

Early Learning and Child Care Regulation Changes

Please note, this table is a summary of changes. We refer you to the Queen’s Printer version of the Act and Regulations (when available) for all regulations and details.

PREVIOUS ACT	REVISED ACT
Changes to terminology	
Child Care Licensing Regulation Director Child development assistant Child development worker Child development supervisor	Early Learning and Child Care Regulation Statutory director Level 1 early childhood educator Level 2 early childhood educator Level 3 early childhood educator
Definitions	
Definitions included in Section 1 <ul style="list-style-type: none"> • Act • Comprehensive community college • Day care program • Group family child care program • Infant • Innovative child care program • Kindergarten child • Licensed capacity • Out of school care program • Parent • Pre-school child • Pre-school program • Primary staff member • Private vocational school • Program premises • Program supervisor • School-aged child • Transitional licence holder 	Definitions included in section 1 <ul style="list-style-type: none"> • Act • Licence holder • This regulation The rest of the definitions are under Schedule 1- Facility- Based Programs
Part 1: Licensing	
An application under section 4(1) of the Act for a licence must be accompanied with the following: <ul style="list-style-type: none"> • Program plan • Staffing plan • Administrative policies and procedures • Criminal record check, including vulnerable sector check, of the applicant and others as applicable dated not earlier than 6 months prior • Evidence of applicant’s corporate status (if applicable) • Any other information the director may request that they consider necessary to review the application 	An application under section 4(1) of the Act for an initial facility-based licence must contain the following: <ul style="list-style-type: none"> • Plan of the proposed child care program that is satisfactory to the statutory director • Criminal record check, including vulnerable sector check, of the applicant and others as applicable dated not earlier than 6 months prior • Evidence of applicant’s corporate status (if applicable) • Any other information the statutory director may request that they consider necessary to review the application

<p>An application under section 4(3) of the Act for the renewal of a licence must be accompanied with the following:</p> <ul style="list-style-type: none"> • Information of any changes related to <ul style="list-style-type: none"> ○ Program plan ○ Staffing plan ○ Administrative policies/procedures ○ Corporate status (if applicable) • Updated criminal record check(s) if completed 3-years or more before renewal • Any other information the director may request that they consider necessary to review the renewal application 	<p>An application for the renewal of a facility-based Licence must be accompanied with the following:</p> <ul style="list-style-type: none"> • Information of any changes related to <ul style="list-style-type: none"> ○ Child care program ○ Corporate status (if applicable) • Updated criminal record check(s) if completed 3-years or more before renewal • Any other information the statutory director may request that they consider necessary to review the renewal application
<p>Before issuing or renewing a licence, the director may</p> <ul style="list-style-type: none"> • Examine the premises where the applicant will provide child care services • Require the applicant to submit evidence that the premises they will provide child care comply with applicable zoning, health, and safety legislation • Request evidence of general liability insurance coverage for staff & children • Require the applicant to attend an information session 	<p>Before issuing or renewing a facility-based licence, the statutory director may</p> <ul style="list-style-type: none"> • Examine the premises where the applicant will provide facility-based child care services • Require the applicant to make changes to their program plan • Require the applicant to submit evidence that the premises they will provide child care comply with applicable zoning, health, and safety legislation • Request evidence of general liability insurance coverage for staff, volunteers & children • Require the applicant to attend an information session
<p>Notice of changes A license holder</p> <ul style="list-style-type: none"> • Must comply with the program plan • Must not make changes to the program without approval from the director <p>In the case of a licence to provide Group Family Child Care, the licence holder must notify the director immediately of any change in the adult residence of the private residence of the licence holder</p> <ul style="list-style-type: none"> • Where the director has been notified of changes, the director may require the licence holder to provide a criminal record check including a vulnerable sector search, dated not more than 6 months previously, with respect to any new adult resident 	<p>Licence holder's duty to provide updated information & notice of changes</p> <ul style="list-style-type: none"> • If any changes occur to the above referenced documentation, programs must inform the statutory director in writing as soon as possible <p>A license holder</p> <ul style="list-style-type: none"> • Must comply with the approved program plan • Must not make changes to the program without approval from the statutory director • A facility-based program must be operated in accordance with the requirements of Schedule 1

Part 2 – note, in the revised regulations this section was completely repealed/replaced

