement in 72(1)4 to collect parents’ address/telephone numbers as part of children’s records.

Timeline: These proposed changes would come into effect on a date to be determined. It is anticipated that the effective date will be no later than July 1, 2018.

A2. Financial Records

The ministry is proposing to remove the administrative requirement that licensees maintain financial records. This requirement is highly administrative in terms of ministry review and does not have a direct impact on children's health and safety. Licensees, as independent businesses, are responsible for their own financial records.

Current Requirement	Proposed Change
Section 76 of O. Reg. 137/15 (General) requires licensees to maintain financial records, and for the financial records to show at least assets, liabilities, income, expenses and accumulated surplus and deficit, of the child care centre or home child care agency.	Remove requirement.

Timeline: These proposed changes would come into effect on a date to be determined. It is anticipated that the effective date will be no later than July 1, 2018.

A3. Implementation and Review of Policies, Procedures and Individualized Plans

The ministry is proposing to remove the requirement for licensees to ensure that policies, procedures and individualized plans are reviewed annually and when changes are made with every employee, volunteer and student (and for home child care agencies, with every home child care provider, volunteer, students, home child care visitors, and any individuals that are resident or regularly at the premises), and that a record of this review be retained and signed off by the individual who conducted/participated in the review.

The licensee would still be required to ensure that the policies, procedures and individualized plans are actually implemented. Ministry staff would continue to monitor the implementation of policies, procedures and plans by observation of compliance with the policies and regulations during inspections.

Current Requirement	Proposed Change
Subsection 6.1(2) of O. Reg. 137/15 (General) states that every licensee shall review the policies, procedures and individualized plans at least annually and ensure they are current.	Remove subsections 6.1(2) – 6.1(6).

Subsection 6.1(3) states that every licensee of a child care centre shall ensure that the policies, procedures and individualized plans are reviewed as follows at the child care centre:

1. With employees, before they begin their employment.
2. With volunteers or students who will be interacting with children at the child care centre, before they begin to volunteer or before they begin their educational placement.
3. With each person described in paragraph 1 or 2, at least annually after the first review and at any other time when changes are made to a policy, procedure or individualized plan.

Subsection 6.1(4) states that every licensee of a home child care agency shall ensure that the policies, procedures and individualized plans are reviewed as follows at every premises where it oversees the provision of home child care:

1. With each home child care provider at each premises, before any child is placed at that premises.
2. With volunteers or students who will be interacting with children at the premises, before they begin to volunteer or before they begin their educational placement.
3. With persons who are ordinarily residents of the premises or regularly at the premises, before they begin interacting with the children.
4. With home child care visitors, before they begin their employment.

Current Requirement	Proposed Change
<p>5. With each person described in paragraph 1, 2, 3 or 4, at least annually after the first review and at any other time when changes are made to a policy, procedure or individualized plan.</p> <p>Subsection 6.1 (5) states that every licensee of a home child care agency shall ensure that the policies and procedures are reviewed by persons who work at the home child care agency before they begin their employment, at least annually after the first review and at any other time when changes are made to a policy or procedure.</p> <p>Subsection 6.1(6) states that every licensee shall ensure that a record is kept with the date of each review conducted under subsection (2), (3), (4) or (5) and that each record is signed by each person who conducted or participated in the review, or in the case of a review made by a licensee that is a corporation, by an officer or employee of the corporation who had knowledge of the review.</p>	

Timeline: These proposed changes would come into effect on a date to be determined. It is anticipated that the effective date will be no later than July 1, 2018.

A4. Implementation and Review of Policies, Procedures and Individualized Plans

The ministry is proposing to change the wording in subsection 6.1(7) of O. Reg. 137/15 (General). Currently, the requirement states that licensees must have a written “process” for monitoring, recording and addressing compliance and contraventions. Because the word “process” is used, this area is not subject to the requirement in subsection 6.1(1) to implement “policies, procedures and individualized plans,” leading to confusion and enforcement issues. The ministry proposes to change references from “written process” to “policies and procedures” to align with the intent of the regulation.

