

November 17, 2014

Presentation to the Standing Committee on Social Policy, Ontario Legislature by the Atkinson Centre at OISE/UT

Bernice Cipparrone, Executive Director, Atkinson Centre, OISE/UT
bcipparrone@georgebrown.ca.

Kerry McCuaig, Fellow Early Childhood Policy
Kerry.mccuaig@utoronto.com. Phone: 647 295 2808

Comments on Bill 10, An Act to enact the Child Care and Early Years Act, 2014, to repeal the Day Nurseries Act, to amend the Early Childhood Educators Act, 2007, the Education Act and the Ministry of Training, Colleges and Universities Act and to make consequential and related amendments to other Acts.

Summary of recommendations:

The Atkinson Centre supports the general directions of the proposed legislation. It encourages swift action to curtail illegal child care provision. The role of the local system services manager is appropriately heightened but would benefit from additional tools. Expanding the mandate of school boards to secure programming for children to age 12 is essential. Attention must be paid the children with special needs. Changes to ratios in licensed family and group care should be put on hold and addressed as part of a full regulatory review.

The Atkinson Centre, at the Ontario Institute for Studies in Education/University of Toronto is dedicated to research informing public policy and educator practice in the area of early childhood education and care. Our recommendations reflect the considerable national and international evidence supporting the standards of quality essential to developmental programming for young children.

A modernization of child care legislation is long over due. The timing of the changes are driven by:

- 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.

While these are valid motivators there is a need to take a long-term view rather than a reactive one. The need to address the underground child care market should not be driven by threats of 'lost spaces'. The major pressures on child care operators during the phase-in of full day kindergarten have played out now that implementation is complete. The competition for early childhood educators will abate now that school boards have filled their complement of ECEs.

Full day kindergarten, is the backbone of early childhood education and care. It represents a significant increase in access to early learning. For many children it will be the only ECE experiences they receive. FDK provides an opportunity to rationalize the child care service patchwork. Together with modernize legislation it is a chance to make significant and long-lasting change. We congratulate the province on these initiatives.

I Changes to the 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.

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

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 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.

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 fee subsidies to cover all families who qualify. School boards need the flexibility to manage their extended day revenues and organization 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.

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

II. Changes to child care oversight

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 expansion of for-profit child care.

Children 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 regional children's service managers have the duty to develop plans but not the authority to execute them. It is important that the Province designates which programs and services are included in its vision of the early years system.

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.

Recommendation 6: Transfer responsibilities for EDI data analysis to Consolidated Municipal Service Managers (CMSMs) and District Social Services Administration Boards (DSSABs).

Recommendation 7: Include Ontario Early Years Centres and Parent and Family Literacy Centres as part of the responsibilities for early years service system planning and management.

Service system management of the early years system should include Ontario Early Years Centres, Parent and Family Literacy Programs and DACs. OEYCs and PFLCs contribute to access and OEYCs in particular can play important service management functions. Data collection informs service management and planning and properly belongs with the system manager.

III. Enhanced oversight of the unregulated sector

Responding 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.

These are related to changes in Family Child Care:

- New home visitors will require an ECE

We concur that these are all positive steps.

Problematic is the intention to permit licensed home child care providers to add an additional child to the ratio, for a total of six. The Ministry rationalizes the expanded number 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 spaces.¹

The cost of belonging to a licensed agency is a deterrent for many who would like to register. Ontario is one of the few jurisdictions with an agency model that requires the provider to fund their own oversight. Base funding agencies would allow providers to keep all their fees and would be a more effective inducement to joining the regulated sector.

Ontario already lags in quality provisions for family child care. It has no legislative requirement for provider training or ongoing professional development. It allows more children per provider than many jurisdictions and, with the exception of Alberta, has the weakest restrictions on the numbers of children in unregulated homes (See Appendix A).

Current industry standards call for more training, more oversight, and fewer children per caregiver. The ministry is going in the opposite direction offering parents some small assurances of health and safety. Developmental consideration aside, it's a false promise. Health and safety is 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 in the mid-1980s the ministry tested this model for exactly these circumstances. The option was tested, studied and abandoned. Few signed providers up. Suitable locations could not be found. Violations (an absent second provider) were many. This model is available in Quebec and the NWT. It garners the most violations there as well.

