



**Regulatory Registry Consultation Document regarding
Proposed Regulatory Amendments under the *Child
Care and Early Years Act, 2014 and the Education Act***

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Required by: May 19, 2019

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Purpose

The Ministry of Education (“the ministry”) is seeking feedback on proposed regulatory amendments under the *Child Care and Early Years Act, 2014* (CCEYA) and the *Education Act*. We want to hear from early years and child care partners as well as families. Please send us your feedback on the proposed regulatory amendments, including how you think they could impact: the health and safety of children in child care; the costs of operating child care; and the choice, availability, and affordability of child care for families.

More information about how to respond is provided at the end of the document. Responses must be received by the ministry no later than May 19, 2019.

Background

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

In the first phase, the following regulations came into effect on August 31, 2015, following a public consultation period:

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

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 aged 6-12 years old.

A third set of regulatory amendments was introduced in March 2018 with varying effective dates, and focused on areas such as reduction of administrative burden, enforcement, recreation, funding, and age groupings and ratios.

Proposed Regulatory Changes

The ministry continues to take a multi-year, phased approach to the development and implementation of updated regulatory requirements under the CCEYA.

The ministry is currently proposing regulatory changes that aim to make it easier for licensees, child care staff and home child care providers to comply with the rules. Many of these proposed changes have been informed by feedback that the government has heard from the child care sector.

The government is developing a new child care plan for Ontario. These proposed changes are part of that plan, and would support implementation in three key areas:

- A. Reducing red tape and administrative burden
- B. Increasing choice and availability for families
- C. Improving quality and delivering high standards of care

A. Reducing Red Tape and Administrative Burden

The ministry is proposing the following regulatory changes to O. Reg. 137/15 (General) and O. Reg. 138/15 (Funding, Cost Sharing and Financial Assistance) under the CCEYA, which aim to remove duplicative, onerous and unnecessary requirements for licensees and providers.

A1. Serious Occurrences – Annual Analysis

Whenever there is a serious occurrence in a licensed child care premises (e.g. abuse, neglect, life threatening illnesses, etc.), the licensee is required to ensure that a report is made to the ministry within 24 hours of the licensee or supervisor becoming aware of the occurrence. Ministry program advisors follow up on all serious occurrences.

Digital records of serious occurrences are retained in the Child Care Licensing System, the IT system used by the ministry to administer child care licensing in Ontario. Each licensee and ministry program advisor assigned to that particular licensee has access to the Child Care Licensing System, and so they have the ability to review and analyze all previous serious occurrences at any time as needed.

To reduce administrative burden for licensees, the ministry is proposing to remove the additional requirement to conduct an annual analysis of all serious occurrences that occurred in the previous year at each licensed child care premises and to keep records of the actions taken in response to this analysis. This is duplicative of work already done to follow up on serious occurrences.

This proposed change would not impact the ministry’s oversight for health and safety in licensed child care.

Current Requirement	Proposed Change
Subsection 38(2) of O. Reg. 137/15 (General) requires every licensee to: (a) conduct an annual analysis of all serious occurrences that occurred in the previous year at each child care centre operated by the licensee and at each premises where the licensee oversees the provision of home child care; and (b) keep records of the actions taken in response to the analysis.	Remove subsection 38(2).

Timeline: These proposed changes would come into effect on a date to be determined. It is anticipated that the effective date would be as early as September 1, 2019.

A2. Medical Officer of Health Directions, Inspections – Records

Licensees of child care centres are required to keep inspection reports, which document any recommendations made by inspectors (i.e., ministry program advisors, the local Medical Officer of Health (or designate) and local fire department). They are also required to record the recommendations of inspectors in the daily written record, where they document all incidents affecting health, safety and well-being.

It is an unnecessary administrative burden for licensees to maintain two records of these recommendations in two different places. Therefore, the ministry is proposing to remove the requirement to record inspectors' recommendations again in the daily written record.

The ministry would continue to require licensees to keep inspection reports.

Current Requirement	Proposed Change
Subsection 32(3) of O. Reg. 137/15 requires licensees to keep a record of inspections of child care centres and home child care premises made by ministry program advisors, the local Medical Officer of Health (or designate) and local fire department; and in the case of child care centres, to record any inspection recommendations in the daily written record.	Amend subsection 32(3) to remove the requirement to record inspection recommendations in the daily written record. Retain the part of subsection 32(3) that requires records to be kept of inspections of child care centres and home child care premises made by ministry program advisors, the local Medical Officer of Health (or designate) and local fire department.