Current Requirement	Proposed Change
<p>Section 6.1(7) of O. Reg. 137/15 requires a “written process” for monitoring, recording and addressing compliance and contraventions.</p>	<p>Amend references from “written process” to “policies and procedures.”</p>

Timeline: These proposed changes would come into effect on a date to be determined. It is anticipated that the effective date will be no later than July 1, 2018.

A5. Serious Occurrences, Records Retention

The ministry is proposing to remove the requirement for the licensee to retain the paper version of the serious occurrence report separately because this record is already retained in the Child Care Licensing System (CCLS; this is the system used by the Ministry of Education to automate child care licensing in Ontario), to which all licensees and ministry licensing staff have access. As such, the requirement is duplicative.

Licensees will still be required to retain the summary of the report for at least three years, because this is not already retained in CCLS.

Current Requirement	Proposed Change
Clause 38(1)(d) of O. Reg. 137/15 (General) requires licensees to retain a serious occurrence report and summary of the report for at least three years.	Remove requirement for licensees to retain the serious occurrence report.

Timeline: These proposed changes would come into effect on a date to be determined. It is anticipated that the effective date will be no later than July 1, 2018.

A6. Federal Legislation for Cradles, Cribs and Playpens

The ministry proposes to remove the requirements for a cradle, crib or playpen to comply with the requirements of the *Canada Consumer Product Safety Act* (CPSA). The ministry is not able to enforce this regulatory requirement because compliance requirements under the CPSA are intended to govern the manufacture and sale of cribs, not use by the end user.

Also, the requirement is duplicative, as the requirement for a crib/cradle to be in a good state of repair is covered elsewhere in the regulation. Subsection 19(3) of O. Reg. 137/15 (General) requires equipment and furnishings to be maintained in a good state of repair; this includes cribs/cradles.

Current Requirement	Proposed Change
Clause 19(2)4 of O. Reg. 137/15 (General) requires that a cradle, crib or playpen comply with standards set out in the <i>Canada Consumer Product Safety Act</i> (CCPSA) for child care centres.	Remove requirement.
Clause 27(3)(1) of O. Reg. 137/15 requires that a cradle, crib or playpen comply with standards set out in the <i>Canada Consumer Product Safety Act</i> (CCPSA), for home child care.	Remove requirement.

Timeline: These proposed changes would come into effect on a date to be determined. It is anticipated that the effective date will be no later than July 1, 2018.

Health and Safety

The ministry proposes the following regulatory amendments to reduce duplicative and/or redundant regulations and lessen administrative burden for licensees.

A7. Food Allergies – Food Agents, Posting Requirements

Currently, subsection 43(3) of O. Reg. 137/15 requires licensees to post food allergies or food restrictions in cooking and serving areas, play areas or play rooms, and in any other area where children may be present. The ministry is proposing to change this requirement so the licensee must ensure that the allergy list is “available and accessible” to employees and staff in any area where children may be present for the age group. This is more practical given that some areas are not conducive to “posting” the list of food allergies/restrictions (e.g. playgrounds, shared spaces with schools, and washrooms). As well, this proposed change acknowledges that information can be made available and accessible in different ways, such as through a mobile device.

Licensees would still be required to post allergies/restrictions in each cooking and service area, and in each play activity area or play activity room.

Also, the ministry is proposing to expand the requirement to include other allergens in addition to food (e.g. latex), given that children may also have allergies to non-food items that are present in a child care centre.

Current Requirement	Proposed Changes
Subsection 43(3) of O. Reg. 137/15 (General) requires licensees to post food allergies or food restrictions in cooking and serving areas, play areas or play rooms, and in any other area where children may be present.	Amend regulation to require that allergy lists are available and accessible to employees and staff (vs. posted) in any other area where children may be present for the age group. Amend the requirement to include food <i>and other agents</i> (e.g. latex).

Timeline: These proposed changes would come into effect on a date to be determined. It is anticipated that the effective date will be no later than July 1, 2018.

