

Tip Sheet
Requirements for March 8, 2021 Implementation
Regulatory Changes under Ontario Regulation 137/15 of the *Child Care and Early Years Act, 2014* (CCEYA)

This tip sheet provides an overview of the new or changed requirements in [Ontario Regulation 137/15 \(General\)](#) under the CCEYA that will come into effect on March 8, 2021.

Changes focus on clarifying the intent of regulations, removing requirements that are duplicative or outdated, reducing administrative burden, and setting out additional health and safety measures, many of which the sector has already implemented as a response to COVID-19.

In many cases, no changes to current practice will be required to achieve compliance with the new or changed requirements.

Requirement and Regulatory Reference	What's Changed?	What Does the Change Mean for Licensees?
REQUIREMENTS FOR CHILD CARE CENTRE AND HOME CHILD CARE		
Building, Equipment and Playground		
Compliance with health and safety standards, building code, fire code, etc. (Sections 13 and 25)	<ul style="list-style-type: none"> Previously, only child care licence applicants were required to provide evidence to the ministry that they are compliant with the laws, requirements, by-laws, etc. specified in the Regulation. The Regulation has been expanded to require both child care applicants and licensees to comply with these requirements over the course of their operations. 	<ul style="list-style-type: none"> Licensees must now comply with these requirements over the course of their operations, not just at the time an application is made.
Staff Qualifications		
Resource teachers (Section 55)	<ul style="list-style-type: none"> The Regulation has been updated to change "resource teacher" to "resource consultant". 	<ul style="list-style-type: none"> This change does not require any changes by licensees.
Resource teachers: post-secondary	<ul style="list-style-type: none"> The Regulation has been amended to no longer require licensees that directly 	<ul style="list-style-type: none"> Licensees that employ resource teachers must ensure that the resource teachers, who work within

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program of study (Section 55(1)(a))	employ resource teachers to obtain a director approval from the ministry for their post-secondary program of study.	the scope of practice of early childhood education must continue to be a person who: <ul style="list-style-type: none"> ○ Is a member in good standing of the College of Early Childhood Educators and has completed a post-secondary program of studies that is both theoretical and practical and that relates to the needs of children with special needs; or ○ Is otherwise approved by a director
Hiring of resource teachers (Section 10)	<ul style="list-style-type: none"> • The provision that speaks to hiring of resource teachers by licensees has been removed from Regulation. 	<ul style="list-style-type: none"> • This change does not require any changes by licensees. • Licensees may continue to hire resource teachers directly if they wish to do so.
First aid certification requirements for resource teachers (Section 55(2))	<ul style="list-style-type: none"> • The provision that speaks to first aid requirements for resource teachers employed directly by licensees has been removed from Regulation. 	<ul style="list-style-type: none"> • Licensees that employ resource teachers are no longer required to ensure that resource teachers have valid certification in standard first aid and CPR.
Nutrition		
Food storage and preparation (Subsection 42(1)(c))	<ul style="list-style-type: none"> • There is no longer a provision related to ensuring that food and drinks are stored, prepared and served to maintain nutritive value and prevent contamination. 	<ul style="list-style-type: none"> • Licensees are still required to follow the direction of local public health authorities at all times and many public health units set out specific information on food storage/preparation practices.
Meals from Home for Children age 44 Months and Older (Subsection 42(2)) Anaphylactic policy (Subsection 39(1))	<ul style="list-style-type: none"> • The Regulation has been amended to no longer require licensees to seek director approval for kindergarten and school aged children (44 months and older) to bring food (e.g. meals or snacks) from home. • The Regulation has been amended to require licensees who allow children 44 months and older to bring food from home 	<ul style="list-style-type: none"> • Licensees may provide meals and snacks for children 44 months and older or they can be brought from home without seeking director approval from the ministry. • Where children are bringing meals or snack from home, the licensee must set out rules for parents outlining this process in their anaphylactic policy and include a copy of those rules in the parent handbook.

