

O. Reg. 137/15 (General) under the *Child Care and Early Years Act, 2014* (CCEYA) was amended multiple times between June and December 2020 in response to the COVID-19 pandemic. These amendments guided the re-opening and safe operation of child care and early years programs.

The amendments included:

- Limiting group size to support physical distancing, beginning with a maximum group size of 10 individuals in June, increasing to 15 children in July and returning to full capacity on September 1, 2020.
- Setting an administrative penalty for licensees that exceed the maximum group size.
- Prohibiting EarlyON Child and Family Centres from operating in-person programming until September 1, 2020.
- Requiring licensees to develop and implement a COVID-19 policy and to ensure that the policy is made available to current and prospective parents free of charge and reviewed with all staff and providers.
- Prohibiting licensees from permitting students and volunteers at child care premises and subsequently permitting student placements once provincial restrictions eased.
- Requiring licensees to ensure a floor to ceiling barrier separates licensed age groups while indoors and that a minimum two meter distance between licensed age groups is maintained while outside.
- Providing flexibility on outdoor play requirements to mitigate challenges with access to enough space for physical separation.
- Waiving certain policy implementation requirements if implementation would be inconsistent with COVID-19 protocols.
- Requiring licensees to screen all individuals entering the child care premises.
- Requiring licensees to maintain records of all visitors, including contact information, to support public health contact tracing if necessary and ensuring public health is permitted to access these records.
- Amending the definition of serious occurrence to require licensee to report COVID-19 to the Ministry.
- Setting out rules related to licensees charging fees and the protection of a child's placement, including when fees were prohibited if service was not being provided, when licensees could resume charging fees and when licensees were no longer required to hold a child's placement.

- Prohibiting providers of before and after school programs from charging fees during the period of time these programs were required to close under provincial order in January and February 2021 and prohibiting those providers from penalizing parents who did not pay fees during the closure period upon the program reopening.

Section 84 of the CCEYA requires the Minister to publish notice of a proposed regulation on a government website and to provide members of the public an opportunity, for at least 45 days, to submit written comments on the proposed regulation before making regulations under the CCEYA.

Subsection 84(6) permits the Minister to decide that the requirement for public consultation should not apply either because of the urgency of the situation or because the proposed regulation is of a minor or technical nature.

As per subsection 84(6) of the CCEYA, the Minister of Education made a decision that the public consultation requirements set out in that section should not apply to these regulatory amendments on the basis that the urgency of the situation required the changes to be made without public consultation, as the amendments were necessary to respond to the COVID-19 pandemic.