A8. Medical Officer of Health Recommendations

The ministry is proposing to remove the requirement for child care centres to carry out “recommendations” of the Medical Officer of Health, which are general in nature and not practical for the ministry to enforce, and only abide by “instructions” of the Medical Officer of Health. This requirement is also duplicative, as oversight of general health practices is already being conducted by local public health authorities.

Current Requirement	Proposed Change
Subsection 32(1) of O. Reg. 137/15 requires licensees to ensure that any recommendation or instruction of a medical officer of health with respect to any matter that may affect the health or well-being of a child receiving child care at a child care centre the licensee operates is carried out by the staff of the child care centre.	Amend subsection 32(1) to remove the word ‘ <i>recommendations</i> ’ and only require licensees to abide by the instructions of a Medical Officer of Health.

Timeline: These proposed changes would come into effect on a date to be determined. It is anticipated that this proposed regulatory amendment would take effect on July 1, 2018.

A9. Storage of Hazardous Substances

The ministry is proposing to clarify the requirement for hazardous substances because the current wording in the regulation does not clearly reflect the policy intent, which is that licensees must ensure that hazardous substances themselves are *inaccessible* to children.

Current Requirement	Proposed Change
Subsection 15(2) of O. Reg. 137/15 (General) requires the licensee to ensure that the <i>spaces</i> for storage of hazardous substances are inaccessible to children.	Amend the wording in subsection 15(2) regulation to clarify that hazardous substances themselves in a child care centre must be inaccessible to children.

Timeline: These proposed changes would come into effect on a date to be determined. It is anticipated that the effective date will be no later than July 1, 2018.

A10. Status of Play Material, Equipment and Furnishings

The ministry is proposing to remove a duplicative requirement related to play material, equipment and furnishings. Currently, ministry regulations require that play materials, equipment, and furnishings are maintained in safe and clean condition and kept in a good state of repair.

Monitoring “clean condition” of play materials, equipment and furnishings can cause confusion in enforcement resulting in non-compliances for minor issues (e.g. stain on toy that remains after regular cleaning and sanitation). This change will have no effect on the health, safety and well-being of children as local public health authorities already have regular processes in place to monitor sanitation requirements in child care centres.

This proposed change recognizes the need for play materials, equipment and furnishings to be sanitary, as opposed to simply clean on the surface. The ministry will continue to monitor that play materials, equipment and furnishings are maintained in a safe condition and good state of repair, and local public health authorities will continue to ensure their sanitation requirements are met.

Current Requirement	Proposed Change
Subsection 19(3) of O. Reg. 137/15 (General) requires play materials, equipment and furnishings to be maintained in a safe and clean condition and kept in a good state of repair and that there is adequate storage available for the play materials.	Remove duplicative requirement by removing the word 'clean.'

Timeline: These proposed changes would come into effect on a date to be determined. It is anticipated that this proposed regulatory amendment would take effect on July 1, 2018.

B. Enhanced Enforcement

The following proposed regulatory amendments are intended to ensure the protection and oversight of children in licensed/home child care and enhance the ministry’s role in providing progressive enforcement through monetary penalties.

B1. Extending Prohibited Practices to Individuals

Regulatory requirements related to prohibited practices forbid physical punishment and other harmful disciplinary practices to protect the emotional and physical well-being of children. The ministry is proposing changes to prohibited practice provisions that would add that employees, volunteers and students, as well as home child care providers, cannot engage in prohibited practices (currently, these provisions only apply to licensees).

This change would mean that the individual who engaged in the prohibited practice could be charged or convicted for an offence under the CCEYA, and the prohibition under Section 9 of the CCEYA would apply. Section 9 states that no individual can provide child care, operate a premises where child care is provided or operate a home child care agency, if they have been convicted of an offence under the act, an offence under the *Criminal Code*, or any other federal or provincial offence prescribed by the regulations.

This would allow the ministry to take enforcement action against the licensee, employee, volunteer or student, or home child care provider, who engaged in prohibited practices. This will also enhance the ministry’s ability to conduct enforcement as a result of prohibited practices, which will support children’s health and safety.