Timeline: These proposed changes would come into effect on a date to be determined. It is anticipated that the effective date would be as early as September 1, 2019.

A3. Controlled Drugs and Substances Act (Canada)

Licensees are required to have a written procedure for keeping records regarding the administration of drugs and medication, including those records required under the *Controlled Drugs and Substances Act (Canada)*.

However, the regulations under the *Controlled Drugs and Substances Act (Canada)* set out requirements that apply to practitioners and other health professionals, to maintain records with respect to the administration of narcotics. Licensees and providers of home child care should not be held to the same requirements as health care professionals as their function is not analogous to those of medical practitioners.

Therefore, the ministry proposes to remove the requirement from the General Regulation under the CCEYA for licensees to maintain records required under the *Controlled Drugs and Substances Act (Canada)*.

Licensees would still be required to keep records with respect to the administration of drugs and medications to continue to ensure the health and safety of children in care.

Current Requirement	Proposed Change
Subclause (40(1)(a)(ii) of O. Reg. 137/15 (General) requires licensees, where they agree to the administration of drugs or medication to a child in care, to establish a written procedure to guide record-keeping of the administration of drugs and medication, including those records required under the <i>Controlled Drugs and Substances Act</i> (Canada).	Amend subclause 40(1)(a)(ii) to remove the reference to “records required under the <i>Controlled Drugs and Substances Act</i> (Canada).” Retain the general requirement in subclause 40(1)(a)(ii) to keep records with respect to the administration of drugs and medication.

Timeline: These proposed changes would come into effect on a date to be determined. It is anticipated that the effective date would be as early as September 1, 2019.

A4. Play Materials, Equipment and Furnishings – Sleep Furniture (Child Care Centres)

There are currently requirements for licensees of child care centres to provide certain types of sleep furniture to children in care based on the child’s age and the child’s licensed age group. These current requirements can be confusing, as they could be interpreted as requiring licensees to provide two different pieces of sleep furniture for one child (i.e. both a crib/cradle and a cot for a child younger than 18 months who is enrolled in a toddler group as part of a mixed age grouping for six hours or more).

The ministry is proposing to simplify the requirements relating to the furniture that must be required for a child. Specifically, the amendments would clarify that the requirement relates only to the child’s age, and is not based on the licensed age group that the child is in.

The ministry is also contemplating aligning these clarified sleep furniture requirements for home-based care providers overseen by a licensed home child care agency, so as to ensure that the appropriate furniture is provided to children based on their age regardless of licensed care setting.

Licensees would still be required to follow the *Joint Statement on Safe Sleep: Preventing Sudden Infant Deaths in Canada* issued by the Public Health Agency of Canada.

Current Requirement	Proposed Change
<p>Paragraphs 4-7 under subsection 19(2) of O. Reg. 137/15 (General) require licensees of child care centres to provide sleep furniture as follows:</p> <ol style="list-style-type: none"> 4. A crib or a cradle for each child who: <ol style="list-style-type: none"> i. is younger than 18 months, or ii. is younger than 12 months and is in a licensed family age group. 5. A crib or a cot, in accordance with any written instructions from the child's parent, for each child in a licensed family age group who is 12 months or older but younger than 24 months and who receives child care for six hours or more. 6. A cot for each child in a licensed toddler group who receives care for six hours or more. 7. Unless otherwise approved by a director, a cot for each child who receives child care for six hours or more and: <ol style="list-style-type: none"> i. is in a licensed pre-school group, or ii. is 24 months or older but younger than five years and is in a licensed family age group. 	<p>Amend paragraphs 4-7 under subsection 19(2) to clarify the requirements for providing sleep furniture based on a child's age, regardless of their enrolment in a given licensed group, as follows:</p> <ul style="list-style-type: none"> ▪ A child 12 months or younger must be provided with a crib/cradle ▪ A child between 12 and 18 months, who receives child care for six hours or more, must be provided with either a crib/cradle or a cot in accordance with written instructions from a child's parent ▪ A child over 18 months, who receives child care for six hours or more, must be provided with a cot in accordance with written instructions from a child's parent

Timeline: These proposed changes would come into effect on a date to be determined. It is anticipated that the effective date would be as early as September 1, 2019.

