

Submission to  
**Child Care and Early Years Consultation**

November 16, 2020



Ontario Catholic School  
Trustees' Association



## **Ontario Catholic School Trustees' Association**

### **Mission Statement**

Inspired by the Gospel, the Ontario Catholic School Trustees' Association provides the provincial voice, leadership and service for elected Catholic school trustees to promote and protect publicly funded Catholic education in Ontario.

### **Vision Statement**

Ontario is enriched by a publicly funded Catholic education system, governed by locally elected Catholic school trustees who serve with faith, commitment and compassion.

## **Introduction**

On behalf of the Ontario Catholic School Trustees' Association, we want to thank the Ministry of Education for inviting comments on the proposed changes to regulations under the *Child Care and Early Years Act, 2014* ("the Act"). OCSTA understands the importance of high quality, sustainable, affordable and flexible child care and early years programs and thus welcomes this review in an effort to make improvements to the system.

OCSTA represents all 29 Catholic school boards in Ontario with over 550,000 students. Our boards offer early years and child care programs and services in many of our schools and so we have an important interest in this regulatory review. The purpose of this submission is to identify the concerns and issues our boards have raised with the proposed changes to the regulations under the Act as outlined in the consultation document released on October 2 to guide the review.

## **Background to the Regulatory Review**

This regulatory consultation represents the second phase of the review of the *Child Care and Early Years Act, 2014* that is required every five years. The first phase was a survey of issues to identify areas to strengthen the legislative and regulatory framework of child care in Ontario. The results of these surveys identified six areas of concern that informed the development of the proposed changes to regulations under the Act. These are:

1. Flexibility and responsiveness
2. Qualification requirements
3. Administrative/regulatory burden
4. Health and safety
5. Regulations requiring clarification of intent
6. Technical matters.

OCSTA will organize its comments under the first four areas since they are of central concern for Catholic boards. We conclude the submission with some considerations under the Discussion Questions raised in the consultation document.

## **Flexibility and Responsiveness: Requirements for Age Groupings, Ratios, Maximum Group Size, and Proportion of Qualified Staff**

OCSTA supports the goal of increasing the flexibility of child care which provides to meet the needs of their local communities and increase the number of child care spaces available for families. However, we are concerned about changes to the ratio of children to staff at 1:20 from 1:15 as outlined in the new Schedule 2 of Ontario Regulation 137/15. This reduces close supervision of these young children thus potentially placing their safety at risk. Grouping of infants and toddlers together present safety risks to infants given the mobility differences between these age groups.

In addition, many children within our boards receive one on one support during their regular school day due to their special needs. However, in their after-school program managed by a child care provider, this changes to a 1:15 ratio of children to staff. The proposed changes to move from 1:15 staff/children ratio to 1:20 staff/children may further make the after-school experience for special needs children increasingly challenging. This change may also compromise the health and safety of children generally with having only one educator responsible for 20 children. In terms of programming, meeting the diverse needs of children at various stages of development (ages 5.5 to 13yrs of age) may make it difficult to provide opportunities for age specific programing.

This raises the issue of the adequacy of the funding model for child care programs to ensure a more consistent staff to child ratio to meet the needs of our students, including those with special needs and disabilities. In addition, the proposed regulation changes do not include any operating funding for new programs that may be required by the changing ratios of staff to children. Many child care operators may have difficulties structuring arrangements with boards without additional operating funding to support their programs.

The proposed amendments could also put an additional strain on an already underserved system. For example, infant and toddler child care spaces are difficult to secure for working families. Due to the costs of child care for infants, many centres do not offer infant programs, limiting the number of spaces available for those children. Reducing the group size for toddlers from a current maximum group size of 15 to 12, reduces the ability for programs to be financially viable as well as takes three child care spaces out of the system.

Part of the proposed amendments include addressing critical shortages of before- and after-school programs including allowing specified authorized recreational and related skill building programs to operate for more than three consecutive hours. As recreation and skill building programs are not licensed, they are not subject to the same strict ministry, regulatory requirements that are required for licensed child care programs. There is minimal accountability for recreational programs in terms of their health and safety practices, programming or staff requirements. As a result, this time extension does little to ensure the safety and well-being of children and their families.

### **Qualification Requirements**

The Ministry proposes to make an amendment to the regulations with respect to a kindergarten age group, licensed junior school age group or a licensed primary/junior school age group, that the following are **also** considered qualified employees:

1. An employee who has a diploma or degree in child and youth care;
2. An employee who has a diploma or degree in recreation and leisure services;
3. A member in good standing with the Ontario College of Teachers.

