

## Child Care Licence Holders - Frequently Asked Questions:

### ***Early Learning and Child Care Act – What’s new for April 30, 2025?***

#### What has changed?

The changes to the *Early Learning and Child Care Act* and Regulation are focused on enhancing accountability and transparency in Alberta’s child care sector.

New authorities were introduced for the statutory director, including the ability to temporarily close part or all of a facility, to take the public interest into account when considering enforcement actions, and to suspend family day home (FDH) agency licences and issue probationary licences.

The legislation also establishes the authority to publicly post early childhood educator (ECE) certification status and stop orders issued to unlicensed providers.

#### How will “public interest” be interpreted?

Interpreting what “public interest” means depends on the context and purpose of the legislation in question. When making a decision in the public interest, the decision-maker must act within the parameters of the legislation with the aim of providing a benefit or preventing harm to the public.

The *Early Learning and Child Care Act*, includes Principles in Section 1.1 and Matters to be Considered in Section 1.2, which form the foundation of all decisions and actions taken under the act and regulation.

In other words, public interest needs to be tied to the purposes and principles of the Act – the statutory director cannot apply irrelevant public interest factors that are not related to the Act.

Amendments to the *Early Learning and Child Care Act* to add “public interest” allow for some flexibility for the statutory director to consider factors that may not be obvious at the time of drafting.

#### What are the rules for employing 16- and 17-year-olds?

Under the updated regulation, 16- and 17-year-old staff who are supervised by at least a Level 2 ECE are considered primary staff for the purpose of determining staff-to-child ratios. Each Level 2 ECE can only supervise one 16- or 17-year-old staff member at a time. A definition of supervision for 16- and 17-year-old ECEs has been added to the licensing handbook for facility-based child care to help programs understand their responsibilities.

Employment standards applicable to those under 18 must be met. See the fact sheet regarding 16- and 17-year-old staff for more information.

#### What is changing for FDH agencies and FDH educators?

The amended act introduces new authorities and requirements to align FDH agencies with the rules and requirements that govern facility-based licence holders.

These include:

- The requirement to post and share information with parents and FDH programs,
- The introduction of suspended and probationary licences,
- The need to comply with inspection and monitoring by licensing staff, and
- Establishing a period of ineligibility to apply for an FDH agency licence for up to two years.

The [FDH Standards Manual for Alberta](#) has also been updated to reflect these new responsibilities and powers.

When will partial closure of a facility be considered?

The new partial closure power may be used in instances where there are challenges or risks that impact a specific section of a facility or age group but are not applicable across the whole facility. For example, repeated non-compliances located in only one room or age cohort in a facility, or a safety risk inherent to a particular room that may not be present in the rest of the facility. In these cases, the statutory director may use a partial closure order to temporarily close that room so the program can address the issue and eliminate the risk, without needing to interrupt care across the entire facility.

Orders for both partial and full closures must be temporary and provide measures to be taken to remedy the non-compliance within a specified time frame. This may include the development of an Action Plan to support the program to come into compliance.

What information is available on the introduction of administrative penalties?

The new provisions of the act concerning administrative penalties do not come into force until September 30, 2025. Further information about administrative penalties will be shared prior to their introduction later this year.

Why do FDH agencies have to inform parents of so much?

While most FDH agencies already communicate clearly with programs and parents, there was a large discrepancy in expectations between facility-based and FDH care options. Facility-based programs are required to post most licence-related information in a clearly visible and prominent place on the premises to inform parents or guardians.

Given that the procedures for posting information may not be possible or applicable for FDH agencies, the new rules outline new processes to achieve a similar goal of making sure parents or guardians, as well as program educators, are aware of recent reports and licence changes that may impact them.

Can licence holders appeal decisions related to these new authorities?

Licence holders continue to have the full range of appeal mechanisms for all enforcement actions, including the new temporary partial and full facility closure, as well as any order issued on the basis of public interest.

It is important to note that partial and full facility closures and the decision to suspend an FDH agency licence and issue a probationary licence will remain in effect pending the outcome of an appeal.

How do these changes connect with the new Funding Approaches?

The legislative changes are not related to the new funding approach that took effect April 1, 2025. The new Affordability Grant funding agreements and simplified parent fee structures are not related to the changes coming into effect on April 30, 2025.

What has changed for ECEs?

All ECEs certified in Alberta will now have their certification status publicly available through an online [ECE Lookup tool](#). The ECE Lookup tool increases oversight and transparency in the early learning and child care sector in Alberta, enhancing family, employer and general public confidence that the system protects the health and safety of children.