



ONTARIO PUBLIC
SCHOOL BOARDS'
ASSOCIATION

Leading Education's Advocates

Ontario Public School Boards' Association

439 University Avenue, 18th Floor
Toronto, ON M5G 1Y8
Tel: (416) 340-2540
Fax: (416) 340-7571
webmaster@opsba.org
www.opsba.org

Michael Barrett
President

Gail Anderson
Executive Director

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

Email: CCGE_modernization@ontario.ca

**OPSBA Response to the Regulatory Registry Consultation Document Regarding the
Child Care and Early Years Act, 2014 and the Education Act**

The Ontario Public School Boards' Association (OPSBA) appreciates the opportunity to respond to the current consultation that proposes changes to both the *Child Care and Early Years Act* (CCEYA) and the *Education Act*. Last May, our Association provided a submission to the Phase 1 proposed regulation changes and prior to that, we gave feedback to a consultation regarding amendments to Regulation 262 under the former *Day Nurseries Act*. Both of these previous submissions included commentary on topics that are also discussed in this consultation that we will reinforce.

It should be noted that OPSBA maintains its ongoing support and promotion of the success of Full Day Kindergarten (FDK) in our schools and our Association has been considering these current proposed changes that were to be introduced once FDK was fully implemented. We have had preliminary and informal discussions about the impacts of adding before-and-after school programming with our trustees and the Early Learning Leads within our member boards.

Like many other child care and education stakeholders, we support high quality, affordable and accessible programs for children and their families.

This consultation involved OPSBA senior staff, trustees belonging to our Policy Development Work Team and the Early Learning Leads within our member boards. As with previous consultation, we acknowledge that there are some areas that do not require input from a school board perspective and we, therefore, will not be offering detailed feedback.

A. Service System Management and Funding

OPSBA supports the requirement that service system plans be updated every five years, posted on a public website and the duty for the systems manager to consult during the development and implementation of the child care and early years service system plan. We would suggest that this consultation clearly include school boards and all relevant community partners.

B. Licensing Clarity

As stated in a previous submission, we are supportive of the Ministry clearly defining child care by describing a program's primary purpose. The continued clarification is welcome.

This current proposal provides that Ontario Regulation 797 (*operating under the Ministry of Tourism, Culture and Sport*) will continue to exist but will no longer be a practical or necessary programming opportunity for school boards. The new regulation will allow authorized recreation programs and skill building programs to exist for those children ages six and up and operate no more than three hours on weekdays. Although the majority of these programs will continue to be offered by municipal parks and recreation organizations, they can also be offered by school boards. OPSBA surveyed member boards about the impact of this change – it was suggested that it will not be widespread. The majority of our member boards do not operate such programs and those that do, do not have children younger than six or run a program longer than three hours. However, we are aware of at least one member board who will find this change jeopardizes some of their current programming. That board will have to look for alternate programs for children ages 4 and 5. We would request the ministry allow transition timing in these circumstances.

C. Enforcement

OPSBA supports the range of enforcement tools including compliance orders and administrative penalties. We recommend early and frequent communication for centres and staff to fully understand the Act, its expectations and consequences for violations. We would also expect, in most cases, the Ministry to use the enforcement tools in a progressive escalated manner.

D. Tiered Licensing

We understand the intent is to place care centres into one of three tiers based on compliance. This would be good news for those centres with no issues but we are unclear as to what this will mean for those lower tier centres and what an “abbreviated” annual license renewal inspection will be.

E. Licensing Standards

We are aware of the very public debate concerning the current proposal about age ranges, ratios and group sizes. Our hope is that the government considers the advice given from the child care sector and those on the front line working with children in these age categories. Quality care should not be compromised. A point worth noting is that the proposed change for a maximum number of children in the Kindergarten category is 26. Schools boards must follow a regulation that requires “the average size in each school year of a board's full day junior kindergarten and kindergarten classes shall be 26.” Why not consider alignment of both the CCEYA and Education Act requirements for class/program sizes? In addition, these ratios and maximums do not take into consideration support for children with special needs.

OPSBA supports the creation of a new family grouping with the understanding that health, safety and program quality is maintained. It was felt that this would provide flexibility and allow siblings to be together. It was also noted that this would support our northern and rural schools where it is more challenging to create programs. It was also mentioned that this new category may benefit smaller schools and those in lower socio-economic neighbourhoods.

We are also supportive of allowing non-ECE individuals to work in programs for older children ages 9-12. Although, it was supported that children ages 6-8 can benefit from the experience and knowledge of a

RECE as a qualified staff person, we also received commentary confirming that RECEs could also support children up to age 12.

However, as stated in earlier submissions, this acknowledges the fact that school age children are at a different developmental stage and have more varied interests. Some of the comments include:

- *This may lend to more flexible and relevant programming and maximize the skills of different professionals*
- *Children of this age grouping are best served by those with a recreational, whole family skill set and experience. Also those with specific skills (i.e. theatre, music, sports etc.) would be best suited to this age group.*
- *The exposure to a variety of Educators would assist in quality programs targeted to older age groups. Recreation leaders would be wonderful working with this age group.*

We did receive comments that stressed the need for a thorough screening process that requires qualified professionals to be hired for these staff positions.