<p style="text-align: center;">Part 2 Child Care Programs</p> <ul style="list-style-type: none"> • Day care program - must be operated in accordance with the requirements of Schedule 1. • Group family child care program - must be operated in accordance with the requirements of Schedule 2 • Innovative child care program – must be operated in accordance with the requirements of Schedule 3 • Out of school care program – must be operated in accordance with the requirements of Schedule 4 • Pre-school program – must be operated in accordance with the requirements of Schedule 5 <p>These schedules were all put under Schedule 1- Facility-Based Programs</p>	<p style="text-align: center;">Part 2 Family Day Home Agencies</p> <p>Family day home agency standards</p> <ul style="list-style-type: none"> • The statutory director may set standards for licensed family day home agencies, including standards that the agencies must follow in overseeing and monitoring family day home programs. <p>Statutory director’s discretion</p> <ul style="list-style-type: none"> • Despite section 18.3 of the Act, the statutory director may, in the statutory director’s discretion, decline to consider applications for a family day home agency licence that are or may be made under section 18.2 of the Act.
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Certification

<p>Levels of certification</p> <ul style="list-style-type: none"> • Child development assistant • Child development worker • Child development supervisor 	<p>Levels of certification</p> <ul style="list-style-type: none"> • Level 1 early childhood educator • Level 2 early childhood educator • Level 3 early childhood educator <p>The statutory director may certify an applicant as one of the above levels if the statutory director is satisfied the individual meets the applicable standards for that level</p>
<p>Application for certification</p> <ul style="list-style-type: none"> • An individual may apply to the director to be certified • An application must be submitted in a form satisfactory to the director and include evidence of qualifications as referred to in sections 15, 16, or 17 	<p>Application for certification</p> <ul style="list-style-type: none"> • An application for child care certification at a level listed above must be made to the statutory director in a form satisfactory to them • On considering an application, the statutory director may <ul style="list-style-type: none"> ○ Certify the applicant ○ Refuse to certify the applicant • Where the statutory director certifies an applicant, the statutory director will issue a written certification to the applicant • Where the statutory director refuses to certify an applicant, the statutory director will notify the applicant in writing and include their reasons for it

<p>Cancellation of certification</p> <ul style="list-style-type: none"> • The director may cancel a certification if the director is satisfied that the certification was issued based on false or inaccurate information • The director must provide written notice to an individual whose certification is cancelled 	<p>Cancellation, suspension, or imposition of terms on certification</p> <ul style="list-style-type: none"> • Where at any time the statutory director believes the certification was issued based on false or inaccurate information, or the applicant does not meet standards applicable to the level of child care certification, the statutory director may <ul style="list-style-type: none"> ○ Impose terms and conditions on the certification, ○ Suspend the certification, or ○ cancel the certification • if the statutory director acts on any of the above, they shall notify the following persons, in writing, of the action that was taken, the reasons for it, and the date on which the action was taken: <ul style="list-style-type: none"> ○ the individual ○ the licence holder for any facility-based program in which the individual is employed or is a volunteer • Where the statutory director has reason to believe that an individual is employed in a program and is providing child care at a level for which the individual is not certified, the statutory director shall notify the licence holder • Nothing in this section prevents an individual whose certification is cancelled from applying for a new certification
<p>Section 15-18 Repealed These sections relate to the education needed to obtain</p> <ul style="list-style-type: none"> • Child development assistant certification • Child development worker certification • Child development supervisor certification 	<p>ECE qualifications will be moved to government policy</p>
<p>Part 4 – note, the title changed for this part as well as section 19 was completely repealed and replaced</p>	
<p style="text-align: center;">Part 4 Administrative Matters</p> <p>Forms</p> <ul style="list-style-type: none"> • The form for an application for a licence or renewal of a licence is set out in Schedule 6 • The form for a notice of appeal is set out in Schedule 7 	<p style="text-align: center;">Part 4 Appeals</p> <p>Decisions appealable by licence holders</p> <ul style="list-style-type: none"> • The following decisions are appealable by a licence holder, a person who applied for a licence or a person who applied for the renewal of a licence <ul style="list-style-type: none"> ○ A decision to issue or renew a licence subject to conditions ○ A decision to refuse to vary a provision of a licence

- A decision to vary a provision of a licence
- A decision to refuse to vary a provision of a licence
- A decision to vary a provision of a licence
- A decision to impose conditions on a licence
- A decision under section 14 or 18.9(c) of the Act to issue an order
- A decision to suspend a facility-based licence and issue a probationary licence
- A decision to refuse to reinstate a facility-based licence that has been suspended
- A decision to cancel a licence
- There is no right of appeal from any decision of the statutory director under section 6.3

Decisions appealable by other persons

- the following decisions are prescribed as being appealable by a person to whom the decision pertains
 - a decision to impose conditions on the person's child care certification
 - a decision to suspend a person's child care certification
 - a decision to cancel a person's child care certification

Notice of appeal

- a notice of appeal must be in writing and must include the following information:
 - name, address, and phone number of the appellant
 - the name of the program and licence number, if applicable
 - the name of the agency and licence number, if applicable
 - a description of the decision being appealed
 - the date the decision was received
 - a copy of the written decision
 - reasons for appeal
 - the signature and date on which the appellant signed