Current Requirement	Proposed Change
<p>Section 48 of O. Reg. 137/15 (General) states that no licensee shall permit, with respect to a child receiving child care at a child care centre it operates or at a premises where it oversees the provision of child care,</p> <p>(a) corporal punishment of the child;</p> <p>(b) physical restraint of the child, such as confining the child to a high chair, car seat, stroller or other device for the purposes of discipline or in lieu of supervision, unless the physical restraint is for the purpose of preventing a child from hurting himself, herself or someone else, and is used only as a last resort and only until the risk of injury is no longer imminent;</p> <p>(c) locking the exits of the child care centre or home child care premises for the purpose of confining the child, or confining the child in an area or room without adult supervision, unless such confinement occurs during an emergency and is required as part of the licensee’s emergency management policies and procedures;</p> <p>(d) use of harsh or degrading measures or threats or use of derogatory language directed at or used in the presence of a child that would humiliate, shame or frighten the child or undermine his or her self-respect, dignity or self-worth;</p> <p>(e) depriving the child of basic needs including food, drink, shelter, sleep, toilet use, clothing or bedding; or</p> <p>(f) inflicting any bodily harm on children including making children eat or drink against their will.</p>	<p>Amend section 48 of O. Reg. 137/15 to add that employees, volunteers, students and home child care providers are prohibited from engaging in the same practices as licensees.</p>

Timeline: These proposed changes would come into effect on a date to be determined. It is anticipated that this proposed regulatory amendment would take effect on July 1, 2018.

B2. Changes to Administrative Penalties

The proposed changes would expand administrative penalties to five new areas of the act. This would support a progressive approach to enforcement by creating an interim step between compliance orders and more serious enforcement action such as prosecution or revocation of a licence. Administrative penalties are intended to encourage individuals to come into compliance at the earliest opportunity rather than face increasingly stronger enforcement measures.

The proposed changes would also increase the monetary amounts for three existing administrative penalties.

Current Requirement	Proposed Change
<i>Expansion of Administration Penalties</i>	
Administrative penalties (APs) are limited to the sections of the regulations and Act listed in Section 78, Tables 1 and 2, of O. Reg. 137/15 (General).	Amend Section 78 to extend APs to five additional operational contraventions: <ol style="list-style-type: none"> Regulation, s. 11.1(1), Supervision of volunteers and students at all times 1. \$1,000 Regulation, s. 15(2), Designated spaces inaccessible to children 2. \$1,000 Regulation, s.30.1(1) and (2)(a), Bodies of water 3. \$1,000 Regulation, s.31, Hazards 4. \$1,000 Regulation, s.60, 61.1 and s.63, Duty to obtain reference check 5. \$1,000
<i>Increases to Monetary Penalty Amounts for Three Existing APs</i>	
Section 78, Table 1, O. Reg. 137/15 (General) <p>Act, s. 7, Prohibition – operation of home child care agency:</p> <ul style="list-style-type: none"> • \$1,000 <p>Act, s. 9, Prohibition – past conduct, child care providers, etc.</p> <ul style="list-style-type: none"> • \$1,000 <p>Act, s. 31 (4), Obligation to produce and assist</p> <ul style="list-style-type: none"> • \$500 	Revise section 78 with following changes: <p>Act, s. 7, Prohibition – operation of home child care agency:</p> <ul style="list-style-type: none"> • Increase to \$2,000. <p>Act, s. 9, Prohibition – past conduct, child care providers, etc.</p> <ul style="list-style-type: none"> • Increase to \$2,000. <p>Act, s. 31 (4), Obligation to produce and assist</p> <ul style="list-style-type: none"> • Increase to \$2,000.

Timeline: These proposed changes would come into effect on a date to be determined. It is anticipated that this proposed regulatory amendment would take effect on July 1, 2018.