A5. Play Materials, Equipment and Furnishings – Written Agreement, Policies and Procedures (Home Child Care)

The written agreement between the licensee of the home child care agency and each home child care provider must specify their respective responsibilities regarding the provision of equipment. The home child care agency and home child care provider should also agree on, and be aware of, their respective responsibilities regarding the play materials and furnishings that must be provided in each home child care premises. Therefore, the ministry is proposing an amendment to clarify that the written agreement must specify responsibilities regarding play materials and furnishings, in addition to equipment.

There is also a requirement for licensees to have written policies and procedures with respect to the provision of equipment, which is duplicative of what is contained in the written agreement. The ministry is proposing to remove this duplicative requirement.

Current Requirement	Proposed Change
Subsection 27(1) of O. Reg. 137/15 (General) requires licensees of home child care agencies to ensure that there are written policies and procedures with respect to the provision of equipment in each home child care premises, and to ensure that the written agreement between the home child care agency and each home child care provider specifies their respective responsibilities regarding the equipment.	Amend subsection 27(1) to remove the requirement to have written policies and procedures with respect to the provision of equipment. Amend subsection 27(1) to add that the written agreement must specify responsibilities with respect to play materials and furnishings, in addition to equipment.

Timeline: These proposed changes would come into effect on a date to be determined. It is anticipated that the effective date will be as early as September 1, 2019.

A6. Licences Issued Under the *Day Nurseries Act (DNA)*

When the CCEYA was enacted and replaced the DNA, a transitional regulatory provision (section 89) was made to ensure that licences and provisional licences issued under the now-repealed DNA would remain valid until their expiration date under the CCEYA. This transitional provision is no longer needed, as there are no longer any valid licences that were issued under the DNA.

The ministry is therefore proposing to remove this transitional provision which is no longer relevant.

Current Requirement	Proposed Change
Section 89 of O. Reg. 137/15 (General) allows for a licence or provisional licence issued under the DNA that was in force immediately before the day the DNA was repealed to be continued under the CCEYA, and states that such a licence or provisional licence continues to be subject to any terms, conditions or expiry date that applied to it under the DNA.	Remove section 89.

Timeline: These proposed changes would come into effect on a date to be determined. It is anticipated that the effective date would be as early as September 1, 2019.

A7. Immunization – Ministry-Approved Forms

In 2015, new regulatory provisions were put in place to require that a standardized, ministry-approved form be used to submit any objections or medical reasons as to why an individual (e.g. child, staff person, home child care provider) will not be immunized, as per requirements in the regulation. At that time, transitional regulations (subsections 35(4) and 57(5)) were included to give licensees time to transition towards the required use of the standardized form by September 1, 2017.

It is now past September 1, 2017, and so these transitional provisions are no longer needed.

The ministry is therefore proposing to remove these transitional provisions which are no longer relevant. This proposed amendment does not change any of the requirements around immunization contained in [Ontario Regulation 137/15: General](#) (O. Reg. 137/15) under the CCEYA.

Current Requirement	Proposed Change
Subsection 35(4) of O. Reg. 137/15 (General) states that an exemption to the immunization requirements for children that was made before August 29, 2016 will expire on September 1, 2017, unless a new objection or medical reasons are submitted in a form approved by the Minister before that date.	Remove subsection 35(4).
Subsection 57(5) of O. Reg. 137/15 (General) states that an exemption to the immunization requirements for staff that was made before August 29, 2016 will expire on September 1, 2017, unless a new objection or medical reasons are submitted in a form approved by the Minister before that date.	Remove subsection 57(5).

Timeline: This transitional regulation will be removed on a date to be determined. It is anticipated that the effective date would be as early as September 1, 2019.

A8. Children’s Records – French Translation

This proposal corrects a translation error and does not change any regulatory requirements.

The English version of the General Regulation under the CCEYA states that each child’s record must include the child’s history of immunization or, if the child has not been immunized, a “required form” completed by a parent or legally qualified medical practitioner explaining why the child should not be immunized.

The French version refers to the use of a form but does not specify that it is a “required form.”

The ministry proposes an amendment to the French version of the regulation, to clarify that the “required form” must be used for a child who is not immunized.

This proposed amendment does not change any of the requirements around immunization contained in [Ontario Regulation 137/15: General](#) (O. Reg. 137/15) under the CCEYA.