	<p style="text-align: center;">Part 5 Transitional Provisions, Repeal, Expiry and Coming into Force</p> <p>Child development supervisors, workers, and assistants — transitional</p> <ul style="list-style-type: none"> • Those certified as a child development supervisor preceding the changes to regulations will be certified as a Level 3 early childhood educator • Those certified as a child development worker preceding the changes to regulations will be certified as a Level 2 early childhood educator • Those certified as a child development assistant preceding the changes to regulations will be certified as a Level 1 early childhood educator
<p>Regulation expiry</p>	
<p>For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on October 31, 2020.</p>	<p>For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on October 31, 2025.</p>
<p>Schedule 1</p>	
<p>Schedule 1 Day Care Program</p>	<p>Schedule 1 Facility-based Program</p>
<p>Definitions</p>	
<p>Definitions included in section 1 of schedule 1</p> <ul style="list-style-type: none"> • Licence holder • program 	<p>Definitions included in section 1 of schedule 1</p> <ul style="list-style-type: none"> • day care • infant • kindergarten child (changed to a child who is 4 years of age or older) • licensed capacity • out of school care • parent • pre-school • primary staff member • program • program premises • program supervisor • rest period • school-aged child
<p>Section 2</p>	
<p>Day care program</p> <ul style="list-style-type: none"> • A licence holder must provide a program that is in keeping with the physical, social, intellectual, creative, and emotional needs of children in the program 	<p>Removed that overnight care is not permitted</p> <p>Transportation</p> <ul style="list-style-type: none"> • Where the licence holder provides transportation for a child between the child's

<ul style="list-style-type: none"> Overnight care is not permitted by programs Where the licence holder provides transportation for a child between the child's home and the program premises, the periods of transportation must not, for the purposes of the Act, this Regulation, or this Schedule, be considered as part of the program. 	<p>home and the program premises, the periods of transportation must not, for the purposes of the Act, this Regulation, or this Schedule, be considered as part of the program.</p>
<p>Section 3</p>	
<ul style="list-style-type: none"> Child discipline 	<ul style="list-style-type: none"> Wording change from child discipline to child guidance
<p>Section 4</p>	
<ul style="list-style-type: none"> Licence holders must obtain permission each time an activity is held off the program premises 	<ul style="list-style-type: none"> Licence holders can use the same consent for each activity of similar nature where the parent has not retracted consent
<p>Section 5</p>	
<ul style="list-style-type: none"> Licence holders must ensure the following phone numbers are posted on the program premises and are readily accessible: <ul style="list-style-type: none"> emergency medical service; ambulance service; fire department; police service; poison control centre; nearest hospital or emergency medical facility; child abuse hotline. Licence holder must ensure that contact information for an after-hours program is posted in a place visible from the outside 	<ul style="list-style-type: none"> Licence holders must ensure the following phone numbers are posted on the program premises and readily accessible: <ul style="list-style-type: none"> emergency 911 service; poison control centre; child abuse hotline. Licence holder must ensure that emergency evacuation procedures and the telephone number the after-hours emergency program contact are posted on the premises clearly visible from the outside of the program premises
<p>Section 9</p>	
<p>Supervised care for sick children</p> <ul style="list-style-type: none"> Child must be kept away from other children and be supervised by a primary staff member 	<p>Supervised care for sick children</p> <ul style="list-style-type: none"> Child must be kept away from other children and be supervised by a primary staff member if the child is under the age of 6 or has a disability that requires direct care
<p>Section 10</p>	
<p>Medication</p> <ul style="list-style-type: none"> Consent required to give medication, use originally labelled container, administered according to label, medication in locked container inaccessible to children Emergency medication inaccessible to children <p>Health Care</p> <ul style="list-style-type: none"> Need consent unless it is in the nature of first aid 	<p>Medication and health care</p> <ul style="list-style-type: none"> Consent required to give medication or other health care, use originally labelled container, administered according to label, medication in locked container inaccessible to children Plan is required (and must be approved by parent) to includes how emergency medication will be accessible by staff and the child who needs it but kept inaccessible to other children