B3. Expansion of Offence Provisions

The purpose of offence provisions is to provide the ministry with additional tools apart from the revocation of a licence to protect the health safety and well-being of children in all child care settings. The proposed changes would expand the list of offences to include two additional sections of the act, which would assist with ministry investigations to seek prosecution of operators for repeated failure to cooperate with inspectors and investigators. This change would support children’s health and safety.

Current Requirement	Proposed Change
<p>Currently, offences are limited to certain sections of the act:</p> <ol style="list-style-type: none"> 1. Subsection 6 (1) (Prohibition re operation of child care centre). 2. Section 7 (Prohibition re operation of home child care agency). 3. Section 8 (Prohibition re operating multiple premises). 4. Subsection 9 (1) or clause 9 (3) (a) (Prohibition re past conduct of provider). 5. Subsection 10 (1) or (2) (Prohibition re preventing parental access). 6. Subsection 11 (1), (3) or (4) (Prohibition re use of licensing terms, etc.). 7. Subsection 14 (6) (Duty to return licence and signage). 8. Section 16 (Accrediting programs and services). 9. Subsection 17 (1) or (3) (Prohibition re use of accreditation terms, etc.). 10. Subsection 73 (1) (Prohibition re Ontario education numbers). 11. Section 76 (Prohibition re obstruction of inspector). 12. Subsection 77 (1) or (2) (Prohibition re false or misleading information). 	<p>Add two new offence provisions to the existing list of offences related to obstruction:</p> <ol style="list-style-type: none"> 1. Subsection 31(4) of the Act (Obligation to produce and assist). • Subsection 35 of the Act (Obligation to provide criminal reference checks).

Current Requirement	Proposed Change
<p>Any other provision of this Act or the regulations prescribed by the regulations, which are currently as follows:</p> <ol style="list-style-type: none"> 1. Section 12 of the Act (Duty to disclose if not licensed and to retain record of disclosure). 2. Section 15 of the Act (Duty to provide receipt for payment). 3. Section 8 of this Regulation (Ratios and maximum group sizes, child care centre). 4. Section 11 of this Regulation (Supervision by adult at all times). 5. Section 48 of this Regulation (Prohibited practices). 6. Section 60 of this Regulation (Duty to obtain initial reference check). 	

Timeline: These proposed changes would come into effect on a date to be determined. It is anticipated that this proposed regulatory amendment would take effect on July 1, 2018.

C. Recreation Regulations

The ministry is proposing regulatory amendments to help to clarify for the sector which programs are considered to be authorized recreational programs, versus which programs are required to have a child care licence.

These changes do not change the ministry’s policy related to recreational programs; rather, they are intended to clarify the ministry’s current/existing policy approach.

Current wording in the regulation requires “a program” to be a member of an organization (YMCA Canada, of a Boys and Girls Clubs of Canada or of a provincial sport organization or multi-sport organization recognized by the Ministry of Tourism, Culture and Sport). In practice, the members of the parent organizations listed in this section are individuals, clubs and associations, not programs. The proposed amendment would clarify this language.

The second regulatory amendment is intended to further clarify the ministry’s policy intent, by setting out that for programs provided by members of a provincial sport organization, the nature of programs that are being offered to children must be in the sport that is promoted by provincial sport organization with which they are affiliated.

C1. Clarification for Authorized Recreational Programs

Current Requirement	Proposed Change
<p>Subclause 3.1(2)(iii) of O. Reg. 137/15 (General) outlines exemptions for authorized recreational programs and requires “a program” to be a member of an organization (e.g. YMCA Canada, Boys and Girls Clubs, provincial sports organization recognized by the Ministry of Tourism, Culture and Sport).</p>	<p>Amend subclause 3.1 (2)(iii) by replacing “program is operated,” with “program is operated by a member of” (a member of YMCA Canada, of a Boys and Girls Clubs of Canada or of a provincial sport organization or multi-sport organization recognized by the Ministry of Tourism, Culture and Sport).</p> <p>Revise language in subclause 3.1(2)(iii) to establish a requirement for the nature of the programs to be associated with the sport that is promoted by the provincial sport organization with which they are affiliated.</p>

Timeline: These proposed changes would come into effect on a date to be determined. It is anticipated that this proposed regulatory amendment would take effect on July 1, 2018.