OCSTA, however, believes that registered early childhood educators (ECE's) working with kindergarten children have a unique skill set in child development specific to that age group. The training and experience of ECEs also facilitates a more seamless integration into kindergarten programs as outlined in the Ministry's Kindergarten Program (2016) and the "How Does

Learning Happen?” framework. Other professionals do not necessarily have the knowledge and experience to support these young children as they transition into the school setting.

Further, OCSTA has concerns with the proposal to change the short-term supply staff qualification requirements. Allowing non-qualified staff to be deemed qualified for up to two weeks to replace regular qualified staff may place children at risk and undermine their programming needs. We understand the challenges in recruiting qualified staff but using non-qualified individuals, even on a short-term basis, is not an option that reflects the needs and interests of children. This proposed change may also impact the collective agreements that boards have with their staff.

### **Administrative/Regulatory Burden**

OCSTA supports the general goal of reducing administrative and regulatory burdens on child care operators that do not pose risks to the health and safety of children or result in diminished learning and programming opportunities. We thus do not support the proposed changes regarding First Aid Certification for new staff that would allow operators three months to obtain the necessary first aid training and certification. We believe that all staff should have the necessary qualifications prior to the commencement of their employment.

With respect to the creation of a new regulatory requirement for digital records for child care centres, OCSTA supports this change. Maintaining a digital record for each policy, individualized plan, parent handbook, program statement, child registration, copy of agreement, or other document regulation would provide for greater certainty and transparency in the record keeping of these agencies.

The proposed amendments also consider removing the current requirement for direct physical checks on children that regularly sleep at the child care centre to only those children under the age of 24 months. It is not clear to us what the benefit of this change is and how it streamlines regulation. The change may pose challenges to the health and safety of children over 24 months (for example, children with developmental delays) and so we would not support removing this regulatory requirement.

### **Health and Safety**

There are currently no requirements under the Act to manage the safe arrival and dismissal of children. This has been an issue for our boards and OCSTA welcomes the proposed amendment to regulations that will require licensees to develop and implement safe arrival and dismissal policies and procedures. This would assist in aligning the child care sector with our Catholic boards, which has been subject to Policy/Program Memorandum No.123 - Safe Arrivals since 1999. OCSTA also welcomes support from the Ministry to assist with the development of licensees’ policies and procedures addressing safe arrival and dismissal of children through the creation of sample policies and procedures.

In terms of changes to children’s records, the Ministry proposes to amend regulations to require child care operators to include the names of parents who are believed **not** to have a legal right of

access to a child. The intention here is to promote compliance with a similar provision in the Act. OCSTA believes this is a positive development to ensure the safety of the child and the school and child care community more generally.

## **Discussion Questions**

### ***Forest/Outdoor Programs***

The benefits of outdoor programming for children and educators are well known. Research supports that time spent in organized outdoor programs is good for students' mental-health and well-being, focus and concentration, self-regulation, and social, physical and emotional development.

Programs in the outdoors should, however, be regulated through a licensing regime with health and safety being the key considerations. This may require amendments to regulations under the Act, given the unique style of programming outdoor education would require.

Beginning with the targeted age group of children ages 4 and older would be a good starting point, allowing program advisors to become familiar with the non-traditional learning environment. Ratios would need to be higher, 1 adult to every 6 children. Ontario has several leading outdoor programs that can be visited to gain new perspectives. The TimberNook programs in the Peterborough area and in Elgin, Ontario are perfect reference points to witness the benefits of this type of learning environments for children and educators.

### ***Registry of Unlicensed Child Care Providers***

OCSTA would support the development of a Registry of unlicensed child care providers. As noted in the consultation document, a Registry would assist the Ministry in communicating best practices related to education, health and safety and child development. A public registry would also assist parents in accessing child care options in their local community. Such a registry should be developed and maintained by the Ministry of Education with input from related government Ministries of Health and Community and Children's Services.

## **Summary**

On behalf of our 29 Catholic boards, we want to thank the Ministry for consulting with us on the development of amended regulations under the *Child Care and Early Years Act, 2014*. Improving the quality and affordability of child care in Ontario will contribute significantly to the spiritual, emotional and mental well-being of children which in turn will lead to higher levels of student achievement.

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