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

Recommendation 8: License environments caring for six or more children as group child care centres under the Act.

Recommendation 9: Maintain the number of children cared for by a provider with a licensed home child care agency to 5. The revenue from the additional child does not outweigh the health and safety risk.

Recommendation 10: Base fund family care agencies to provide support and oversight to home child care providers.

Recommendation 11: Review ratios and training standards for licensed home child care providers as part of an overall regulatory review, with the intention of instituting minimum qualifications for entry to practice and ongoing professional development.

IV The early childhood workforce

The number of qualified staff per maximum group size has not changed since 1947. Standards do not reflect the current ECE profession and College of ECEs or recognize the value of a well-trained workforce on positive child outcomes.

No jurisdiction requires all staff in licensed child care or preschool centres to have a post-secondary credential in ECE, but all require some qualified staff. Several provinces have adopted minimum “entry level” training requirements, which vary from 40 to 120 hours of ECE course work. Some require additional training for supervisory staff. While child/staff ratios are consistent across the country, the number of early childhood educators required varies widely. Working in a sector dominated by under-trained staff becomes another burden for an already over-burdened profession.

Ontario has among the lowest requirements for qualified staff. Only 50% require qualifications with the exception of one configuration (in groups of 24 preschoolers, 2 out of 3 staff must be a Registered ECE). Unlike most jurisdictions (See appendix C) there are no minimum training requirements for all child care staff in Ontario.

Recommendation 12: Review ratios and training standards for staff in licensed child care centres as part of an overall regulatory review, with the intention of instituting minimum qualifications for entry to practice and ongoing professional development.

V. The learning environment

Ontario now has a new guide to early learning environments arising out of almost of a decade of work in the sector. *How Does Learning Happen? Ontario's Pedagogy for the Early Years* (2014) reflects the continuum that began with the development of ELECT in 2006. To support optimal environments for children this guide should inform pre-service training, be the mandated guide for all early years environments and be tied to licensing and other programming criteria.

Recommendation 13: The proposed changes to program requirements continue to reflect the ELECT principles.

VI Equity of access

More attention must be afforded to children with special needs; both in access to programming and ensuring that programs are adequately resourced to meet their unique needs. Three jurisdictions in Canada make access for children with special needs a condition of public funding. Ontario should follow suit.

Recommendation 14: All children regardless of their abilities should have access to quality early childhood education. Public funding must facilitate the participation of all children. Public funding should be conditional on operators to providing equal access to all children, including those with exceptional needs.

Appendix A

30 years of toddler deaths in unlicensed child care

http://www.thestar.com/news/ontario/2013/09/25/ontario_inquests_urge_more_rules_for_home_daycares.html

Inspections reveal appalling conditions in unlicensed child care

http://www.thestar.com/news/gta/2013/11/23/daycare_crisis_ontario_inspections_reveal_numerous_violations.html

Appendix B

Maximum number of children permitted in unlicensed daycare homes

ONTARIO: Up to 5 children under age 10 EXCLUDING the provider's own children.

BRITISH COLUMBIA: Up to 2 children or one sibling group of any age - excluding the provider's own children

NEWFOUNDLAND: Up to 4 children under age 13 including the provider's children. If all children are <24months, the maximum is 3 children.

PEI: Up to 5 children any age including the provider's own pre-school children. If all are under <24 months, maximum is 3.

NOVA SCOTIA: Up to 6 of any age, including the provider's own. Up to 8 school age children including the provider's own.

NEW BRUNSWICK: Up to 5 under age 12, including the provider's own

QUEBEC: Up to 4, including the provider's own children under <12 years.

MANITOBA: Up to 4, including the provider's own children under <12 years.

SASKATCHEWAN: Up to 8 under age 13 years, including the provider's own school-aged. Of the 8, five may be <6 years. Of the five only two can be <30 months.

ALBERTA: Up to 6 under 13 years, excluding the provider's own.

NWT: Up to 4 including the provider's own children < 12 years.