D. Funding Regulations

The ministry proposes to align current language in O. Reg. 138/15 (Funding, Cost Sharing and Financial Assistance) with the ministry’s current funding policies and practices.

D1. Funding for Authorized Recreational and Skill Building Programs

The ministry is proposing to align language in O. Reg. 138/15 (Funding, Cost Sharing and Financial Assistance) to reflect current practices so that authorized recreational programs that operate camps can be eligible for fee subsidies for camps under the regulation.

Current Requirement	Proposed Change
<p>Subsection 6(1) of O. Reg. 138/15 (Funding, Cost Sharing and Financial Assistance) sets out services for which the ministry can enter into a cost sharing agreement with a service system manager or First Nation.</p> <p>Subsection 6(1) does not allow for authorized recreational programs that operate a camp to receive fee subsidies.</p>	<p>Provide that authorized recreational programs that operate camps can be eligible for fee subsidies for camps.</p> <p>Add regulatory amendment to require recreational programs to be an eligible authorized recreational and skill building program or a children’s recreation service provider listed in the Schedule to Regulation 797 of the Revised Regulations of Ontario, 1990 (Recreation Programs) made under the <i>Ministry of Tourism and Recreation Act</i>.</p>

Timeline: These proposed changes would come into effect on a date to be determined. It is anticipated that this proposed regulatory amendment would take effect on July 1, 2018.

D2. Funding for Extended Day Programs

The ministry is proposing changes to O. Reg. 138/15 (Funding, Cost Sharing and Financial Assistance) as currently, the regulation does not authorize the provision of general operating funding under the CCEYA for board-operated extended day programs.

Current Requirement	Proposed Change
<p>Clause 54(1)(c) of the Act sets out that the Minister may fund and provide financial assistance for other programs or services prescribed by the regulations that provide or support temporary care for or supervision of children.</p> <p>Subsection 6(1) provides a list of services for which can enter into a funding and cost sharing arrangement. The list does not include board-operated extended day programs.</p>	<p>Add a regulation under Section 6 (1) of O. Reg. 138/15, based on authority derived from clause 54(1)(c) of the Act, to explicitly authorize the Minister to provide operating funding for extended day programs.</p>

Timeline: These proposed changes would come into effect on a date to be determined. It is anticipated that this proposed regulatory amendment would take effect on July 1, 2018.

D3. Funding for Camps

The ministry is proposing changes to the funding regulations to address the gap between age eligibility to attend camps and age eligibility for fee subsidy. O. Reg. 138/15 (Funding, Cost Sharing and Financial Assistance) has an age requirement of six to receive fee subsidy and special needs resourcing for camps, however, under the CCEYA, the age eligibility for attending camps is four.

Current Requirement	Proposed Change
<p>Subsection 6(1)8 of O. Reg. 138/15 (Funding, Cost Sharing and Financial Assistance) sets out an age requirement of six years old for children to receive fee subsidy.</p>	<p>Amend regulation to specify that fee subsidies may be provided for children attending camp who are four years of age or older (or turning four in the current calendar year and enrolled in a camp provided on or after September 1).</p>

Timeline: These proposed changes would come into effect on a date to be determined. It is anticipated that this proposed regulatory amendment would take effect on July 1, 2018.

D4. Language Update

The ministry is proposing a language update to revise references to child and family programs in both O. Reg. 137/15 (General) and O. Reg. 138/15 (Funding, Cost Sharing and Financial Assistance). This aligns with the work that is underway to transform *family support programs* into *child and family programs* beginning in 2018. The four separate programs (Child Care Resource Centres, Better Beginnings Better Futures, Ontario Early Years Centres, and Parenting and Family Literacy Centres) will not exist from 2018 onward. References to these programs will be changed to “child and family centres.”