Current Requirement	Proposed Change
<p>The English version of paragraph 72(1)8 of O. Reg. 137/15 (General) describes the health-related records that licensees must keep on file for each child in care. The records must include the child’s immunization information or, if the child has not been immunized, a “required form” completed by a parent or legally qualified medical practitioner as to why the child should not be immunized.</p> <p>The French version of paragraph 72(1)8 of O. Reg. 137/15 (General) describes the health-related records that licensees must keep on file for each child in care. The records must include the child’s immunization information or, if the child has not been immunized, a “form” completed by a parent or legally qualified medical practitioner as to why the child should not be immunized. It does not specify the “required form.”</p>	<p>No changes are proposed to the English version of paragraph 72(1)8.</p> <p>Amend the French version of paragraph 72(1)8 to specify that the “required form” must be used.</p>

Timeline: These proposed changes would come into effect on a date to be determined. It is anticipated that the effective date would be as early as September 1, 2019.

A9. Operating Cost Definition – Child and Family Programs

This proposal removes a redundant section of the regulation that contains a typographical error and does not change any regulatory requirements.

The current definition of “operating cost” refers to a “child and family program as described in paragraph 9” of subsection 6(1) of O. Reg. 138/15. However, “child and family program” is already defined in the regulations, so an additional description is not needed under the definition of “operating cost.”

The ministry is proposing a regulatory amendment to eliminate the cross-reference.

Current Requirement	Proposed Change
In section 1 (Interpretation) of O. Reg. 138/15 (Funding, Cost Sharing and Financial Assistance), part (c) of the definition of “operating cost” references a child and family program as described in paragraph 9 of subsection 6(1) of O. Reg. 138/15. “Child and family program” is defined in section 1 (Interpretation).	Amend part (c) of the definition of “operating cost” in section 1(1) to remove “as described in paragraph 9 of subsection 6(1).”

Timeline: These proposed changes would come into effect on a date to be determined. It is anticipated that the effective date would be as early as September 1, 2019.

A10. Application for Assistance

There is currently a regulatory requirement for a person’s adjusted income to be determined by an administrator under the *Ontario Works Act, 1997* in order to be eligible for financial assistance. This financial eligibility requirement was carried over from the now repealed DNA, but it is no longer needed because the CCEYA gives service system managers the authority to determine eligibility for financial assistance.

Therefore, the ministry proposes to remove this outdated reference because it is not consistent with the current practice for determining fee subsidy eligibility.

Current Requirement	Proposed Change
Subsection 9(4) of O. Reg. 138/15 (Funding, Cost Sharing and Financial Assistance) sets out that, as part of an application for financial assistance, a person's adjusted income is to be determined by an administrator appointed under the <i>Ontario Works Act, 1997</i> .	Remove subsection 9(4).

Timeline: These proposed changes would come into effect on a date to be determined. It is anticipated that the effective date would be as early as September 1, 2019.

B. Increasing Choice and Availability for Families

The ministry is proposing the following regulatory changes to O. Reg. 137/15 (General) under the CCEYA, O. Reg. 138/15 (Funding, Cost Sharing and Financial Assistance) under the CCEYA, and O. Reg. 221/11 under the *Education Act*, which aim to provide flexibility and clarity to licensees and providers so they can offer programming options that meet the unique child care needs of families in their local community.

B1. Family Age Groupings – Staff-to-Child Ratios

Bill 66, *Restoring Ontario's Competitiveness Act*, 2019 includes legislative amendments to the CCEYA that increase the number of young children that home-based child care providers (both independent [i.e., unlicensed] and those overseen by a licensed agency) can have in their care, from two under 2 years old to three under 2 years old.

For licensed family age groups in child care centres, the current regulatory requirements set a maximum limit of two children under 2 years old per employee. The ministry is proposing to update this regulatory requirement to align with the similar legislative amendment regarding home-based child care, passed as part of Bill 66.

Current Requirement	Proposed Change
Section 8.1 of O. Reg. 137/15 (General) prescribes requirements related to ratios of employees to children and group size for licensed family age groups: iii. If there are six or fewer children, and no more than two children are younger than 24 months, only one employee is required to provide child care to the group.	Amend section 8.1 to allow for one staff in a licensed family age group to care for three children younger than 24 months.

Timeline: These proposed changes would come into effect on a date to be determined. It is anticipated that the effective date would be as early as September 1, 2019.

B2. Authorized Recreational and Skill-Building Programs – List of Eligible Operators/Providers

Authorized recreational and skill building programs provide an additional high-quality care option for families during before-and after-school hours.

The ministry is proposing to expand the list of eligible “authorized recreational and skill building program” providers of these programs to include HIGH FIVE accredited programs recognized by Parks and Recreation Ontario and to add, as an eligible operator, urban Indigenous organizations that are members of Ontario Federation of Indigenous Friendship

Centres with Friendship Centre status. These are recognized programs and providers that are committed to providing quality and culturally relevant programming.