NUNAVUT: Up to 4 including the provider's own children < 12 years.

YUKON: Up to 3 any age, excluding the provider's own preschool-aged children.

Appendix C

Training qualifications for staff working in licensed child care

ONTARIO

- Centre supervisors must have a two-year diploma in early childhood education (ECE), at least two years experience working in a day nursery and be registered with the College of Early Childhood Educators of Ontario.
- In centres, one staff person with each group of children must have a two-year early childhood education diploma and be registered with the College of Early Childhood Educators of Ontario.
- There are no training requirements for regulated family child care providers, although agencies may provide training.

NEWFOUNDLAND

- In child care centres, one staff person with each group of children is required to have a one-year post secondary certificate in early childhood education for the age group in which the staff is assigned
- All other staff who are included in the centre's staff/child ratio must have Entry Level certification (30 – 60 hour course), with the exception of infant programs, where the minimum qualification is a one-year certificate in infant care.
- Regulated family childcare providers are required to have a 30-60 hour entry-level certification course and 30 hours of professional development every three years to keep certification valid.

- Centre supervisors must have a two-year diploma in early childhood education in the age groups for which the centre is licensed and two or more years experience working with children in those age groups.

PRINCE EDWARD ISLAND

- In full and part day child care centres, centre supervisors and one full-time staff member in each program must have at least a one-year Early Childhood Development diploma or university Child Study degree.
- In family child care homes and school-age centres the supervisor and one staff person must have successfully completed one unit of continuing education (defined as one semester university/college course) in early childhood development, and must provide two personal references from members of the community.

NOVA SCOTIA

- In regulated child care centres, 2/3 of the staff working with children must have training in early childhood education: partial, diploma or degree.
- In a regulated child care centre offering school age programming, 2/3 of the staff working with children must have training in early childhood education, or training in school age programming.
- All other staff must complete an orientation program.
- All staff must provide proof that they have participated in 30 hours of professional development every three years.
- Centre directors must hold a diploma or degree in early childhood education, with the exception of those who are deemed 'equivalent' prior to May 1, 2012.
- The care provider in regulated family child care is required to have Family Home Day Care Training - Level 1 of the Canadian Child Care Federation (CCCCF) Family Home Day Care and must be at least 18 years old, be screened through the Child Abuse Register, complete a Criminal Record Check by the RCMP or local police, and have completed a first aid course including infant CPR.
- Any person who is 13 years old or older, who lives in a family day care home and has contact with children or the records of children must complete a Child Abuse Register Check; any person who is 18 years old or older who lives in a family day care home and who has, or will have, contact with children or the records of children must complete a Criminal Record Check.

NEW BRUNSWICK

- In day care centres, the director or his/her designate or one in four staff is required to have a one-year community college ECE certificate or equivalent.
- There are no training requirements for community home day care providers or staff working in stand-alone school-age programs. Providers are required to have a Prior Contact/Criminal Record Check.

QUEBEC

- In centres, two-thirds of staff are required to have a college or university early childhood education credential. The credential may be a three-year Diplôme d'études collégiales (DEC) or a one year Attestation d'études collégiales combined with three years experience.
- Specific training or credentials are not required for centre directors.

- Family child care providers must complete a 45 hour training program pertaining to child development and hold a first-aid certificate.
- The regulations relevant to school-age child care does not stipulate any training requirements. Some school boards may require the lead staff to have an early childhood education diploma.

MANITOBA

- In full-time child care centres, two thirds of the staff must have a diploma in early childhood education or an approved degree.
- In school-age centres and nursery schools, half the staff must have a diploma in early childhood education or an approved degree.
- In full-time preschool centre, the director must have one-year experience working with children in child care or in a related field and an approved degree from a recognized university or an approved diploma in early childhood education plus a recognized certificate program.
- In a school-age centre or nursery school, the director must have an approved diploma in early childhood education and at least one year of experience working with children in a related setting, or an ECE III.
- In family child care, staff are required to complete an approved 40-hour course from a community college in family child care or early childhood education. They must also have a valid first-aid certificate that includes CPR training and a criminal reference check.