This would also allow for new teacher graduates and supply teachers to get more practical experience. This section also includes changes to a number of child care centre actions that appear to bring alignment between the CCEYA and Education Act (policies, guidelines or supportive legislation) and in general, be updated to reflect current practices and standards. These would be greatly supported. Specifically:

- Posting of Allergies – information expanded to include all rooms, not just eating areas.
- Children with Medical Conditions – policy and plans to expand further beyond only anaphylactic. School boards have been working with the government and other stakeholders to create a broader comprehensive approach to multiple medical conditions including asthma, seizure and diabetes.
- Immunization Requirements – to harmonize requirements under the *Immunization of School Pupils Act*. We note that the government is expected to introduce changes to strengthen exemptions to this Act very soon.
- First Aid Certification – to provide greater clarity about which staff are required to have certification.
- Emergency Management Plans and Procedures – to expand plans beyond fire.
- Serious Occurrences – to expand definition, update policies and reporting requirements.
- Playground Safety Related Requirement – to update requirements to meet recent standards and move from policy to regulation.

F. Licensing Fee

We have no comment for this section.

G. Before- and after-school programs for children age 6-12 years (BASP 6-12): Extended Day and Third Party Programs

This section is by far the most relevant for school boards as the requirement will be to offer programming either directly or via a third party partner. Within our membership, we have two school boards who are offering extremely successful board delivered programming as well as partnering with outside providers. Our other boards also continue to enjoy successful partnerships with their local child care partners. This local flexibility is appreciated.

G1. Multiple Modes of Delivery

Our members were supportive of offering multiple mode options for before and after school care and recognize the role of other providers such as recreation programs and those funded by the Ministry of Tourism, Culture and Sport. Many responses indicated that the system needed to be flexible and respond to parents' needs by allowing them options that fit their children and family dynamics. Concerns about

program quality assurance, variance of costs and confusion around multiple programs within one school were expressed.

When asked about support for the option of off-site programming for older children (6-12), the answers were mixed. The main issues were safety, supervision, program consistency, transportation and the practical considerations for families with a child younger than 6 (and required to stay onsite) and an older sibling (who could possibly be in an off-site program). The consultation document indicates that this would be defined by regulation and we suggest more discussion around this piece.

G2. Assessing and Reporting Demand and Viability

There was strong support for the elimination of the annual parental survey. With FDK fully implemented and the sharing of information with child care partners, school boards have a good understanding of their parent demand. In addition, school boards are working closely with their CMSMs and DSABs to ensure demand is planned and met. The vast majority of school boards have good relationships with their municipal partners and indicated regular, positive and collaborative meetings.

Boards were also supportive and recognized a program viability threshold is no longer needed. As mentioned above, boards have and continue to work with their community partners in the planning of local child care needs.

With regards to fee calculations, boards were supportive of removing the prescriptive process for determining board delivered programming but there remains questions about how this would be demonstrated and if all boards would still need to determine a fee even if they were offering programming via a third party partner.

G3. Programming Requirements

OPSBA is supportive of the aligning of standards among all providers (licensed child care, school board, recreation programs etc.) and agree this will help provide a consistent approach. This particular section included mention of minimum time of active play for before and after school programs and recreation programs; this ties in with the requirement for Daily Physical Activity (DPA) for school boards. We support the requirement for recreational programs to also have Health and Safety policies in places that are currently required by child care centres (under the CCEYA) and school boards (under the Education Act).

Other BASP Feedback

We asked our member boards about the implementation of BASP for families with children ages 4-5 and 6-12 and the possibility of more than one program provider. There was a wide range of comments for this with some boards still considering what the impact will be, other boards currently having multiple providers and some boards not supportive of having more than one provider. This again appears to be a very local decision based on parent and community needs. We recommend more discussion and stakeholder consultation that brings together Early Learning Leads to share best practices and ask questions.

We also asked about work load and it was noted that this next transition of offering BASP for 6-12 year olds will require additional work and time for most Early Learning Leads. We will be asking our members to track this.

H. Miscellaneous Regulations

This section discusses the need for child care providers to review policies and procedures. This is something that school boards must do regularly. Of note to us, this section also addresses the Police Record Checks Reform Act and the proposed amendment to align new requirements. School boards have been in discussion with the Ministry of Education and the Ministry of Community Safety and Correctional

Services about the implementation of the legislation for our sector. Finally, we are supportive of strengthening the oversight of the supervision of volunteers and students.

Other Comments:

- The proposal includes a chart that captures the timing and implementation of the various changes being proposed. We suggest there be clear and regular communication about these and when individual requirements come into force.
- With new stakeholders possibly involved in BASP, we suggest clear communication about the differing programs and their governing legislation and the ministry responsible.
- Shared space and resources continues to be an active subject for discussion. We suggest more opportunity for consultation and PD for school boards and partners.
- Many communities still struggle to find third party providers in non-urban areas.

Again, OPSBA appreciates the opportunity to share our comments and look forward to future discussions with Ministry staff and education partners. The offering of before and after school programming for 6-12 year olds is another monumental shift in education and something we believe will support parents and build an even stronger public education system.

Sincerely,



Michael Barrett,
President

The Ontario Public School Boards' Association (OPSBA) represents public district school boards and public school authorities across Ontario. Together our members serve the educational needs of almost 70% of Ontario's elementary and secondary students. The Association advocates on behalf of the best interests and needs of the public school system in Ontario. OPSBA believes that the role of public education is to provide universally accessible education opportunities for all students regardless of their ethnic, racial or cultural backgrounds, social or economic status, individual exceptionality, or religious affiliation.