Current Requirement	Proposed Change
<p>The regulations refer to child and family programs as:</p> <ul style="list-style-type: none"> • Ontario Regulation 137/15 (General) defines family support programs and individually names: Child Care Resource Centres, Better Beginnings Better Futures, Ontario Early Years Centres, and Parenting and Family Literacy Centres. • Ontario Regulation 138/15 (Funding, Cost Sharing and Financial Assistance) refers to “family support programs.” 	<p>Updating all such references to ‘child and family centres.’</p>

E. Age Groupings and Ratios

As currently set out in Ontario Regulation 137/15, Schedule 2 (and related amendments) came into force on September 1, 2017. The ministry proposes to revoke Schedule 2 and its related amendments. Schedule 2 and related provisions have not been implemented to date. It is proposed that they be revoked.

This change would not affect any other existing schedules set out in the regulation.

E1. Schedule 2

Current Requirement	Proposed Change
<p>Subsection 8(1) under O. Reg 137/15 sets out that every licensee shall ensure that in each child care centre it operates, the children are placed in groups according to the age categories set out under Schedule 1, 2 or 3 (effective September 1, 2017).</p> <ul style="list-style-type: none"> • This optional approach to age groupings and ratios (Schedule 2), was introduced in May 2016 as part of the Phase 2 regulatory changes under the CCEYA. • The Schedule 2 requirements can be found in Appendix 1. 	<p>Remove the amendments made to Ontario Regulation 137/15 related to Schedule 2 age groupings and ratios that came into force on September 1, 2017 under the <i>Child Care and Early Years Act, 2014</i> (CCEYA).</p> <p>The remaining Schedules for age groupings, ratios and staff qualifications under the CCYEA would remain in place (Schedule 1, 3, and 4).</p>
<p>Currently there are many sections in O. Reg. 137/15 that refer to Schedule 2.</p> <ul style="list-style-type: none"> • Contents • Section 1 (Definitions), • Section 7 (Age Categories) • Section 7.1 (Schedule 1 or Schedule 2 child care centre) • Section 8 (Ratios and maximum group sizes, child care centre) • Section 16 (Play activity space) • Section 17 (Play activity rooms) • Section 19 (Play materials, equipment and furnishings) • Section 20 (First- or second-storey) • Section 24 (Outdoor play space) • Section 47 (Program requirements re activity, rest, sleep, outdoor play, etc.) • Section 54 (Qualified employees) PART VI (Omitted) 	<p>Remove references in O. Reg 137/15 to Schedule 2:</p> <ul style="list-style-type: none"> • Contents • Section 1 (Definitions), • Section 7 (Age Categories) • Section 7.1 (Schedule 1 or Schedule 2 child care centre) • Section 8 (Ratios and maximum group sizes, child care centre) • Section 16 (Play activity space) • Section 17 (Play activity rooms) • Section 19 (Play materials, equipment and furnishings) • Section 20 (First- or second-storey) • Section 24 (Outdoor play space) • Section 47 (Program requirements re activity, rest, sleep, outdoor play, etc.) • Section 54 (Qualified employees) PART VI (Omitted)

Timeline: These proposed changes would come into effect on a date to be determined. It is anticipated that this proposed regulatory amendment would take effect immediately upon filing.

F. Technical Amendments

The ministry is proposing the following technical amendments in certain regulatory requirements.

F1. Director Approval for First Aid Requirements

The ministry proposes to remove the reference to first aid certification for resource teachers that is issued by an entity “otherwise approved by a director” from subsection 55(2) of O. Reg. 137/15. This would reflect the ministry’s original policy intent that all first aid certifications be obtained from a trainer recognized by the Workplace Safety Insurance Board, without alternative options that could be director-approved.

Current Requirement	Proposed Change
<p>Section 55(2) of Ontario Regulation 137/15 sets out that every licensee shall ensure that every resource teacher 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>Amend regulation to allow individuals to be exempted from the first aid certification requirement, with approval from a director (i.e. ministry employee) and only under extenuating circumstances; additional guidance would be set out by policy.</p> <p>Remove the allowance for a training program to be “otherwise approved by a director”. All training programs would need to be WSIB approved.</p>

Timeline: These proposed changes would come into effect on a date to be determined. It is anticipated that this proposed regulatory amendment would take effect on July 1, 2018.