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Parent handbook (Subsection 45(1))	to include rules set out in their anaphylactic policy for parents who send food with their child to the centre or premises.	<ul style="list-style-type: none"> • Licensees may also consider including additional information to support parents and families (e.g. information on what happens if a child forgets their lunch). • Note: Program Advisors will work with programs to remove existing director approval and conditions from their licence at their next licensing activity.
Health and Medical Supervision		
Sanitary practices policy (Section 33)	<ul style="list-style-type: none"> • The ministry requirement for licensees to have a sanitary practices policy has been removed from Regulation. 	<ul style="list-style-type: none"> • Although the ministry no longer requires licensees to have a sanitary practices policy, licensees are still required to follow the direction of local public health authorities at all times and they may set out specific direction on sanitary practices. • Licensees are still required to have a COVID-19 policy that sets out specific information related to cleaning and disinfection, as well as other infection prevention and control procedures (e.g. PPE, etc.).
Providing certain reports to Program Advisors (Subsection 32(2))	<ul style="list-style-type: none"> • The Regulation has been amended to only require licensees to provide Program Advisors with reports from local authorities (i.e. fire department and public health unit) where an order or direction has been given, or where enforcement action has been taken. 	<ul style="list-style-type: none"> • Licensees must immediately notify their Program Advisor where a report from local authorities includes an order or direction that has been given, or where enforcement action has been taken. • Licensees must provide the report to their Program Advisor within 2 business days. • All other reports must be maintained at the child care premises.
Administration of drugs and medication (Section 40)	<ul style="list-style-type: none"> • The Regulation has been amended to include the following items that do not constitute drugs or medications (except where the item is a drug, as defined in the <i>Drug and Pharmacies Regulation Act</i>, prescribed for a child by a health professional): sunscreen, moisturizing 	<ul style="list-style-type: none"> • Licensees are permitted to administer the following over-the-counter products to children with a single “blanket” authorization without documentation of administration (except where the item is a drug, as defined in the <i>Drug and Pharmacies Regulation Act</i>): sunscreen, moisturizing skin lotion, lip balm, insect repellent, hand sanitizer and diaper cream.

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	<p>skin lotion, lip balm, insect repellent, hand sanitizer and diaper cream.</p> <ul style="list-style-type: none"> • A provision has been added that those items which do not constitute a drug or medication must be: <ul style="list-style-type: none"> ○ administered to a child only if a parent of the child has given written authorization for the administration of the item; ○ stored in accordance with the instructions for storage on the label and the container or package is clearly labelled with the child's name and the name of the item; and ○ administered to a child only from the original container or package and in accordance with any instructions on the label and any instructions provided by the parent of the child. 	<ul style="list-style-type: none"> • Licensees must ensure that these over-the-counter products are 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.
<p>Health assessments and immunizations (Subsections 57(1) and (2))</p>	<ul style="list-style-type: none"> • The Regulation has been amended to require that immunization and health assessment requirements that currently apply to staff and providers are now extended to students on educational placement and volunteers. 	<ul style="list-style-type: none"> • Licensees must ensure that every volunteer or student who is on an educational placement or regularly on the premises in a child care centre or home child care premises has a health assessment and immunization as directed by the local medical officer of health.
<p>Rabies inoculation (Section 41)</p>	<ul style="list-style-type: none"> • The Regulation has been amended to require that ferrets are inoculated against rabies. 	<ul style="list-style-type: none"> • Licensees must 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.

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Supervision		
Direct Visual Checks (Subsection 33.1 (2)(a))	<ul style="list-style-type: none"> The Regulation has been amended to require direct visual checks of sleeping children in an infant or toddler age group, and children younger than 24 months in a family age group and a home child care premises. 	<ul style="list-style-type: none"> Licensees are required to conduct direct visual checks of sleeping children in an infant or toddler age group, and children younger than 24 months in a family age group and a home child care premises. Licensees must update their sleep policy to reflect these changes. If licensees choose to continue their current practice for direct visual checks for all children (regardless of age), licensees would not be required to update their sleep policy but must continue to implement their policy as written.
Designated Space		
Harmful substances (Section 31 and Subsection 15.1(5))	<ul style="list-style-type: none"> The Regulation requires inaccessible storage in home child care premises and designated storage space in child care centres for harmful substances. The requirement has been broadened to include additional objects and substances that may be harmful (not only poisonous/hazardous substances). 	<ul style="list-style-type: none"> Licensees must ensure that any items that could cause harm to a child, including poisonous and hazardous substances (e.g. recreational/medical cannabis, alcohol, an employee's/provider's own medication, etc.) are inaccessible to children. Licensees must ensure that there is a space designated for storage for medical supplies, cleaning materials and equipment and other items that could cause harm to a child, such as poisonous and hazardous substances.