By increasing the number of authorized recreational and skill building programs, the ministry aims to provide more flexibility and choice to families who are struggling to find child care, particularly after school care, and expand access to culturally relevant programming for Indigenous children.

Current Requirement	Proposed Change
<p>Section 3.1 of O. Reg. 137/15 (General) provides a list of eligible providers and operators of authorized recreational and skill building programs. A program is an authorized recreational and skill building programs if the program is:</p> <ul style="list-style-type: none"> ▪ operated by the local service system manager, a municipality, a school board, a First Nation or the Métis Nation of Ontario, ▪ part of Ontario’s After School Program funded by the Ministry of Tourism, Culture and Sport, ▪ operated by a member of YMCA Canada or by a member of Boys and Girls Clubs of Canada, ▪ operated by a member of a provincial sport organization or multi-sport organization recognized by the Ministry of Tourism, Culture and Sport, where the program’s activities are related to the sport or sports promoted by the organization, ▪ operated by an agency or attraction of the Ministry of Tourism, Culture and Sport, ▪ authorized by the local service system manager to offer child care in their service area provided that the program can demonstrate to the local service system manager that it offers programming that supports the health, safety, and well-being of children, or ▪ authorized by a First Nation to offer child care on their territory provided that the program can demonstrate to the First Nation that it offers programming that supports the health, safety and well-being of children. 	<p>Amend section 3.1 to add two providers/operators to the list of eligible providers and operators of authorized recreation and skill building programs:</p> <ul style="list-style-type: none"> ▪ HIGH-FIVE accredited programs recognized by Parks and Recreation Ontario ▪ Urban Indigenous organizations that are members of the Ontario Federation of Indigenous Friendship Centres with Friendship Centre status

Timeline: These proposed changes would come into effect on a date to be determined. It is anticipated that the effective date would be as early as September 1, 2019.

B3. Third Party Programs Providing Before and After School Care

Bill 66, *Restoring Ontario’s Competitiveness Act, 2019* will increase choice in before and after school programming by allowing authorized recreational and skill building programs to serve children age 4 and up.

Some of these programs are operated by small businesses. A current requirement in the *Education Act* regulations would limit the ability of school boards to use such programs to meet their obligations to ensure the availability of before- and after-school care for children from kindergarten to grade 6.

The ministry proposes to remove this restriction and give school boards and families more choice.

Current Requirement	Proposed Change
Subsection 27(3) of O. Reg. 221/11 (Extended Day and Third Party Programs) under the <i>Education Act</i> requires an operator of a third party program in a school to be a not-for-profit entity or municipality, unless a school board is exempt from this requirement in a school year.	Amend subsection 27(3) to remove the requirement for school boards to prioritize agreements with third party programs that are a not-for-profit entity or a municipality.

Timeline: These proposed changes would come into effect on a date to be determined. It is anticipated that the effective date would be as early as September 1, 2019.

B4. Authorized Recreational and Skill-Building Programs – Financial Assistance

Bill 66, *Restoring Ontario’s Competitiveness Act, 2019* will increase choice in before and after school programming by allowing authorized recreational and skill building programs to serve children age 4 and up.

Currently the regulations require children to be at least 6 years old to be eligible to receive fee subsidy and special needs resourcing supports in children’s recreation programs.

The ministry is therefore proposing a regulatory amendment to reduce the age eligibility for fee subsidy and special needs resourcing for certain recreation programs from 6 to 4 years old. This would align with Bill 66 legislative amendments. It would make financial assistance and special needs resourcing supports available to eligible 4 and 5 year olds to attend authorized recreational and skill-building programs. Service system managers would continue to have discretion in allocating ministry funding towards fee subsidies and special needs resourcing, according to ministry funding guidelines.

This proposed change would also help to align with the age eligibility requirements for financial assistance for board-operated after school programs for junior kindergarten and kindergarten age children and day camps.

Current Requirement	Proposed Change
Paragraph 6(1)8 of O. Reg. 138/15 (Funding, Cost Sharing and Financial Assistance) sets out that children must be at least 6 years old to be eligible to receive fee subsidy and special needs resourcing supports in children’s recreation programs.	Amend paragraph 6(1)8 to change the eligibility to children who are 4 years old or older or, if the program is provided on or after September 1 in a calendar year, who will attain the age of 4 in that year.

