



Response re: proposed changes to Regulation 262 under the *Day Nurseries Act* Childcare Resource and Research Unit February 24 2014

Summary of CRRU's recommendations

1. Rethink: We urge the Ontario government to set aside the proposed regulation changes and rethink them within a broader, more comprehensive approach to policy.
2. Engage in policy development: We urge the Ontario government to engage in a robust, holistic, evidence-based, participatory policy development and consultation process on child care and ECEC policy including changes to regulations.
3. Fund: Recognizing that child care continues to be severely underfunded in Ontario, we urge the Ontario government to allocate \$300 million (new money) for child care in the coming provincial budget.

Introduction

The Childcare Resource and Research Unit (CRRU) is an early childhood education and child care (ECEC) policy research institute with a mandate to further ECEC policy and programs in Canada. Founded in the early 1980s at the University of Toronto, CRRU was established to: a) provide public education, resources and consultation on ECEC policy and research; b) support research in various fields focusing on ECEC; c) carry out relevant research projects and publish the results; d) support, promote and provide communication on ECEC policy and research.

CRRU has been engaged in these activities from the early 1980s until the present time. As part of our mandate, we recently developed several public education resources pertinent to Ontario's current proposed regulation changes (attached) and have commented publicly on the content and process.

Context

Early childhood education and child care (ECEC) in Ontario has experienced many shifts since the first political commitment to full-day early learning in 2007. Many in the child care community had hoped that the introduction of full-day early learning, the shift to the Ministry of Education and the commitment to an integrated approach to ECEC would help resolve the long-standing issues of poor access, indifferent quality, low wages and recognition for educators and absence of robust public policy and adequate funding that have historically characterized child care in Ontario.

Instead, child care in Ontario was destabilized as full-day kindergarten (FDK) became the sole outcome of the commitment to an integrated approach that was to have included child care for 0-3 year olds. Part of the fallout has been the closure of needed child care programs as four and five year olds have exited for FDK, infant/toddler spaces have become too expensive for centres to maintain and demand for parent fee subsidies have hugely outstripped supply. Although the provincial government released *Modernizing Child Care in Ontario* in 2012, policy development has been fairly limited.

For some time, we have argued that a much more robust approach to policy is required in order to begin transform child care into a well-functioning component of Ontario’s early learning continuum. A more robust approach to a policy framework was described in some detail in the OECD report reviewing Canada as part of a 20 country Thematic Review of ECEC in 2004¹.

In the absence of accessible, high quality child care options, many parents continue to use unregulated child care arrangements. Following multiple tragic child deaths in unregulated child care, the provincial government has proposed closing loopholes that have long facilitated various forms of unregulated child care. Although these form a welcome part of new, far-reaching child care legislation tabled in the legislature early in December 2013, these changes will not alleviate the issue of access: there are far from enough regulated child care spaces and regulated child care is far too expensive for many parents. As a result, parents will continue to rely on unregulated child care—legal and illegal. That is, the policy development needed to accompany Bill 143 to transform child care into an accessible high quality system has not been undertaken.

Today the importance of quality in child care is well recognized. In *Starting Strong III* (2012), for example, the OECD observes that the many potential benefits of ECEC programs are “conditional on quality”. Expanding access to services without attention to quality will not deliver good outcomes for children or the long-term productivity benefits for society. Furthermore, research has shown that if quality is low, it can have long-lasting detrimental effects on child development, instead of bringing positive effects”. However, while the term “quality” is often invoked in Ontario, in reality, the work of putting rhetoric into action has not begun.

Bill 143 and Regulation 262: CRRU’s reaction

Bill 143, *The Child Care Modernization Act*, aims to “improve safety and help foster the learning, development, health and well-being of children”. In addition to tightening rules for unregulated child care, the new legislation will: clarify which programs require a license; provide government and its inspectors greater authority and enforcement tools; increase the number of children permitted in regulated home child care (“private home day care”); establish multi-provider (group) regulated home child care and affect many other aspects of child care in Ontario.

Our view, generally shared by the child care community, is that the proposed legislative changes have the capacity, with fairly minor amendments, to form a basis—with additional well-designed policy development— for transforming child care in Ontario.

¹ OECD (2004). *Canada Country Note*.

“Encourage provincial governments to develop, with the major stakeholder groups, an early childhood strategy with priority targets, benchmarks and timelines, and with guaranteed budgets to fund appropriate governance and expansion develop a Provincial Plan for Early Childhood Services Development, rolled over on a three-year basis, with clearly spelt out goals, targets, time-lines, responsibilities and accountability measures from co-operating ministries and federal bodies. While universal in intent, the plan should include annual targets and specific funding for the important subsystems, such as disadvantaged children, Aboriginal children, and children with special needs. The plan should also aim to bring provincial regulations and pedagogical regimes into line with current knowledge. Criteria for centre performance, such as minimum benchmarks, outcome measures, training levels and the like could also be included so that parents can be assured that services are properly resourced and monitored. We encourage in so far as appropriate, decentralisation of management to the local level, e.g. toward publicly mandated, community or municipal agencies which would have combined responsibility for both kindergarten and child care development. In parallel, reinforcement of management at administration levels will be needed to take on the basic system responsibilities such as, consensus building, regular data collection and analysis, long-term planning, financial steering, standard setting and supportive evaluation” (153).