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Emergency Contact Information		
Emergency contact information (Subsection 72(1)(4))	<ul style="list-style-type: none"> • Previously, the Regulation required licensees to keep emergency contact information under both sections 70 (Emergency Preparedness - Contact Information for Parents) and 72(1) (Children's Records). • The Regulation has been amended to only require licensees to keep emergency contact information under section 70 (Emergency Preparedness - Contact Information for Parents), not subsection 72(1) (Children's Records). 	<ul style="list-style-type: none"> • Licensees must ensure that the telephone numbers of a parent of each child and a telephone number of a person to be contacted if a parent cannot be reached is up to date and readily accessible in the event of an emergency (e.g. emergency cards). • Licensees are no longer required to keep the address and telephone number at which a parent of the child or other person can be reached in case of an emergency within children's records.
Telephone service (Section 67)	<ul style="list-style-type: none"> • The Regulation has been amended to no longer require a director approval for telephone services or an alternative means of obtaining emergency assistance. 	<ul style="list-style-type: none"> • Licensees may use an alternative means of obtaining emergency assistance without seeking director approval from the ministry. • Program Advisors will work with programs with an existing director approval under this section to remove the approval from the licence.
Emergency telephone numbers (Section 69)	<ul style="list-style-type: none"> • The Regulation has been amended to no longer require child care centres and home child care premises having access to 911 services to have a list of telephone numbers that include emergency services and the nearest poison control centre. 	<ul style="list-style-type: none"> • Licensees that have access to 911 services are no longer required to have an up-to-date and accessible list of the telephone numbers for emergency services and poison control centre phone numbers. • Licensees that do not have access to 911 services must continue to have telephone numbers that are accessible that include emergency services and the nearest poison control centre. • Each home child care premises must continue to have the agency's contact information and phone number accessible in the event of an emergency.

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Administrative Matters		
Digital records (Subsection 82)	<ul style="list-style-type: none"> • The Regulation has been amended to clarify that unless otherwise specified in regulation, licensees may have records, reports or documents in an exclusively digital format. 	<ul style="list-style-type: none"> • Licensees may create/store records, reports or documents digitally unless otherwise specified in regulation. • Licensees must ensure that all documents (whether hard copy or digital) are available for inspection at all times. • The current requirements to post certain hard copy documents by licensees continues to exist (e.g. for serious occurrence reports, fire procedures, menus, allergy/allergen list, etc.).
Daily written record (Subsection 37(2))	<ul style="list-style-type: none"> • Licensees are required to: <ul style="list-style-type: none"> ○ Make an accident report when a child is injured and provide a copy of the report to the child's parents (Subsection 36(4)); and ○ Notify parents when there has been an incident affecting the health, safety or well-being of a child in care (Subsection 37(2)). • A revision has been made to clarify that where an accident is captured under both reporting requirements noted above, licensees only need to notify parents of the accident once when an accident has occurred (i.e. through the accident report), and do not need to notify parents again of that accident as an incident in the daily written record. 	<ul style="list-style-type: none"> • When an accident occurs, licensees must: <ul style="list-style-type: none"> ○ Make an accident report and provide a copy to the child's parents; and ○ Note the accident as an incident in the daily written record. • Licensees must continue to notify parents when there has been an incident affecting the health, safety or well-being of a child care, unless the incident was otherwise captured via accident reporting.
Attendance records (Subsection 72(4))	<ul style="list-style-type: none"> • The Regulation has been amended to require licensees to keep attendance records for each licensed age group. 	<ul style="list-style-type: none"> • Licensees must have a daily attendance list for each group of children, which includes the:

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	<ul style="list-style-type: none"> Currently, licensees are not required to do so, as they are able to list all children on one attendance record. 	<ul style="list-style-type: none"> daily attendance of each child in the licensed age group; who was in the group each day; the hours during which they were in the group; and time of arrival and the time of departure of each child or if a child is absent.
<p>Attendance records and inspection by medical officers of health</p> <p>(Subsection 72(6)(a))</p>	<ul style="list-style-type: none"> The Regulation has been amended to permit medical officers of health and designates to inspect attendance records. 	<ul style="list-style-type: none"> Licensees must ensure that medical officers of health and designates are permitted to inspect all attendance records.
Staff Screening Measures and Police Record Checks		
<p>Break in employment and vulnerable sector checks (VSC)</p> <p>(Section 63)</p>	<ul style="list-style-type: none"> There is an existing requirement regarding the submission of VSCs when a person's relationship with licensee is "terminated". A new provision has been added to the Regulation to clarify requirements for submitting VSCs when a person returns to employment following a break in employment (i.e. a leave of absence where there is no "termination", such as maternity/parental leave). 	<ul style="list-style-type: none"> Where a person takes a leave of absence from their position and then subsequently returns to their position, licensees must obtain a new VSC or offence declaration upon the person's return if they would have provided a VSC or offence declaration during the period of their leave.
<p>Exempting certain persons from offence declaration/attestation requirements</p> <p>(Subsection 61.1(3))</p>	<ul style="list-style-type: none"> The Regulation has been amended to exempt certain individuals from requirements related to offence declarations and attestation requirements when attending a child care premises to provide services such as consultations or the delivery of presentations to children. 	<ul style="list-style-type: none"> Licensees are not required to obtain an attestation or offence declaration from the following professionals: <ul style="list-style-type: none"> active duty first responders (i.e. police, fire, and emergency medical/paramedic professionals)

