

**Ministry of Education
Early Years Division**

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Memorandum To: Early Years Partners

From: Nancy Matthews
Assistant Deputy Minister

Date: May 9, 2016

Subject: **Implementation of the Child Care and Early Years Act,
2014 Phase Two Regulations**

In December 2014, the *Child Care Modernization Act, 2014* (CCMA) was passed, setting the stage for the enacting of the first new child care legislation in the province in almost 70 years: the *Child Care and Early Years Act, 2014* (CCEYA). The new legislation modernizes and strengthens Ontario's child care system in order to better support parents and give children the best possible start in life. In addition, it also improves oversight in both the licensed and unlicensed child care sectors.

Given the scope of regulatory change required to advance modernization, the ministry is taking a three phased approach to the development and implementation of new regulations to allow engagement with and transition time for child care/early years sector on regulatory requirements. As you know, the Child Care and Early Years Act, 2014 (CCEYA) and the first phase of regulations (i.e. O. Reg 137/15 and O. Reg 138/15) came into force on August 31, 2015 and carried over many of the existing regulations under the previous legislation (i.e. the *Day Nurseries Act*).

Building on this first phase of regulatory changes, phase 2 continues to refine and improve the regulatory framework to maintain momentum of positive change and continue to support the health, safety and well-being of children. As in phase 1, these regulations are based on contemporary research, best practices from other jurisdictions, public consultations and recommendations from the Ombudsman of Ontario, Ontario's Auditor General and Chief Coroner.

Phase 2 regulations were posted on the Ontario Regulatory Registry website for public comment from February 1 to April 1, 2016. Through this engagement the ministry received over 1300 submissions from municipalities, licensed child care providers, advocacy groups and professional associations, school boards, registered early childhood educators, and parents and individuals. Thank you to all of the stakeholders and partners that provided feedback during this process.

Through this engagement, we heard that there was broad support for those proposals that improve the quality of child care and update and strengthen health and safety requirements. We heard support for approaches to age groupings and ratios that increase flexibility while maintaining our strong commitment to quality programs that are safe and support child development. Further, many partners supported proposals to expand the service system management role and increase access to authorized recreation and before and after school programs.

We also heard concerns related to the impacts of the proposed age grouping and ratio proposals on program quality and access to spaces; the potential financial impacts of a number of proposals such as increased requirements for qualified staff, and enhanced sleep, supervision provisions; as well as the need for further clarity in a number of areas.

The ministry listened to these concerns, responded to this important feedback, and developed a new approach that is reflective of the feedback we received. The following regulations have now been filed with the registrar of regulations and published on the e-Laws website:

Child Care and Early Years Act

1. [Regulation O. Reg. 137/15 under the *Child Care and Early Years Act, 2014* titled "General"](#)
2. [Regulation O. Reg. 138/15 under the *Child Care and Early Years Act, 2014* titled "Funding, Cost sharing and Financial Assistance"](#)

Education Act

3. [Regulation O. Reg. 221/11 under the *Education Act* titled "Extended Day and Third Party Programs"](#)
4. [Regulation O. Reg. 306 under the *Education Act* titled "Special Education Programs and Services"](#)

For more information see our news bulletin posted [here](#).

Key Changes under the Phase 2 Regulatory Provisions

The new regulations are made under the authority of the [Child Care and Early Years Act, 2014](#) and the [Education Act](#). I encourage you to read through, and familiarize yourself with the phase 2 regulatory provisions, which support the continued modernization and transformation of the early years and child care sector.

The second phase of proposed regulatory changes is focused on eight key areas:

1. Service System Management and Funding;
2. Licensing clarity;
3. Enforcement;
4. Tiered Licensing - term of a license;
5. Licensing standards;
6. Licensing fees;

7. Before-and-after school programs for children age 6-12: Extended Day and Third Party Programs (amendments under the Education Act); and
8. Miscellaneous regulations.

The ministry is taking a flexible and responsive approach to the implementation of new regulations to provide transition time for licensees. As a result, the regulations come into effect at varying times:

- **July 1, 2016:** Licensing fees will come into effect, recognizing that renewal of existing licenses is staggered throughout the year.
- **August 29, 2016:** many of the phase 2 regulations to come into effect to align with the start of the school year and to allow time for transition.
 - School boards will be required to plan in the 2016/17 school year for the delivery of before and after school programs for students in grades JK-6 beginning in the 2017/18 school year.
- **January 2017:** New administrative penalties will come into effect.
- **September 1, 2017:**
 - The new optional approach to age groupings and ratios will be implemented for licensed child care centres through a pilot with a subset of interested partners and licensees. Licensees and new applicants will have the opportunity to apply for a license under the new optional approach, Schedule 2, which would be approved based on set criteria. A comprehensive research and evaluation framework will be designed to measure the impact of the new approach and contribute to the broader knowledge-base on different age grouping and ratio models. The ministry will continue to work with the sector to advance this important work. Additional information regarding the process and timelines for licensees to apply for Schedule 2 will follow.
 - The regulation for authorized recreational and skill building programs come into effect.
 - Before and after school programs for 4-12 year olds will be available where there is demand at schools serving children from JK – Grade 6.
- **January 2019:** The requirement for service system management plans will come into effect. In addition, a Minister's Policy Statement on Service System Management will be developed and issued ahead of the compliance date.