Our further view, however, is that the government's *Proposal to Amend Regulation 262 under the Day Nurseries Act – Child Care* includes a number of changes that contradict the aim of both Bill 143 to “improve safety and help foster the learning, development, health and well-being of children” and the Guiding Principle stated in *Modernizing Child Care in Ontario*: “Commitment to quality programs for all children”, as well as further undermining the current regulated child care system in Ontario.

Specifically, we believe that *Regulation 262*'s proposals to change age groupings, thus reducing ratios and increasing maximum group sizes, as well as increasing the number of young children in a regulated family child care home and the specific proposals for multi-age groupings will move child care in Ontario backwards, not modernize it.

We submit that the research on quality and ratios/group size, which we have reviewed thoroughly, does not support the government's proposed changes. Our more specific concerns are below in short form. We have elaborated on the backup and supporting research for these in our public education documents, attached.

CRRU's specific concerns about proposed regulation changes

1. Changes to age groupings

We recognize that Canada-wide changes to maternity/parental leave benefits and duration, introduced in 2001, are likely to mean that there are fewer children under age 1 in child care centres. However, with this in mind, we are concerned that the proposed new age groupings will mean that 0-1 rooms will—with even fewer children—become even less viable. We would like to be able to discuss the rationale for the age groupings specified. As well, we think that some data rather than supposition about ages of children in child care would be valuable.

We believe that, with further consideration and consultation, alternative ideas for revising age groupings would produce more workable solutions, such as, for example, overlapping age groups.

2. Effects on quality of substantially reduced ratios for children aged 12 to 18 months and 24 to 30 months

The importance of ratios for infants and toddlers is well documented in the research. One review describes ratios and group sizes as “two of the most important ‘structural’ means of achieving this [close and affectionate attention from a small number of carers] and providing a good quality environment for children 0-3”. Poorer ratios are shown to have adverse effects on both children and on staff, which in turn affects children.

The 1:5 and 1:8 ratios now proposed by Ontario for these age groups are considerably poorer than those recommended by Canadian and US experts. While experts agree that there are no precise recommended ratios, it is also agreed that there is enough research to recommend upper and lower limits.

Overall, we submit that the proposed ratios are unacceptable as minimum standards from a quality or safety perspective.

3. Effects of substantially increased group sizes for children aged 12 to 18 months and 24 to 30 months

The research is somewhat less definitive about group sizes than it is about staff: child ratios. However, research suggests that group sizes have a direct impact on the ability of staff to provide sensitive and responsive care while the US group Zero to Three argues that the noise and chaos levels that are associated with bigger groups make them particularly poor environments for infants. The proposed increases in group sizes—from 10 to 15 for a 1 – 1 ½ year old and from 15 to 24 for a 2 – 2 ½ year old—are considerably higher than any recommended group sizes for these age groups.

Overall, we submit that the proposed group sizes are unacceptable as minimum standards from a quality perspective.

4. Missing pieces

As one review of the pertinent research states, “ratios and group sizes cannot be viewed in isolation from each other, or from other structural variables such as staff education and training, and other organisational features of the setting. All these factors are closely related to each other”². The low level of the trained ECE staff complement in Ontario has been widely noted in the discussion about these proposed regulation changes. Indeed, the importance of ECE training *for all (or most) staff* working with young children (including those in home child care) has been well documented, both as a key component of quality and as part of the professional identity of the ECE field.

However, enhanced ECE training does not negate the need for adequate staff: child ratios and manageable group sizes—especially with infants and toddlers who rely on adults for care routines and individual attention. Reviewing the research makes it clear that both ratios and ECE training are important, not “either-or” where infants and toddlers are concerned. Both an educated ECE workforce and good ratios are required to maintain staff morale, reduce staff turnover and allow the close personal interaction and attention to care routines that infants and toddlers need.

Further, unless workforce issues such as wages, working conditions and recognition are considered, recruiting and retaining a solid complement of well-trained ECEs will continue to be a problem in Ontario. At the same time, these issues are squarely embedded in consideration of funding for child care and in the pitfalls of the market model that Ontario continues to employ.