F2. Policies and Procedures

The ministry is proposing to revise clause 49(a) of O. Reg. 137/15 to add a reference to students when setting out expectations for how child care providers and other staff or volunteers are to implement the approaches specified in the program statement. Currently, the regulation refers only to the child care providers, other staff and volunteers. As students (i.e. on placement) engage with children and play a role for implementing the approaches in the program statement, the ministry is proposing to add a reference to students in this provision.

Current Requirement	Proposed Change
Section 49(a) of Ontario Regulation 137/15 requires every licensee to ensure that there are written policies and procedures that set out the expectations for how child care providers and other staff or volunteers are to implement the approaches specified in the program statement.	Amend section 49(a) to add “students” to listed persons, along with “other staff and volunteers.”

Timeline: These proposed changes would come into effect on a date to be determined. It is anticipated that this proposed regulatory amendment would take effect on July 1, 2018.

F3. Children with Special Needs

Clauses (a) and (b) of Section 28 in O. Reg. 138/15 describe a person who was in receipt of services or financial assistance under Ontario Regulation 262 of the *Day Nurseries Act* (DNA), and set out that a person who has special needs would be eligible to receive funding/financial assistance under the CCEYA until that person turns 18 if he or she has entered the system before August 31, 2017. However, the DNA was repealed on August 31, 2015.

The intent behind this provision was that it should extend to an individual who enters the system for the first time in the two years following implementation of the CCEYA on August 31, 2015.

For example, if a child with special needs is enrolled in a child care centre at the age of 1 on August 30, 2017, the child would be eligible to receive funding/financial assistance until he or she turns 18. This child would have never received services or financial assistance under the former DNA, but should still be eligible for assistance based on the policy intent.

The proposed amendment aligns the wording of the regulation with the policy intent. It does not change the ministry’s policy approach for children with special needs.

Current Requirement	Proposed Change
Section 28 clause (a) and (b). of O. Reg. 138/15 state: (a) the person was in receipt of a service set out in subsection 66.1 (2) of Regulation 262 of the Revised Regulations of Ontario, 1990 (General) made under the Day Nurseries Act; or (b) the individual’s parent was in receipt of financial assistance for care for the individual under that Regulation	Amend regulation to capture individuals who entered the system for the first time after August 31, 2015 and before August 31, 2017.

Conclusion

We are continuing to work together with our partners to transform and modernize child care in the province as part of the province's Renewed Early Years and Child Care Policy Framework. Building on the previous phases of regulatory changes, these proposed changes will continue to refine and improve the regulatory framework and continue to support the health, safety, and well-being of children.

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 December 1, 2017.

You may send your response by e-mail to: CCGE_modernization@ontario.ca

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

Regulatory Registry Feedback
c/o Early Years and Child Care 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 www.ontario.ca/childcare.

Appendix 1: Requirements for Schedule 2 Child Care Centres

The following chart sets out requirements for Schedule 2 child care centres, which came into force on September 1, 2017. Schedule 2 and related provisions have not been implemented to date. Rather, it is proposed that they be revoked.

Item	Column 1 Name of age category	Column 2 Age range of age category	Column 3 Ratio of employees to children	Column 4 Maximum number of children in group	Column 5 Proportion of employees that must be qualified employees
1.	Infant/Toddler	Younger than 24 months	Younger than 12 months: 1 to 3 12 months or older but younger than 24 months: 1 to 4	12	2/3
2.	Preschool	24 months or older but younger than 5 years	1 to 8	24	2/3
3.	Kindergarten	44 months or older but younger than 7 years	1 to 13	26	1/2
4.	Primary/junior school age	68 months or older but younger than 13 years	1 to 15	30	1/2
5.	Junior school age	9 years or older but younger than 13 years	1 to 20	20	1/1

O. Reg. 126/16, s. 50.