SASKATCHEWAN

- In Saskatchewan, there are three levels of staff training for centre staff:
Level 1 - a 120 hour introductory course provided through a recognized post-secondary educational institution
Level two – a one year early childhood certificate
Level three - a two year early childhood diploma
- All staff employed at least 65 hours/month must have the 120 hour introductory course
- Half of all staff are required to have a one year certificate
- Centre directors must have a two year early childhood diploma
- All staff members in each centre must have completed a first aid and CPR course
- Regulated family child care
- Home child care providers must attend an orientation session with a provincial program consultant; obtain first-aid and CPR training; take part in six hours of professional development each licensing year; and complete a 40-hour introductory early childhood education course within the first year of licensing.
- Group family child care (maximum of 12 children with two providers)
- Within three years, providers must complete the 120-hour introductory course (level 1).
- Assistants must have first-aid and CPR training plus six hours of professional development each licensing year.

ALBERTA

- Alberta has three certification levels:
Child Development Assistant: one specified high school or college course or government-sponsored orientation course or approved family day home provider

training course.

Child Development Worker: completion of a one year Early Learning and Child Care certificate program at an Alberta public college or equivalent level of training and at least one college/university-level English/French course (e.g. communication, composition) or completion of the Life Experience Equivalency Process (LEEP).

Child Development Supervisor: completion of a two year Early Learning and Child Care diploma program offered by an Alberta public college, or has completed an equivalent level of training (see Child Care Staff Certification for details) and completed at least one college/university-level English/French course (e.g. communication, composition).

- In child care centres, one of every four primary staff must hold a Child Development Worker certificate. All other primary staff working directly with children at any time of day must hold at least a Child Development Assistant certificate.
- Program supervisor must hold a Child Development Supervisor certificate. In the extended absence of the Program Supervisor, a person with certification as at least a Child Development Worker must be designated to assume the responsibilities of the program supervisor.
- In preschool programs, all staff working directly with children must hold at least a Child Development Assistant certificate.
- In out-of-school care, staff working directly with children must hold at least a Child Development Assistant certificate.
- In group family child care, the licence holder and other providers must each hold a Child Development Assistant certificate.
- No formal child development training is required for providers in family day homes.

BRITISH COLUMBIA

- British Columbia has four categories or levels of certification for Early Childhood Educators (ECE).
- Standard ECE training requires over 900 hours of instruction and 500 of supervised work experience. Staff may also hold an early childhood educator assistance (ECA) certificate. ECA training is the same as above except it excludes the 500 hours of work experience.
- There are additional categories for Infant and Toddler ECEs and Special Needs ECEs. Both of these specializations require 250 hours of additional training and 200 hours of practicum pertaining to their specialization.
- Regulations stipulate that there must always be an Infant and Toddler Educator with a group of children under three years old in a child care centre. If there are between 5-8 children in this group, the additional staff must be an ECE. Finally, if there are 9-12 children in the group, the next additional staff must have ECA training. In contrast, children ages 2.5 – 5 years must have one ECE with additional staff being ECAs.

Children in multi-age groupings (home or centre) must always have at least one ECE and there may be no more than three children under 3 years old and/or one child under 12 months.

- There are no staff training requirements for school-age child care providers, family child care providers (licensed, RLNR, LNR), occasional childcare providers.

NORTHWEST TERRITORIES

- The supervisor and primary staff in each room must have ECE training. The providers in all regulated settings must be at least 19 years of age and have a first-aid certificate and a clear criminal record with regard to offences respecting a child.

NUNAVUT

- There are no minimum training requirements in any child care settings in Nunavut.
- The provider's in all regulated settings must be at least 19 years of age and have a first-aid certificate and a clear criminal record with regard to offences respecting a child.

YUKON

- In child care centres in the Yukon, 20% of the staff working with children must have two or more years of training in early childhood development (ECD). An additional 30% of staff must have at least one year of training in ECD, and the remaining staff must have a minimum 60-hour introductory ECD course.
- The care provider in a regulated family day care home must complete a 60 hour introductory early childhood development course, and a specific family day home course or equivalent within the first year they provide care for children. Family day care home providers must be 18 years of age, have a first-aid certificate and a criminal records check.