

Memorandum To: Licensed Child Care Programs
Consolidated Municipal Service Managers and District Social
Services Administration Boards
First Nations

From: Phil Graham
Assistant Deputy Minister
Early Years and Child Care Division

Date: February 26, 2021

Subject Regulatory Amendments under the *Child Care and Early Years
Act, 2014*

I am writing to inform you of next steps in relation to the five year review of the *Child Care and Early Years Act, 2014* (CCEYA).

I would like to start by thanking you for your ongoing efforts to support the health, safety and wellbeing of families in response to COVID-19, most recently for your partnership in the provision of targeted emergency child care while students moved to remote learning at the start of this year.

Through your efforts, emergency child care was provided to 4,800 children across 540 locations in Ontario. This was only possible because of your local leadership, planning and tireless work, much of which began over the holidays so that care would be available to families when school resumed in January.

I would like to express my gratitude to child care providers who have been instrumental in helping to keep families safe on a day to day basis. It has only been through the care and commitment of Early Childhood Educators, supervisors, and program staff that children continue to be cared for in settings that are safe and support their early learning so parents can return to work.

While we continue to monitor COVID cases in Ontario, the government is taking next steps to respond to key actions stemming from the five year review of the CCEYA. Throughout the summer and fall, the Ministry of Education consulted widely to gather ideas on how to strengthen child care and early years programs and services in Ontario.

We heard from over 15,000 families and stakeholders through our surveys this summer and received over 460 written submissions during a 50 day regulatory consultation over the Fall, based on commitments identified in the [Strengthening Early Years and Child Care in Ontario, 2020 report](#).

This feedback demonstrated the importance of Ontario's early years and child care system for children and families and identified several ideas in respect of how it can be strengthened. Feedback also highlighted the need to recognize the impact of the COVID-19 pandemic on the sector and to be mindful of this in making any changes moving forward.

Based on this feedback, the government has decided to wait and consider implementation of some of the proposed regulatory items at a later date; particularly those items that were identified as needing considerable time and energy to implement such as the two-provider home child care model, new age groups and changes to staff qualifications.

The government is moving forward with important regulatory changes to create more flexible options for families, as well as to improve health and safety and reduce administrative burden for licensees. Specifically, a range of changes are being made to reduce administrative requirements that are duplicative or redundant. In addition, enhanced health and safety measures are being added to strengthen health and safety standards (including injury prevention) for licensed child care, and to support the mitigation of the spread of COVID-19 in licensed child care settings.

In many cases, these amendments will not require any changes to current practice and will be straight forward to implement.

In addition, amendments will be made to allow specified authorized recreational and skill building programs to operate for more than three hours per day on instructional and non-instructional days during the school year. Further information about the implementation of this program, including the application process, will be made available shortly. After the first phase of implementation, the Ministry may consider broadening the exemption to additional authorized recreation providers.

A more detailed summary of the regulatory amendments can be found in the appendix.

The amendments will be filed on March 8, 2021 and will come into effect at that time. The amending regulations will be posted on the Source Law section of e-Laws website shortly after they are filed, and once the regulations are consolidated (i.e. updated), they will be found at the following links:

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

[Ontario Regulation 138/15: Funding, Cost Sharing and Financial Assistance](#)

[Ontario Regulation 221/11: Extended Day and Third Party Programs](#)

Licensees who have questions about compliance with the new requirements are encouraged to reach out to their Ministry of Education program advisor.

These immediate changes are only one piece of the important work the government is doing to strengthen the child care and early years system.

The ministry continues to work with our partners, including the Ministry of Health, to ensure the sector is provided with the most up-to-date guidance and information on how to operate child care and early years programs safely during the COVID-19 outbreak. A supply of medical masks and eye protection (i.e. face shields) is also delivered on a monthly basis through the Ministry of Government and Consumer Services.

We also continue to work on the longer-term commitments identified in the [*Strengthening Early Years and Child Care in Ontario, 2020 Report*](#), including a review of *How Does Learning Happen?*; continued work with Indigenous partners to strengthen the delivery of Indigenous-led programs; and adopting a digital-first approach to provide parents with better and more timely access to information.

Thank you again for all of your work over the past year during these unprecedented and challenging times. I look forward to our continued partnership, as we work together towards improving and strengthening child care and early years programs and services in Ontario.

Sincerely,
Phil Graham

Appendix

Summary of Changes

Amendments to O. Reg 137/15 and O. Reg 138/15 under the *Child Care and Early Years Act, 2014* (CCEYA) will be filed with the Registrar of Regulations on March 8, 2021 and will be published on the e-Laws website shortly thereafter. A related amendment was also made to O. Reg. 221/11 under the *Education Act*. These amendments take effect upon filing.

1) Authorized Recreational and Skill Building Programs

If approved by the Ministry, the following Authorized Recreational and Skill Building Programs may operate for more than three consecutive hours, both before and after school and full day on non-instructional days:

- a member of YMCA Canada or Boys and Girls Clubs of Canada
- a local service system manager, municipality or First Nation
- a Friendship Centre that is a member of the Ontario Federation of Indigenous Friendship Centres
- an organization delivering Ontario's After School Program funded by the Ministry of Heritage, Sport, Tourism and Culture Industries.

The Ministry will monitor the implementation of this change and evaluate its impact on the child care and early years sector prior to broadening the list of eligible providers.

2) Changes related to Resource Teachers/Consultants

The language in O. Reg 137/15 will be updated to refer to “resource consultants” rather than “resource teachers” as this is the most common modality for the provision of these services across the Province. Some additional, related changes include:

- Removing the provision that speaks to hiring of resource teachers by licensees;
- Removing the requirement for a resource room;
- Removing the requirement for a resource teacher/consultant to have first aid certification; and
- Removing the requirement for a Ministry of Education director to approve a resource teacher's educational program of study.

