

February 13, 2014

The CHILD CARE AND EARLY YEARS ACT, 2013¹ is informed by a 90 day process launched by the Ministry of Education in June 2012 to engage the sector in a discussion around “Modernizing Child Care in Ontario”². Bill 143 replaces the *Day Nurseries Act* (DNA) and amends the *Education Act and Early Childhood Educators Act*.

Although the DNA will have a name change, any sections not amended by Bill 143 remain in place. Should the Bill not pass 3rd reading the government has stated it will use its regulator power to make changes.

Driving the proposed changes are:

- The pressure to enhance oversight of the underground child care market in response to recent child deaths.
- A desire to align child:staff ratios and group sizes in community child care with those in school board-operated programs. This is an effort to even the playing field and to address the shortage of Early Childhood Educators (ECEs) available to work before- and-after school schedules in community programs.
- To provide municipal child care service managers with additional tools to respond to service disruptions resulting from Full Day Kindergarten.

Status of Bill 143

Bill 143 passed first reading in the Ontario Legislature on December 3, 2013 and has been circulated for written feedback by February 28, 2014. Committee hearings for 2nd reading have not yet been established.

Proposed changes

Education Act:

- In addition to securing before- and after school programming for kindergarten-aged children, school boards would also be required to ensure after school activities for children 6- to 12-years-old. The option for boards to directly operate programming or to contract out with an external operator remains in place. Also unchanged is the requirement to offer programming only on school days, creating an impractical care alternative for working parents and financially unviable model for external operators.
- Gone is the 7-day requirement for boards to secure replacement care if an operator folds or is removed during the school year. This responsibility reverts to the ministry with no timelines in place.
- Student identifier numbers are established for children attending early years programs. This will be an important tool, opening up possibilities to track the type

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http://www.ontla.on.ca/web/bills/bills_detail.do?locale=en&Intranet&BillID=2913

² http://www.edu.gov.on.ca/childcare/Modernizing_Child_Care.pdf

and amount of preschool programming children receive and to link children's early experiences to their future outcomes.

Recommendations:

- **Recommendation 1: School boards be mandated to secure extended day, year round child care for their kindergarten and school-aged students.**

Bill 143 notes that current legislation does "not align with the child care needs of today's families", neither does a child care service that only operates on school days.

- **Recommendation 2: School board-operated extended day/year for kindergarten and school-aged children be the first option unless a school board is able to demonstrate why they are unable to fulfill the mandate. Further that the Ministry of Education provide support to boards to establish and operate quality extended day/year programming.**

School board-operated child care has demonstrated its ability to enhance access, provide flexibility for parents and contain parent fees. In addition school boards provide a professional work environment for the early childhood workforce.

Recommendation 3: Provide school boards with the flexibility to manage their extended programs revenue to enhance enrolment options for all families.

Equity of access must remain the hallmark of education in Ontario. While economies of scale have reduced parent fees in school board-operated extended day/year programs, costs remain a barrier for many families and there are insufficient subsidies to cover all families who qualify. School boards need the flexibility to manage their extended day revenues to open up enrolment possibilities for more families. The proviso that boards not raise excess revenue from extended day programming for purposes not associated with the program must remain in place.

Early Childhood Educators Act 2007:

The sole change stipulates the composition of the Early Childhood Educators College Council align with that stipulated in the *Ontario Colleges of Teachers Act*. This reflects the recommendations of the ECE College.

Day Nurseries Act

[Administration and planning](#)

The Bill provides important enhancements to support the administrative and planning duties of regional children's services managers. The ministry would be required to consult with regions before a new license is awarded. Now the ministry is only able to refuse a license if the operation does not meet licensing standards. Under the new provision, for example, a license could be refused because the program doesn't fit within the local service plan. This is an important tool to support service stability and could be used to control the fast expansion of for-profit child care.

Children's service managers would be required to develop and maintain service plans and a "duty to cooperate" is placed on school boards and other stakeholders in the development and execution of the plans. This helps to address the disconnect where municipal children's service managers have the duty to develop plans but not the authority to execute them.

Recommendation 4: Consolidated Municipal Service Managers (CMSMs) and District Social Services Administration Boards (DSSABs) be designated as children's service systems managers.

A systemic approach is needed in the planning, oversight and delivery of quality, accessible children's services. The mandate of CMSMs and DSSABs has expanded beyond service administration to systems management and this should be reflected in the new legislation.

Recommendation 5: Include the 'duty to cooperate' for school boards in development and execution of the children's service plans in the *Education Act*.

References to schools and/or school boards in the proposed Child Care and Early Years Act should be reflected in the *Education Act* to underpin the expanded mandate of school boards.

Enhanced oversight of the unregulated sector

In response to the recent deaths of toddlers in unlicensed care considerable attention is paid to curtailing these settings. While welcomed, it must be noted that increased restrictions on an underground daycare market is not a replacement for quality, accessible child care.

The proposed changes include:

- The licensing of private schools offering extended hour programming.
- A prohibition on providers/corporations with serious criminal convictions or a record of professional misconduct obtaining licenses
- A ban on the misrepresentation of licensing - a child care provider or centre can not falsely claim a license or an association with a licensed agency
- A requirement for all child care providers to provide parents with receipts for fees paid.

