

Monday May 11, 2015

Child Care Modernization
c/o Early Years Division
Ministry of Education
900 Bay Street, 24th Floor, Mowat Block
Toronto ON M7A 1L2

Dear Ministry of Education,

We are writing in response to your request for feedback on proposed regulations under the *Child Care and Early Years Act, 2014* (CCEYA) to support the Government of Ontario's vision for child care modernization and early years integration.

The Region of Peel Human Services and Public Health Departments have collaborated on this response and are pleased to offer advice and recommendations on the proposed regulations. The enclosed report incorporates feedback received in April 2015 from the early learning and child care (ELCC) network groups representing 140 community partners in Peel.

Key themes reflected a general feeling of support for phase one of the proposed regulations and recognition of the province's efforts to integrate feedback, advice and suggestions to support modernization of the child care and early years system. Peel stakeholders appreciate the need for the province to approach regulatory changes in a planned and thoughtful manner and in an effort to build on the momentum look forward to a swift release of phase two of the proposed regulations.

As the service system manager, we wish to highlight that the continued modernization of the ELCC system requires recognition of the following need for:

- Clarification of the incremental and phased approach to regulatory changes
- Details to support an understanding of the full picture including supports for younger age groups, space requirements, ratios and capital retrofit funding
- A smooth and gradual transition period to the new model due to the unprecedented level of ELCC system change already underway
- Continued respect for and flexibility provided to service managers to meet unique local needs and priorities

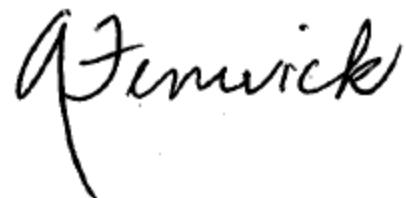
The Early Learning and Child Care system has undergone significant changes in recent years and the proposed regulations under the CCEYA, 2014 indicate continued positive system changes.

We commend the Ministry for moving ahead with its vision to create a high quality, seamless and more accessible child care and early years system. The Region of Peel is committed to building on this vision by working with system partners to strengthen Peel's ELCC system and improve outcomes for children and families.

Sincerely,



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Proposed Regulations Related to the Child Care and Early Years Act, 2014 (CCEYA):

Region of Peel, Submission to the Ministry of Education

May 11, 2015

1. Licensing Clarity: Primary Purpose of the Program

Licensing Requirements and Exempt Circumstances

Provider's Own Children

The Ministry's efforts to clarify the process of determining what is considered to be child care are appreciated.

Clarification is required on:

- The definition of licensed programs
- Exempt circumstances
- Criteria for summer recreation programs
- JK/K age or older attending privately-funded school full time
- Counting of provider's own children under the age of six during non-school instruction days
- Exception of children in home child care.

2. Enforcement: Administrative Penalties

Penalty Amounts

Enhanced enforcement to support compliance and strengthen oversight of child care settings through a clear and consistently applied policy framework is applauded. Increased resources e.g. additional Program Advisors are viewed as necessities in order to support the licensed sector to adapt to the new regulations under the CCEYA while monitoring the unlicensed sector.

Clarification is required on:

- Application of administrative penalties and to whom e.g. home child care provider as an independent contractor or agency; owner, operator or staff
- Compliance process before a penalty is issued and public disclosure of contraventions
- Enforcement guidelines for unlicensed provider's duty to disclose.

3. a) Licensing Standards: Enhancing Quality

The ideas described in *How Does Learning Happen?* (HDLH) can be applied in a range of child care and early years settings and support pedagogy and program development. Continued provincial efforts to enhance quality align with recommendations identified in the previous response from Human Services to the Province on the proposed changes to amend Regulation 262 under the *Day Nurseries Act* (DNA).

Clarification is required on:

- Implementation expectations for *How Does Learning Happen?* as a policy statement and if it will become a mandatory expectation
- Definition of quality vs. high quality and expectations for pedagogical documentation

- Clear and consistent guidelines to support Program Advisor visits, checklists and monitoring and the implementation of *How Does Learning Happen?*

3. b) Licensing Standards: Increasing Access to Licensed Before and After School Programs

The option to adopt alternative ratios and group sizes or continue to follow the existing limits is appreciated. Increased ratios for children aged 4 and 5 years demonstrates alignment between child care and full day kindergarten (FDK) programs. Proposed changes to ratios for the 9 to 12 years age require further discussion in order to ensure the well-being of all children and staff, e.g. communication and safety strategies.

Clarification is required on:

- Space requirements for all school age programs
- Hours of the day where staff child ratios can be reduced
- 25% mixed ratios in both younger and older age groups
- Licensing regulations for school age recreation programs and camps.

3. c) Licensing Standards: Updating Licensed Home Child Care Requirements

Removal of the three children under three years of age requirement supports flexibility and viability in home child care. Unannounced quarterly home visits is viewed as an acceptable minimum standard which Peel providers currently exceed as demonstrated through a service standard of unannounced visits every four to six weeks.

3. d) Licensing Standards: Updating Health and Safety Standards

Vulnerable Sector Check and Yearly Offence Declaration

Parents Notified of Accidents or Incidents

Enhanced safety standards benefit children, families and child care providers. Police departments should be advised of the new requirement for police vulnerable sector checks (PVSC) and supported to process the applications in a timely manner. A requirement that all providers have current first aid certification is well underway in Peel due to enhanced funding and participation in Raising the Bar.

Clarification is required on:

- Possible streamlining of PVSC application process to allow for family applications
- Accident/incident reporting requirements e.g. written or verbal report to parents.