Key Resources

Phase 2 regulations are designed to improve the quality of child care and update and strengthen health and safety requirements. Phase 2 helps to advance Ontario's journey to modernize the child care and early sector however; the ministry recognizes that change takes time.

To help support child care providers and Ontario's families during this transition period the ministry has developed a number of resources. I encourage you to share these resources with families and other early years partners. Please refer to *Appendix 1: CCEYA Key Resources* for a list and description of available resources and how to access them.

Future Collaboration

Phase 2 signals the next step forward in the phased approach to the development and implementation of new regulations under the *Child Care and Early Years Act, 2014*. As the government continues its work towards child care modernization, we will continue to reach out to the sector to seek feedback and advice.

Thank you again for your hard work and dedication. Your commitment, engagement and partnership are the foundation to building a more responsive, integrated system of quality child care and early years services. Together, we are helping Ontario's children get the best possible start in life. I look forward to continuing our strong and ongoing partnership.

Sincerely,

A handwritten signature in blue ink that reads "Nancy Matthews". The signature is written in a cursive, flowing style.

Nancy Matthews
Assistant Deputy Minister

Appendix 1: Child Care and Early Years Act (CCEYA) Key Resources

Child Care and Early Years Act Fact Sheets

To assist providers and parents with updated rules and options under the new regulations the following fact sheets have been developed:

- Ratios
- Family Groupings
- Authorized recreation
- Camps
- Serious Occurrences
- Enforcement and Administrative Penalties

These fact sheets can be found on the [Ministry of Education's website](#).

Tiered Licensing Policy Memo & Child Care Centre Licensing Manual

To support licensees and potential licensees in their understanding of key policy changes related to the licensing process, the ministry has developed a policy memorandum describing how the new tiered licensing process will work. The Tiered Licensing policy memorandum on tiered licensing is attached and will be made available shortly on [the Ministry of Education's Child Care Licensing Portal](#).

The revised Child Care Centre Licensing Manual will be distributed and made available through the [ministry's website](#) on September 1, 2016.

Child Care and Early Years Act Webinar and FAQs

On **Wednesday, June 30, 2016**, the Early Years Division will be posting videos and FAQs on the Ministry of Education website to provide the sector with broader clarity on the regulatory changes under the *Child Care and Early Years Act, 2014*.

In an effort to enhance clarity on the new requirements to the sector, we are encouraging licensees to email their questions regarding the new regulations to CCGE_modernization@ontario.ca between May 9, 2016 – May 20, 2016. The most frequently asked questions, with responses, will be collected and posted on the Ministry of Education website on June 30, 2016.

In addition to FAQs, we will be posting two videos online, one that will walk through the requirements for all licensees (with an emphasis on ratios, group sizes, etc) and one specifically detailing the requirements for the home child care sector.

Putting How Does Learning Happen into Practice: Program Expectations for Licensed Child Care E-Module

In an effort to support child care programs in meeting the program requirements set out in Section 46 of O. Reg 137/2015 (requirement for licensees to have a program statement), the Early Years Division has developed an e-module on HDLH? and the program regulations under the CCEYA:

The E-Module will assist child care program operators to:

- Engage in discussions with others in their program about the new requirements;
- Develop program statements as per the regulations; and,
- Put program-related requirements into practice.

The E-module is divided into 5 segments:

Segment 1: How Does Learning Happen? and Program Regulations

Segment 2: Program Statement

Segment 3: Approaches to foster positive and responsive relationships

Segment 4: Planning and approaches to support exploration, play and inquiry

Segment 5: Approaches to support parent engagement and communication

The E-Module resource can be found on the [Ministry of Education's website](#).

"A Parent's Guide to Child Care in Ontario" Brochure

The brochure "A Parent's Guide to Child Care in Ontario" has been developed to help parents make informed decisions about their child care options, by describing the different types of child care available:

- Licensed child care centres
- Licensed home child care operated under contract with a licensed agency
- Unlicensed home child care

The brochure also shows parents how to easily identify licensed child care facilities, by looking for the distinctive decal or card issued by the Ministry of Education:

- Licensed child care centres will display Ontario's Licensed Child Care decal
- Licensed home child care agencies will display Ontario's Licensed Child Care Agency decal
- Licensed home child care providers will display Ontario's Contracted by a Licensed Child Care Agency card that will include the name of the agency with whom they are contracted

A sample package of brochures will be mailed to partners with direct access to families soon. If you do not receive the brochure, or wish to receive additional copies, orders can be made through [Service Ontario](#).

Home Child Care and Unlicensed Child Care: How Many Children are Allowed? Web-based infographic

To support public understanding of licensed and unlicensed child care, the ministry has developed a [one-page infographic](#) which visually depicts the maximum number of children in home child care (licensed) and unlicensed home child care.