² Mathers, S., Eisenstadt, N., Sylva, K., Soukakou, E., and Ereky-Stevens, K. (January 2014). *Sound Foundations: A Review of the Research Evidence on Quality of Early Childhood Education and Care for Children Under Three: Implications for Policy and Practice*. UK: Sutton Trust (UK) & Oxford University. Available online at <http://www.suttontrust.com/our-work/research/item/sound-foundations/%EF%BB%BF%20/>

Thus, key elements of child care policy such as ratios and group sizes need to be examined as part of a more holistic, comprehensive approach to policy development.

5. Number of young children in regulated family child care homes

The US National Institute of Child Health and Human Development study, one of the biggest studies of child care and child development conducted to date, found that good adult: child ratios and group sizes were the best predictors of positive care giving for infants across all child care settings.

The provincial government has proposed to increase the allowed number of children in a regulated home child care setting in two ways: a) increasing the total number from 5 to 6, although now specifying that the 6 must include the provider's own preschool-age children (in the new legislation); and b) removing the limitation by age group, so that the "3 under 3" rule will be removed (in the proposed regulation changes). The net effect of these two changes is that a caregiver in a private home will now be able to care for 6 two-year-olds. This is approximately two too many children from a safety perspective, let alone quality.

We suggest that the net effect of these changes (in Bill 143 and proposed Regulation 262) is to increase the number of young children per caregiver inappropriately and should be reconsidered. The provincial government should consider alternative ways of "incentivizing" family child care providers to become part of regulated agencies. These could include reducing the number of children in an unregulated home rather than increasing the number of children in a regulated home or by base-funding public and non-profit family child care agencies as do other provinces that use an agency model (rather than assuming the agencies will fund the monitoring and support of providers by taking a portion of providers' earnings).

6. Multi-age groupings

The province's proposal to introduce multi-age groupings is—as a concept—quite appropriate for both convenience and pedagogical reasons. However, specific elements of the proposals are out of line with expert and research-based recommendations about multi-age groupings, for example, the idea that ratios and group sizes should be consistent with those recommended for the youngest children in the group or that centres using multi-age groupings meet additional requirements and approval. As well, the experience of other provinces and local experience with multi-age groupings should be considered in crafting more workable approaches to multi-age groupings.

We suggest that through review of research (such as that conducted on Ryerson's lab school's multi-age groupings), examination of multi-age models in other jurisdictions and consultation with service providers, the proposed regulation changes on multi-age groupings should be reconsidered and strengthened.

7. Parallel ratio and group size regimes

We believe that the idea of maintaining both the current regulations ("better") and the proposed ("worse") requirements for ratios and group size at the same time to be chosen at the discretion of the operator is extremely unwise. This approach would establish two tiers of

regulated child care programs, impede transparency and create enormous confusion amongst parents and educators.

We think that this solution of provider choice of parallel regulations to providing flexibility is unacceptable as provincial regulatory policy.

CRRU's concerns about the process of making these regulation changes

One of our main overarching concerns is about the nature of the policy-making process that has surrounded the proposed regulations. As our previous comments suggest, making piecemeal adjustments without considering what is known about the linkages between the elements in a child care system may fail to yield hoped-for results or even lead to unintended outcomes.

There are many missing issues in our response, which we have tried to focus on the most concerning issues put forward in Regulation 262. As well, we have not attempted to provide detailed alternatives (except as illustrations) although we note that our colleagues in some other organizations have put these forward. While we agree with a number of these that are known to us, we maintain that the best policy making is holistic, integrated and open, taking all the elements in the system into account. We suggest that this is best practice and would be the best approach to ECEC in Ontario.

At the same time, not only can collaborative two-way consultation provide valuable information about policy options but can help build broad support for policy introduction or change. The OECD, in *Starting Strong III: A quality toolbox for early childhood education and care* (2012) has described broad consultation with key stakeholders such as families and communities as one of its "five key levers [that are] effective in encouraging quality in ECEC".

We suggest that better, more workable alternatives to the proposed challenges will emerge from a full policy development and consultation process that begins with a vision and includes goals and objectives, multi-year targets and timetables and ongoing assessment and evaluation of the impact of policy changes. This approach would include the research, data and evaluation needed for good policy formation and maintenance and a multi-year plan for increasing public funding so as to ensure the viability of needed child care services. Indeed, as service un-viability as a result of the introduction of FDK is the main motivation identified by the provincial government for some of the regulation changes under consideration, the obvious alternative to encroaching so drastically on the quality of regulated child care is for the provincial government to step up on public funding.

Overall:

We urge the Ontario government to step back and rethink the proposed changes; engage in robust policy and program development aimed at developing a child care system; and begin to address the province's chronic underfunding of the high quality child care programs needed by children and families.

See the attached supporting documents:

1. [Proposed changes to child care regulations - Ontario 2014](#)
2. [What does the research say about multi-age grouping for infants, toddlers and preschoolers?](#)