

Ministry of Education
Early Years and Child Care
Division

Mowat Block, 24th floor
900 Bay St.
Queen's Park
Toronto ON M7A 1L2

Ministère de l'Éducation
Division de la petite enfance et de la
garde d'enfants

Édifice Mowat, 24^e étage
900, rue Bay
Queen's Park
Toronto ON M7A 1L2



MEMORANDUM TO: Early Years and Child Care Partners

FROM: Shannon Fuller
Assistant Deputy Minister
Early Years and Child Care Division

DATE: March 2, 2018

SUBJECT: **Implementation of Regulatory Changes under the
*Child Care and Early Years Act, 2014***

Dear Early Years and Child Care Partners,

Given the scope of regulatory change required to advance our modernization plan, the ministry is taking a phased, multi-year approach to the development and implementation of new regulations to allow engagement with, and transition time for, the sector.

The first regulations under the *Child Care and Early Years Act, 2014* (CCEYA) came into effect on August 31, 2015, along with the act itself, and included many regulations carried over from the *Day Nurseries Act* (DNA).

As part of the continued phased approach to introducing regulatory changes, a second set of regulatory requirements was introduced in May 2016 with varying effective dates to provide the sector with transitional time to adjust, and focused on areas such as licensing clarity, enforcement, tiered licensing, and before and after school programs for children age 6-12 years.

The current phase of regulations was posted on the Ontario Regulatory Registry website for public comment from October 2, 2017 until December 1, 2017. Many of these changes have been informed by feedback that the government has heard from the early years and child care sector. Through this engagement process, the ministry received over 160 submissions from municipalities, licensees, advocacy groups and professional associations, recreation partners, school boards, registered early childhood educators, parents, and individuals. Thank you to all of the stakeholders and partners that provided feedback during this process.

Through this latest engagement process, our child care and early years partners expressed support for the proposed regulations that would reduce administrative burden for child care licensees. Further, we heard support for the proposal to revoke Schedule 2, which set out different requirements for child care centres with respect to age groupings

and ratios. We also heard concerns related to the impacts of removing certain requirements in regulation and the need for further clarity in a number of areas.

The ministry listened to these concerns, responded to this important feedback, and developed an approach that is reflective of the feedback we received.

Key Changes

The new/amended regulations, which were filed on March 1, 2018, are made under the authority of the *Child Care and Early Years Act, 2014*. I encourage you to read through, and familiarize yourself with the new regulatory provisions, which support the implementation of the Renewed Early Years and Child Care Policy Framework, to ensure that Ontario's children and families have access to affordable, high-quality, and responsive child care and early years programs and services. The regulations are available here and the changes will be reflected within 2 business days:

[Ontario Regulation \(O.Reg.\) 137/15: GENERAL](#)

[Ontario Regulation 138/15: FUNDING, COST SHARING AND FINANCIAL ASSISTANCE](#)

The regulatory changes are focused on six key areas:

1. Reducing administrative burden for licensees, child care staff, home child care providers, and families by removing unnecessary or duplicative requirements that do not have an impact on children's health or safety;
2. Building on the progressive enforcement model;
3. Clarifying requirements for authorized recreational and skill building program providers;
4. Aligning funding regulations with current funding policy and practices;
5. Revoking schedule 2; and
6. Making technical amendments, including language updates.

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

The following regulatory changes **came into effect upon filing of the regulations**.

- Emergency contact information for parents (Section 70(1) of O. Reg. 137/5)
- Financial records (Section 76 of O. Reg. 137/15)
- Implementation/review of policies, procedures and individualized plans (Section 6.1(2) – 6.1(7) of O. Reg. 137/15)
- Serious occurrences, records retention (Section 38(1)(d) of O. Reg. 137/15)
- Federal legislation for cribs, cradles and playpens (Section 19(2)4 and 27(3)(1) of O. Reg. 137/15)
- Allergies, posting requirements (Section 43(3) of O. Reg. 137/15)
- Storage of hazardous and poisonous substances in child care centres (Section 15(2) of O. Reg. 137/15)
- Schedule 2 (Section 8(1) of O. Reg. 137/15 and all other relevant regulatory references)

All other regulatory amendments will come into effect on **July 1, 2018**:

- Medical officer of health direction (Section 32(1) of O. Reg. 137/15)
- State of play material, equipment and furnishings (Section 19(3) and 27(4) of O. Reg. 137/15)
- Extending prohibited practices to individuals other than licensees (Section 48 of O. Reg. 137/15)
- Changes to administrative penalties (Section 78, Table 1 of O. Reg. 137/15)
- Expansion of offence provisions (Section 34(1) and Section 35 of the Act)
- Clarification for authorized recreational programs (Section 3.1(2)(iii) of O. Reg. 137/15)
- Funding for authorized recreational and skill building programs (ss. 6(1) and Section 6(1)8 of O. Reg. 138/15)
- Funding for extended day programs (Section 6(1) of O. Reg. 138/15)
- Language update for “child and family programs” (all relevant regulatory references in O. Reg. 137/15 and O. Reg. 138/15)
- Director approval for first aid requirements for resource teachers (Section 55(2) of O. Reg. 137/15)
- Requirements for students in policies and procedures (Section 49(a) of O. Reg. 137/15)
- Provision of child care services etc. for children with special needs (Section 28 clause (a) and (b) of O. Reg. 138/15)
- Language update for professional engineers (Section 1 of O. Reg. 138/15 and other relevant regulatory references)
- Statements on immunization (Section 72(1)8 of O. Reg. 137/15)
- Removal of wage subsidy reference (Section 1 of O. Reg. 138/15)

The new regulations support the implementation of the Renewed Early Years and Child Care Policy Framework as they are aligned with the commitment to increase access, affordability, responsiveness and quality of child care and early years programs and services. Building on the previous phases of regulatory changes, the new regulations will continue to refine and improve the regulatory framework and continue to support the health, safety, and well-being of children.

Licensing Resources

Child Care Licensing Manuals

To support understanding and implementation of the new regulations, updated child care centre and home child care agency licensing manuals will be available shortly. The updates reflect the regulatory changes which took effect immediately upon filing of the regulations.

Once updated, the licensing manuals can be downloaded at the following links:

[Child Care Centre Licensing Manual](#)

[Home Child Care Agency Licensing Manual](#)

Within the manuals, updates are identified with an asterisk (*).

Licensing Kit

As you may be aware, the Ministry of Education is developing a comprehensive Licensing Kit, which includes sample policies, templates, and tip sheets intended to support compliance with licensing requirements.

A variety of new documents are now available as part of the Licensing Kit, including a sample serious occurrence policy, a sample anaphylactic policy, and a sample drug and medication administration policy. The new set of documents is available for download at the following link: [Licensing Kit](#).

Although use of the Licensing Kit is not mandatory, licensees are encouraged to adopt and/or consult the documents as they become available to support compliance with licensing requirements.

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 our strong and ongoing partnership.

Sincerely,

A handwritten signature in cursive script that reads "S Fuller".

Shannon Fuller

Assistant Deputy Minister