Health and safety

Recommended but not in legislation:

- Criminal reference checks for staff and unsupervised volunteers, and members of provider households over 18 years old. This has been policy since the early 1990s.
- CPR for staff members in child care centres and home child care providers is recommended. Again this is standard practice in centres and family child care agencies.
- Updating nutrition guidelines in line with the revised Canada Food Guide

Updated programming

The ministry also plans to issue a policy statement that applies to all early childhood settings and ties ELECT/ELF principles to child care licensing. It proposes:

- More description of program of activities
- Replacing posted plans with enhanced parent interaction
- More flexibility for rest and outdoor play

While making use of the considerable effort the sector has put into the development of the ELECT guide and its training, programming would be strengthened by the inclusion of more RECEs.

Child:staff ratio and group size

Family Child Care:

- Child care providers associated with an agency may care for 6 (up from 5) children including their own children who are under 6 years. The provider's school aged children are not included in ratios.
- 2 providers may care for 12 children in a single location
- New home visitors will require an ECE

The Ministry has touted the expanded numbers of children in care as a financial incentive for informal providers to join a licensed agency. Equally problematic, the minister is reported championing the change as a means to add 6,000 additional licensed child spaces³. Despite the considerable evidence to the contrary, quantity is trumping quality. Ontario already lags in quality provisions for family child care. It has no legislative requirement for provider training or ongoing professional development. It has more children per provider than many jurisdictions and has weaker restrictions on the numbers of children in unregulated homes. Current industry standards call for more training, more oversight, and fewer children per home. The ministry is going in the opposite direction under the impression that parents that will grab onto some assurances of health and safety. Developmental consideration aside, it's a false promise. Health and safety is also compromised when a provider has too many children to care for.

The option of 12 children with 2 providers is marked as an alternative for care in rural and remote regions. Ignoring the ease at which families in rural areas are offered substandard care, it should not be forgotten that this model was tested by the ministry in the mid-1980s for exactly these circumstances. The option was tested, studied and abandoned. Few signed up. Suitable locations could not be found. Violations (an absent second provider) were many. This model is available in Quebec. It garners the most violations there as well.

Recommendation 6: Out of home environments caring for six or more children be licensed as child care centres under the Act.

Flexible models may well be needed for remote and rural communities due to low enrolment. There is already considerable director discretion to accommodate this situations.

³ <http://www.citynews.ca/2013/12/03/ontario-education-minister-to-introduce-changes-to-daycare-system/>

Group child care

Suggested options for ratios and group sizes are designed to align community and school operated ratios and to soften the financial impact of full day kindergarten on community operators. The changes move in the direction of more children per staff -- particularly problematic among the infant/toddler age groupings – without increasing the number of qualified staff required. The following tables depict the ministry’s options.

Preschool Age Groups	Ratio	Group size	Qualifications
0-1 yr	1:3	10	3/1 ECE
1- 2 yrs	1:5	15	3/1 ECE
2-4 yrs	1:8	16 24	2/1 ECE 3/2 ECE
4 – 5	1:13	26	2/1 ECE
School-Age Programs	Ratio	Group Size	Qualifications
6-8 yrs	1:15	30	2/1 qualified staff
9-12 yrs	1:20	20	1 qualified staff

The Atkinson Centre appreciates that new delivery systems and the entry of babies into child care at an older age requires a fresh look at how groups are organized. This is particularly important for babies who experience 4 different transitions between 12 months and the start of kindergarten as a result to the current organization.

The following table is based on our consultations and is designed to reduced transitions, enhance quality by increasing the numbers of qualified staff required and supporting the financial viability of programs who focus on serving infants to preschoolers.

Programs serving infants to preschoolers

Programs exclusively serving younger children would have the option of two groups: 0-2 years and 2-4 years. The 0-2 year age group would have a maximum of 12 children with 3

staff; 2 with RECE qualifications. When more than 3 children are younger than 12 months old, an additional staff would be required. The 2-4 year old group would have a maximum of 21 children, with 3 staff; 2 with RECE qualifications.

Programs serving four- and-five-year-olds

In programs where children do not attend school board-operated kindergarten, 3 educators, including 2 RECEs are required for group sizes of 24. This is in line with standards in full day kindergarten.

Out of school programs for children attending school board operated, full day kindergarten would require 2 RECEs for a maximum of 26 children. An additional staff would be required on non school days.

School aged programming

During the years from 6-12 children experience rapid period of growth and development. Children in this age group can benefit from more unsupervised time to develop their social skills. The skills of recreationists, cultural and youth workers are also suited to the children’s interests. We therefore recommend a split in group sizes for this age span -- 6-8 years and 9- 12 years, overseen by staff with a mix of complementary qualifications.

School-operated programming

School operated programming has the advantage of public infrastructure and oversight. School boards are mandated to meet the care needs of all families. The highly unionized workforce also serves as a quality check in school setting. However boards also need guidelines to ensure quality while meeting the demand for care. We recommend that schools be allowed to determine ratios and group sizes based on the ages and activities of the children. Overall programs should be staffed at a ratio of 1:13 with 2/3rds of staff holding appropriate qualifications.

Recommendation 7: Restructure group sizes, ratios and educator qualifications to reflect service changes due to full day kindergarten and the best evidence in quality standards.

Age	Ratio	Size	Staff qualifications
0-2 yr	1:4 (additional staff for 3 or more < 1 yr)	12	3/2 RECE
2 yrs – K	1:7	21	3/2 RECE
4-5 yr (FT – not attending K)	1:8	24	3/2 RECE

4-5 yr (attending K)	1:13	26	2/2 RECE
6-8 yr	1:15	30	2/2 qualified
9-12 yrs	1:20	20	1 qualified
School board operated 4-12 yrs		By activity	Staff at 1:13 with 2/3 qualified

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