Section 12	
<p>Smoking</p> <ul style="list-style-type: none"> No smoking can occur on the program premises or any area where care is being provided by staff or other persons 	<p>Smoking, vaping</p> <ul style="list-style-type: none"> Licence holder must ensure that no person smokes or vapes any substance on the program premises or anywhere child care is being provided Not leave material related to smoking of vaping accessible to children
Section 15	
<ul style="list-style-type: none"> Children must be seated while eating and drinking 	<ul style="list-style-type: none"> Children must be seated while eating but can remain standing for drinking
Section 18	
<p>Net floor area</p> <ul style="list-style-type: none"> References floor area in relation to daycare programs, 3 square metres/child (Schedules 2-5 referenced square footage for programs other than daycare) 	<p>Net floor area</p> <ul style="list-style-type: none"> References floor area for daycare, preschool, and out of school care - 3 square metres, 2.5 square metres, and 2.5 square metres per child, respectively (same as prior)
Section 19	
<p>Outdoor play space</p> <ul style="list-style-type: none"> Outdoor play space adjacent to or within easy and safe walking distance from the premises for 50% of licensed capacity at a level of not less than 2 square meters for each child under 19 months of age and 4.5 square meters for each child who is over Space must be enclosed on all sides (exemption can be given if on school property) 	<p>Outdoor play space for daycare</p> <ul style="list-style-type: none"> Outdoor play space adjacent to or within easy and safe walking distance from the premises for 50% of licensed capacity at a level of not less than 2 square meters for each child under 19 months of age and 4.5 square meters for each child who is over Space must be enclosed on all sides (exemption can be given if outdoor space is not reasonably available and if program can show how children will be supervised and protected and that they will not exceed numbers above)
Section 20	
<p>Indoor furnishings and equipment</p> <ul style="list-style-type: none"> Safe, good repair, developmentally appropriate, sufficient quantity and variety Books, toys, and play equipment that support literacy development are available <p>Outdoor equipment</p> <ul style="list-style-type: none"> Safe, good repair, developmentally appropriate, sufficient quantity and variety 	<p>Section 20 & 21 were combined</p> <p>Furnishings and equipment (indoor and outdoor)</p> <ul style="list-style-type: none"> Safe, good repair, developmentally appropriate, sufficient quantity and variety Daycare & preschool: must support early learning, literacy, physical activity and child development Infants : info on cribs, cradles, bassinets
Section 22	
<p>Children's Records</p> <ul style="list-style-type: none"> Lists all info needed 	<p>Children's Records</p> <ul style="list-style-type: none"> Lists all info needed No longer need home address of child, parents, or emergency contacts

Section 23	
<p>Administrative records</p> <ul style="list-style-type: none"> Records must be kept in physical form 	<p>Administrative records</p> <ul style="list-style-type: none"> Records can be kept in physical or electronic form
Section 25	
<p>Core requirements (staff)</p> <ul style="list-style-type: none"> Must be an adult and have criminal record check if has unsupervised access to children Check needed within 8 weeks of starting employment, no unsupervised access till check is received 1 out of 2 have first aid No reference to volunteers 	<p>Core requirements (staff, volunteers included now)</p> <ul style="list-style-type: none"> The statutory director may exempt a licence holder to requirements if volunteer is a parent of children receiving pre-school care in the program If an exempted volunteer wishes to continue participating in the program after that volunteer no longer has a child receiving pre-school care in the program the exemption is removed and the volunteer must meet requirements
Sections 26	
<p>Program supervisor</p> <ul style="list-style-type: none"> Must be certified as a Child Development Supervisor When the program supervisor is not on the program premises they can assign a designate In the case of an extended absence, the licence holder must obtain the director's approval to designate any staff who are not certified as a Child Development Supervisor 	<p>Program supervisor</p> <ul style="list-style-type: none"> Must be certified as a Level 3 early childhood educator Must be on duty at all times when children receiving daycare are on the program premises Can assign designate If a program supervisor is not available for 1-month or longer, the licence holder must obtain the statutory director's approval to designate any staff who are not certified as a Level 3 early childhood educator If program has both day care and out of school care, one staff can be program supervisor for both
Section 27	
<p>Ratios and maximum group size</p> <ul style="list-style-type: none"> References ratios only in relation to daycares (Schedules 2-5 refer to ratios for other types of programs) (for daycare, oldest age range from 4.5 years and older) Max number of children in a group are determined by the age of the oldest and youngest child 	<p>Ratios and maximum group size</p> <ul style="list-style-type: none"> References ratios for daycare, out of school care, and preschool programs (for daycare, oldest age range from 4 years and older, for out of school care, kindergarten and school age are together in ratio) Mixed ratios are determined by the majority of children in the group (infants not to be included between 8:30-4:30 unless specified by statutory director) Program supervisors can be in ratio during drop off and pickup, during staff absence or other times specified by the statutory director

Schedules 2-7

Schedules 2-7 include regulations related to

2. Group family child care programs
3. Innovative child care programs
4. Out of school care programs
5. Pre-school programs
6. Application for a child care licence
7. Notice of appeal to an appeal panel

Schedules 2-7 were repealed and are removed from regulations

- Schedule 4 was rolled into schedule 1
- Schedule 5 was rolled into schedule 1