The Ministry recognizes that many child care programs in remote and northern communities, as well as in many First Nations, Metis and Inuit child care programs, hire resource teachers directly to support the inclusion of children with special needs. These regulatory changes will not require programs who directly hire resource teachers to change their current practices or terminology.

3) Administrative Burden Reduction

- a) Staff in child care centres who are required to obtain first aid and CPR certification will be permitted a three-month time period to obtain their certification, as long as at least one first aid certified employee is available to respond to an emergency at all times, whether on or off site.
- b) Requirements related to the development and implementation of a sanitary practices policy, as well as the requirement to ensure food and drinks are stored to maintain nutritive value and prevent contamination, have been removed from O. Reg 137/15 as these matters are addressed by local public health authorities. Licensed child care programs are expected to abide by the direction of local public health authorities at all times.
- c) Schedule 3 under O. Reg 137/15, which sets out requirements for age groupings, ratios, and proportion of employees that must be qualified employees for “child care centres for children with special needs”, was revoked.
- d) Additional provisions will be added to O. Reg 137/15 to clarify that all records and documents required by the regulation are permitted to be in a digital format (unless otherwise specified) and to provide that all records and documents must be available for inspection at all times.
- e) The following professionals will be exempted from the requirement to provide an attestation or offence declaration when attending a licensed child care premises to provide services such as consultations or the delivery of presentations to children:
 - active duty first responders (i.e. police, fire, and emergency medical/paramedic professionals)
 - professionals governed by the *Regulated Health Professions Act, 1991*
 - professionals governed by the *Social Work and Social Service Work Act, 1998*

These professionals are subject to requirements imposed by other legislation and employer policies. It is therefore not necessary for the CCEYA to impose these additional requirements on such professionals.

- f) Licensees will no longer be required to seek director approval for children aged 44 months and up to bring meals from home. To support this, licensees who agree to children bringing meals or snacks from home must set out rules for this process in their Anaphylaxis Policy and ensure that parents are given this information.
- g) Licensees will only be required to provide Program Advisors with reports from local authorities (e.g. fire department and public health unit) where an order or direction has been given, or where enforcement action has been taken. All other reports are to be maintained at the child care premises.

- h) Duplicate requirements related to emergency contact information have been streamlined. Licensees will only be required to keep this information under section 70 (Contact Information for Parents), not subsection 72 (1) (Children's Records).
- i) Licensees will no longer be required to have a physical landline and will only be required to have an up-to-date and accessible list of the telephone numbers for "emergency services", poison control centre phone numbers, and taxi services if they do not have access to 911 services.
- j) Direct visual checks of sleeping children will only be required for children in infant and toddler groups, or for children aged 24 months or younger in a family age group.
- k) Licensees are required to make an accident report when a child is injured and provide a copy of the report to the child's parents. Licensees are also required to notify parents when there has been an incident affecting the health, safety or well-being of a child in care. A revision to O. Reg 137/15 will be made to clarify that licensees only need to notify parents once when an accident has occurred, even though that accident is also noted as an incident in the daily log.
- l) Licensees will be permitted to administer certain over-the-counter products to children with a single "blanket" authorization to do so, including sunscreen, moisturizing skin lotion, lip balm, insect repellent, hand sanitizer and diaper cream. These products will still need to be labelled with the child's name, stored in accordance with the instructions for storage on the label, and administered in accordance with the instructions on the label and the parent's authorization.
- m) Revisions will be made to O. Reg 138/15 to remove provisions related to "capital expenditures" that are no longer relied upon as these matters are addressed through transfer payment agreements.

4) Health and Safety

- a) Licensees will be required to have storage spaces that are inaccessible to children for any items that could cause harm to a child, such as poisonous and hazardous substances.
- b) Licensees will be required to ensure that ferrets in child care centres and home child care premises are inoculated against rabies, in addition to the current requirement that relates to dogs and cats.
- c) Immunization and health assessment requirements that currently apply to staff and providers will be extended to students on educational placements and volunteers.

- d) Licensees are currently required to have a record of daily attendance for each child receiving care. A revision will be made to clarify that licensees must have a daily attendance list for each group of children in a child care centre or home child care premises.

Medical officers of health and designates will be permitted to inspect attendance records required under the regulation.

5) Changes Specific to Home Child Care

- a) Home child care agency staff and home child care providers will be required to carry out any direction of a medical officer of health with respect to any matter that may affect the health or well-being of a child receiving care.
- b) Health and safety requirements for home child care will be extended to in-home services. Existing licensees who are already offering in-home services will have until July 1, 2021 to come into compliance with the new requirements.
- c) Currently, children receiving care at a home child care premises are not permitted to play on a balcony unless an adult is also present. A revision will be made to clarify that children cannot be on a balcony at any time unless an adult is present to monitor the children.
- d) Currently, licensees of home child care agencies are required to have an up-to-date register of each home child care premises. To ensure timely and accurate information, licensees will be required to update home child care agency registers within one business day.

6) Clarifications

- a) Child care licence applicants are required to provide evidence to the ministry that they are compliant with various legal requirements (e.g. by-laws) specified in the regulation. A revision will be made to clarify that licensees must comply with these requirements over the course of their operations, not just at the time an application is made.
- b) O. Reg. 137/15 sets out requirements regarding the submission of vulnerable sector checks (VSCs) when a person's relationship with a licensee is "terminated" and then subsequently resumes. Revisions will be made to clarify requirements regarding the submission of VSCs when a person returns to employment following a leave of absence (i.e. where there is no termination), such as a maternity/parental leave or a prolonged medical leave.