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	<p>These individuals include:</p> <ul style="list-style-type: none"> ○ active duty first responders (i.e. police, fire, and emergency medical/paramedic professionals) ○ professionals governed by the <i>Regulated Health Professions Act, 1991</i> ○ professionals governed by the <i>Social Work and Social Service Work Act, 1998</i> 	<ul style="list-style-type: none"> ○ professionals governed by the <i>Regulated Health Professions Act, 1991</i> ○ professionals governed by the <i>Social Work and Social Service Work Act, 1998</i>
REQUIREMENTS FOR HOME CHILD CARE ONLY		
Health and Medical Supervision		
<p>Medical officer of health directions (Subsection 32(1) (2))</p>	<ul style="list-style-type: none"> • The Regulation has been amended to require home child care agency staff and providers 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. 	<ul style="list-style-type: none"> • Home child care agency staff and providers must carry out any direction of a medical officer of health regarding any matter that may affect the health or well-being of a child receiving care to protect the health, safety and well-being of children. • Licensees must follow any and all direction set out in a written report by the local medical officer of health following an inspection.
Building, Equipment and Playground		
<p>Balconies (Section 29)</p>	<ul style="list-style-type: none"> • Previously, children receiving care at a home child care premises were not permitted to play on a balcony unless an adult was also present. • A revision has been made to clarify that children cannot be on a balcony unless an adult is present to monitor the children at all times. 	<ul style="list-style-type: none"> • Licensees must ensure that children receiving care at a home child care premises are not on a balcony unless an adult is present at all times.

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Administrative Matters		
Home Child Care Agency Registers (Section 74)	<ul style="list-style-type: none"> The Regulation has been amended to require that home child care agency registers be up-to-date within one business day of a child being enrolled or leaving a home child care premises. 	<ul style="list-style-type: none"> Licensees must ensure that their home child care agency registers are updated within one business day of a child being enrolled or leaving a home child care premises. The up-to-date register must be available at the time of inspection.
REQUIREMENTS FOR CHILD CARE CENTRES ONLY		
Schedule 3: child care centre for children with special needs and integrated child care centres (Section 43), (Subsection 1(1))	<ul style="list-style-type: none"> Schedule 3 and related definitions have been removed from the Regulation. 	<ul style="list-style-type: none"> These changes do not require any changes by licensees.
Building, Equipment and Playground		
Resource area (Section 18)	<ul style="list-style-type: none"> The provision for licensees of an integrated child care centre to have a room or area set aside as a resource area for individual and small group experiences has been removed from Regulation. 	<ul style="list-style-type: none"> This change does not require any changes by licensees. Note that this change does not prevent licensees from having a resource area if they wish to do so.
Staff Qualifications		
Standard first aid and CPR (Section 58)	<ul style="list-style-type: none"> The provision has been added to the Regulation to permit staff in child care centres who are required to obtain first aid and CPR certification a time period of up to three-months to obtain their 	<ul style="list-style-type: none"> Staff in child care centres who must be first aid certified may have a three-month time period to obtain their certification, as long as: <ul style="list-style-type: none"> At least one first aid certified employee is available to respond in an emergency at all times, whether the licensed age group is on-

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	certificate if certain criteria are met.	<ul style="list-style-type: none"> ○ or off-site; ○ The staff obtains the certification as soon as reasonably possible; and ○ The length of time is justified.

Additional Changes

New health and safety requirements have been established for 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. More information regarding these regulatory changes will be provided.

Amendments have also been made to allow specified authorized recreational and skill building programs that have been approved by the ministry 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 pilot project, including the application process, will be made available shortly.