3. e) Licensing Standards: Updating Health and Safety Standards

Follow the Latest Version of Health Canada's Food Guides

As stated in *How Does Learning Happen?*, child care plays a key role in nurturing the healthy development and physical well-being of our youngest children. By offering healthy meals and snacks; providing regular daily activities for children to be physically active and limiting activities where children are sedentary for extended periods of time will positively influence child health and well-being.

Therefore, Public Health supports statements intended to facilitate both healthy eating and physical activity in the proposed regulations under the CCEYA, in particular where it is indicated that child care operators will be required to:

- Have programs that focus on active exploration and play
- Follow the latest version of Canada's Food Guide
- Establish policies and procedures to provide high-quality snacks and meals and promote positive mealtime experiences.

However, we recommend that regulations be more specific. To that end Public Health suggests that future regulations:

- I. Ensure that the knowledge and skills of child care staff are sufficient to provide high quality programs and create environments that promote physical activity, healthy eating and children's well-being. This will require concrete details that support specific day-to-day operations in each of these areas of care.
- II. Incorporate the recommendations outlined in [Canada's Food Guide](#) and [Health Canada's 'Nutrition for Healthy Term Infants from Birth to Six months'](#) and [Health Canada's Nutrition for Healthy Term Infants from Six to 24 months](#). Following only *Canada's Food Guide* will create a gap in nutrition guidelines for infants aged 0 to 24 months, as it only provides recommendations for children over age two.
- III. Identify minimum standards for food and beverages offered to children for meals and snacks. Provincial standards would provide a consistent reference document for licensed operators. The [Nova Scotia Standards for Food and Nutrition in Regulated Child Care Settings](#) is a good example of comprehensive provincial standards.
- IV. Incorporate [The Canadian Physical Activity Guidelines \(0-4 years\)](#), published by the Canadian Society for Exercise Physiology, which outline the amount and type of physical activity that is required to promote healthy growth and development. For example, toddlers (aged 1-2 years) and pre-schoolers (aged 3-4 years) should accumulate at least 180 minutes of physical activity throughout the day.
- V. Incorporate [The Canadian Sedentary Behaviour Guidelines \(0-4 years\)](#), published by the Canadian Society for Exercise Physiology, which state that screen time is not recommended for children under the age of 2. Although the guidelines recommend limiting screen time for children 2-4 years to less than 1 hour, our recommendation is that there is no acceptable amount of screen time in a child care setting. This includes television, computers, tablets, and/or other mobile devices.
- VI. Provide guidelines for registered dietitians to develop and/or review child care centre menus to ensure consistency and quality of menus across the province.

These suggestions mirror with recommendations identified in the previous [response from Peel Public Health](#) to the Province on the proposed changes to amend Regulation 262 under the Day Nurseries Act (DNA).

In addition to these recommendations, Peel providers concur with the need for licensed operators to establish policies/procedures to provide high-quality meals/snacks and positive mealtime experiences.

4. Children with Special Needs: New Terminology

Limits and Ages of Children

Use of updated terminology for “children with special needs” reflects current practice in the child care sector. Elimination of the current limit of children with special needs (1 -2 children) in licensed home child care increases the flexibility and viability of programs. Enabling licensed agencies to determine the number of children with special needs based on the qualifications/experience of the provider and the child’s needs is appreciated.

Peel recognizes that inclusive opportunities in early learning and child care benefit all children, and it is through that lens that [The Peel Special Needs Strategy for Early Learning and Child Care](#) was created. A central focus of the strategy is the shared service delivery model named Peel Inclusion Resource Services (PIRS), an approach to building inclusive practices across the licensed child care sector. The PIRS model uses a “family of providers” approach, where resource consultants provide support to child care providers as they build their skills and capacity in supporting all children.

With respect to the new CCEYA, providers are looking to the province to:

- Describe in regulation the ratio of number of children with special needs in relation to licensed capacity. Current perception exists that legislation limits enrollment of children of special needs to 10% of licensed capacity
- Offer details on service navigation supports for children over the age of 13 years as they transition out of child care and early years programs

5. Miscellaneous/Technical Regulations: Duty for Unlicensed Provider to Disclose

Protected Term of Branding of Licensed Child Care

Criminal Reference Check

Enhanced enforcement of the unlicensed sector and the requirement for unlicensed providers to disclose their status is a welcomed component of the CCEYA. Use of a logo or decal is a valued step to educate the public on licensed vs. unlicensed child care and requires special consideration when implemented in a home child care setting to ensure the provider’s safety. The proposed regulation requesting a criminal reference check that is no more than six months old as of the request date is a reasonable step in enhancing safety standards.

Clarification is required on provincial efforts to:

- Monitor unlicensed providers who advertise as licensed providers and non-compliance with duty to disclose
- Maintain ongoing public awareness on the difference between licensed and unlicensed child care
- Educate families on the benefits of licensed home child care
- Publicly announce the approach to monitoring and enforcement of the unlicensed sector

6. Transition of Time-Limited Regulations: Authorized Recreation and Skill-Building Programs

Age of Children in Care

Ministry of Tourism, Culture and Sport Regulation 797 requires further revision in addition to the proposed transitional regulation. We request that the transitional regulation be amended to allow service managers the flexibility to enter into a purchase of service agreement with recreation departments reporting directly to council or some other form that is different from the current regulation that restricts the service manager's ability to enter into an agreement when an approved municipal recreation committee is not in place.

A regulation limiting unlicensed home child care providers to no more than 5 children, under 13 years of age and licensed providers to no more than 6 children under 13 years of age, serves as a benefit to the licensed sector and a disincentive to the unlicensed sector. As service manager we are working with our municipal bylaw offices to clarify bylaw restrictions related to licensed home child care.