Timeline: These proposed changes would come into effect on a date to be determined. It is anticipated that the effective date would be as early as September 1, 2019.

B5. Authorized Recreational and Skill-Building Programs – Extended Day and Third Party Programs

Bill 66, *Restoring Ontario’s Competitiveness Act, 2019* will increase choice in before and after school programming by allowing authorized recreational and skill building programs to serve children age 4 and up.

Current regulations under the *Education Act* only allow school boards to enter into an agreement with licensed child care centres or directly operate an after school program in order to fulfill their obligation for 4 and 5 year olds.

The ministry is proposing to make regulatory changes to allow school boards to use authorized recreational and skill-building programs as third party programs in fulfilling their obligation to provide after-school programming for 4 and 5 year olds. This proposed regulatory change would align with Bill 66 legislative amendments.

Current Requirement	Proposed Change
Section 27 of O. Reg. 221/11 (Extended Day and Third Party Programs) under the <i>Education Act</i> allows school boards to use authorized recreational and skill building programs as third party programs in fulfilling their obligation to provide after school programming for grades 1 to 6, operated under section 259.1 of the <i>Education Act</i> .	Amend Section 27 to allow school boards to use authorized recreational and skill building programs as third party programs in fulfilling their obligation to provide after school programming for junior kindergarten and kindergarten pupils, operated under section 259 of the <i>Education Act</i> .

Timeline: These proposed changes would come into effect on a date to be determined. It is anticipated that the effective date would be as early as September 1, 2019.

B6. Special Needs Resourcing – Child and Family Programs and In-Home Services

Funding for what is known as Special Needs Resourcing is provided to municipal service system managers and First Nations for the provision of staff, equipment, supplies or services for children with special needs.

The ministry is proposing an amendment to set out that Special Needs Resourcing can be provided in two additional settings:

- Locations where “child and family programs” are provided, i.e. EarlyON Child and Family Centres (“EarlyON Centres”) as well as similar programs administered in on-reserve communities
- A child’s home where “in-home services”, as defined under the CCEYA, are provided, i.e., child care that takes place in a child’s home and overseen by a licensed home child care agency

By adding, in regulation, that Special Needs Resourcing can be provided in these two settings, in addition to the existing list of locations, more children with special needs and their families would be eligible to obtain the supports they need.

Service system managers would continue to have discretion in allocating ministry funding for Special Needs Resourcing, according to ministry funding guidelines.

Current Requirement	Proposed Change
<p>Paragraph 6(1)4 of O. Reg. 138/15 (Funding, Cost Sharing and Financial Assistance) governs the provision of what is known as Special Needs Resourcing, including the four locations where it may be made available:</p> <ul style="list-style-type: none"> ▪ in a premises where home child care is provided ▪ in a place where a children’s recreation program described in paragraph 8 is provided ▪ in a camp described in paragraph 9 of subsection 4(1) of the Act ▪ in a child care centre 	<p>Add new provisions under paragraph 6(1)4 to set out that Special Needs Resourcing may be provided in:</p> <ul style="list-style-type: none"> ▪ Locations where “child and family programs” are provided ▪ A child’s home where “in-home services” are provided, i.e., child care that takes place in a child’s home and overseen by a licensed home child care agency

Timeline: These proposed changes would come into effect on a date to be determined. It is anticipated that the effective date would be as early as September 1, 2019.

C. Improving Quality and Delivering High Standards of Care

The ministry is proposing the following regulatory changes to O. Reg. 137/15 (General) under the CCEYA and O. Reg. 221/11 under the *Education Act*, which would clarify and align requirements so that children have a consistent standard of care across child care settings.

C1. Immunization – Local Medical Officer of Health Recommendations

Currently, licensees are required to ensure children, child care centre employees and home child care providers and people ordinarily resident or regularly at a home child care premises are immunized as “recommended” by the local Medical Officer of Health.

Local Medical Officers of Health provide direction to the licensees of child care settings with respect to immunizations required for enrollment and attendance in child care settings. Referring to this direction as a “recommendation” creates confusion for the sector.

Therefore, the ministry is proposing to amend the wording of the regulatory requirements under the CCEYA to replace references to “recommendation” with the term “direction” where appropriate.

This proposed amendment does not change any of the requirements around immunization contained in [Ontario Regulation 137/15: General](#) (O. Reg. 137/15) under the CCEYA.

Current Requirement	Proposed Change
<p>Subsection 35(1) of O. Reg. 137/15 (General) requires licensees to ensure each child at a child care centre and home child care premises is immunized as recommended by the local medical officer of health.</p>	<p>Amend subsection 35(1) by replacing the term “recommended” with “directed.”</p>
<p>Subsection 57(1) of O. Reg. 137/15 (General) requires licensees of child care centres to ensure that, before commencing employment, each person employed in the child care centre has a health assessment and immunization as recommended by the local medical officer of health.</p>	<p>Amend subsection 57(1) by replacing the term “recommended” with “directed.”</p>
<p>Subsection 57(2) of O. Reg. 137/15 (General) requires licensees who oversee home child care premises to ensure that, before any child is provided with home child care, each home child care provider and each person who is ordinarily a resident of the premises or regularly at the premises has a health assessment and immunization as recommended by the local medical officer of health.</p>	<p>Amend subsection 57(2) by replacing the term “recommended” with “directed.”</p>

Timeline: These proposed changes would come into effect on a date to be determined. It is anticipated that the effective date would be as early as September 1, 2019.

C2. Home Child Care Group Sizes – Medical Needs

Licensees of home child care agencies are required to consider a number of factors, including the “special needs” of children before placing a child in a home child care premises. A definition of “child with medical needs” was recently added to the regulation, which is distinct from “child with special needs.” Home child care agencies already typically consider the medical needs of children, in addition to special needs, when making placement decisions.

To reflect current practice, the ministry is proposing that the regulation be amended to add that licensees of home child care agencies must consider any medical needs of children before placing a child in a home child care premises.

This proposed change would help licensees of home child care agencies make decisions that provide for the safe accommodation of the child with medical needs.

Current Requirement	Proposed Change
Paragraph 9(3)2 of O. Reg. 137/15 (General) sets out that licensees of home child care agencies must consider a number of factors, including any special needs of the children in the group, before placing a child in a home child care premises.	Amend paragraph 9(3)2 to add a requirement to also consider any medical needs of children in a group.

Timeline: These proposed changes would come into effect on a date to be determined. It is anticipated that the effective date would be as early as September 1, 2019.

C3. Individualized Support Plan – Inclusion and Developmentally Appropriate Programming

The ministry is proposing to update sections of the General Regulation in order to streamline and clarify requirements related to inclusive child care for children with special needs. These proposed changes would not change practices on the ground, but would consolidate existing requirements into newer sections that apply to both child care centres and home child care. This would help licensees understand their obligations regarding inclusion of children with special needs.

Current Requirement	Proposed Change
<p>Clause 52(3)(a) of O. Reg. 137/15 (General) requires the program of an integrated child care centre to be structured in such a way that it accommodates the individualized support plan of each child with special needs.</p> <p>Clause 52(3)(b) of O. Reg. 137/15 (General) requires the program of an integrated child care centre to be structured in such a way that it is appropriate for the ages and developmental levels of children with special needs.</p> <p>Clause 52(3)(c) of O. Reg. 137/15 (General) requires licensees of child care centres that serve children with and without special needs to structure the centre’s program so that is “inclusive of all children”.</p>	<p>Remove clause 52(3)(a)</p> <p>Remove clause 52(3)(b).</p> <p>Remove clause 52(3)(c), and replace it with an amended requirement under section 46 (see below).</p>
<p>Clause 46(3)(f) of O. Reg. 137/15 (General) sets out that the required program statement must describe the approaches that will be implemented in the program to plan for and create positive learning environments and experiences in which each child’s learning and development will be supported.</p>	<p>Amend clause 46(3)(f) to specify that the required program statement must include the approaches that will be implemented in the program to plan for and create positive learning environments and experiences in which each child’s learning and development will be supported, and also be inclusive of all children, including children with individualized plans.</p>

Timeline: These proposed changes would come into effect on a date to be determined. It is anticipated that the effective date would be as early as September 1, 2019.

C4. Activity, Rest, Sleep and Outdoor Play – Age References

The General Regulation sets out requirements for licensees that oversee the provision of home child care related to providing time for rest, sleep and quiet activities. Currently, the requirements make reference to “toddler”, “preschool” and “kindergarten” age categories. However, references to child age categories in the regulations are specific to child care centres only.

The ministry is proposing a regulatory amendment to replace these named age categories with specific age ranges. This would not add or change requirements, but rather, would clarify how the requirements apply to home child care premises, so that children in home child care are given adequate time for rest, sleep and quiet activities.

Current Requirement	Proposed Change
<p>Subsection 47(3) of O. Reg. 137/15 (General) requires licensees to ensure that the program in each home child care premises is structured so that:</p> <ul style="list-style-type: none"> (a) each toddler or preschool child who receives child care for six hours or more in a day has a rest period not exceeding two hours in length; and (b) a toddler, preschool or kindergarten child is permitted to sleep, rest or engage in quiet activities based on the child’s needs. 	<p>Amend clause 47(3)(a) by adding a reference to the specific age range associated with the identified child age categories, i.e. between 18 months and under 6 years.</p> <p>Amend clause 47(3)(b) by replacing the named age categories with specific age range associated with the identified child age categories, i.e. between 18 months and under 7 years.</p>

Timeline: These proposed changes would come into effect on a date to be determined. It is anticipated that the effective date would be as early as September 1, 2019.

C5. Nutrition Requirements – Age References

The General Regulation sets out requirements for licensees of child care centres and licensees who oversee the provision of home child care regarding meal and snack provision. The current requirements make reference to an exception for children in a “licensed kindergarten group.” However, references to child age categories such as “kindergarten group” in the regulations are specific to child care centres only.

The ministry proposes a regulatory amendment to replace the reference to the “kindergarten group” with the corresponding age range (44 months to 7 years). This would not add or change requirements, but rather would clarify how these meal and snack provision requirements apply to home child care premises as well.

Current Requirement	Proposed Change
<p>Subsection 42(2) of O. Reg. 137/15 (General) sets out rules regarding food and beverage provision for children one year old and older who receive care at child care centres and home child care premises, including:</p> <ol style="list-style-type: none"> 1. Where the child is present at meal time, a meal must be supplied and provided by the licensee or provider, except where otherwise approved by a director in the case of a child in a licensed kindergarten group or older child. 2. Between-meal snacks must be supplied and provided by the licensee or provider, except where otherwise approved by a director in the case of a child in a licensed kindergarten group or older child. 	<p>Amend paragraph 1 under subsection 42(2) by adding a reference to “kindergarten group” with the specific age range, i.e. between 44 months and under 7 years.</p> <p>Amend paragraph 2 under subsection 42(2) by adding a reference to “kindergarten group” with the specific age range, i.e. between 44 months and under 7 years.</p>

Timeline: These proposed changes would come into effect on a date to be determined. It is anticipated that the effective date would be as early as September 1, 2019.

C6. Fire Safety Procedures and Drills – Extended Day and Third Party Programs

School-based child care centres are required to hold routine fire drills, as a measure to protect children’s health and safety. However, the current requirements for before and after school programs could be interpreted as applying only to programs serving junior kindergarten and kindergarten aged children.

The ministry is proposing to amend the requirements respecting the frequency of routine fire drills in school-based child care centres, to make them apply to before and after school programs serving children from junior kindergarten through to Grade 6.

Current Requirement	Proposed Change
<p>Paragraph 68(2)2 of O. Reg. 137/15 (General) specifies the frequency of required total evacuation fire drills for every child care centre or part of every child care centre that is operated in a school and that provides services only to children who are pupils of a school board, including a third party program operated under section 259 of the <i>Education Act</i>, in accordance with Ontario Regulation 213/07:</p> <ul style="list-style-type: none"> i. At least three times during each fall and spring term the school is in operation; and ii. At least three times or at least once a month, whichever is less, during the summer term the program is in operation. 	<p>Amend paragraph 68(2) of O. Reg. 137/15 (General) to add reference to section 259.1 of the <i>Education Act</i>.</p>
<p>There is currently no requirement in O. Reg. 221/11 (Extended Day and Third Party Programs) under the <i>Education Act</i> related to fire safety procedures and drills for before and after school programs operated by third party programs.</p>	<p>Amend O. Reg. 221/11 to add requirements related to fire safety procedures and drills for before and after school programs operated by third party programs.</p>

Timeline: These proposed changes would come into effect on a date to be determined. It is anticipated that the effective date would be as early as September 1, 2019.

Conclusion

Building on the previous phases of regulatory amendments, these proposed amendments would continue to refine and improve the regulatory framework to support the health, safety, and well-being of children.

All interested parties are encouraged to provide feedback on these proposed amendments. The Ministry of Education values the unique and diverse perspectives of parents, families and other child care and early years partners.

Please provide the ministry with your comments no later than May 19, 2019.

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
315 Front Street West, 11th Floor
Toronto ON M7A 0B8

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