

Ministry of Children and Youth Services

Proposed Regulatory Amendments to the *Day Nurseries Act*

Focus Group
Discussion Document
January 26 and 28, 2010

Introduction

On October 27, 2009, Premier Dalton McGuinty announced the government's plan to proceed with the phased implementation of full-day learning for 4 and 5 year olds beginning in September 2010 as part of the province's plan for successful academic outcomes for Ontarians.

Ministry of Children and Youth Services (MCYS) is working with our partners in other ministries as well as with municipalities, Best Start Networks and other key stakeholders to help facilitate a smooth transition of 4 and 5 year old children from the child care system into full-day early learning.

MCYS will re-focus programs such as child care to serve children 0-4 years old as we move forward with the transition of 4 and 5 year olds into full-day early learning over the next five years. To accomplish this it will be necessary to identify a number of strategies including funding, policy and regulatory changes to provide municipal service system managers and child care operators with greater flexibility while maintaining quality and health and safety standards.

The purpose of this document and the focus group discussion is to provide information and to seek feedback from key stakeholders about a limited set of proposed amendments to the regulation under the *Day Nurseries Act* (referred to throughout the rest of this document as the DNA or the Act). The objective of these changes is to provide the flexibility that will support operators as 4 and 5 year olds leave their programs and they reconfigure existing child care programs to focus on the developmental needs of children aged 0-4 years old and increase the number of child care spaces for this age group.

The sessions will allow the ministry to:

1. Propose some very specific changes to the DNA to support operational viability, quality and health and safety during implementation of full-day early learning;
2. Obtain information on whether the proposed changes help operator viability and to identify any concerns; and

3. Obtain information on related regulatory changes that may increase operator flexibility and support child care for children aged 0-4 years old.

Following the focus groups a summary of the proposed DNA regulatory amendments will be posted on the ministry's website at <http://www.ontario.ca/child> as well as on the Regulatory Registry for 30 days to give the public an opportunity to provide comments.

Background

The Day Nurseries Act

The *Day Nurseries Act* is the legislation that regulates licensed child care in Ontario. The DNA sets out the requirements that a licensed child care operator is required to meet in order to operate.

The DNA can be found on the Ontario government's e-laws website at http://www.elaws.gov.on.ca/html/statutes/english/elaws_statutes_90d02_e.htm.

Ontario Regulation 262 under the DNA can be found at [http://www.e-laws.gov.on.ca/html/regs/english/elaws_regs_900262_e.htm#37.\(1\)](http://www.e-laws.gov.on.ca/html/regs/english/elaws_regs_900262_e.htm#37.(1)).

The DNA's paramount purpose is to help protect the health, safety and well-being of children. The Act establishes minimum health and safety standards in the following areas:

1. policies and procedures for fire evacuation, sanitary practices, serious occurrence policy, child abuse reporting procedures, criminal checks, medication management and administration, behaviour management and playground safety;
2. building and accommodation i.e. interior floor space, window glass area, washrooms and secure storage;
3. equipment and furnishing i.e. that they be in a safe and clean condition and depending on the age groupings that there be cribs and cots for younger children;
4. playgrounds i.e. that there is sufficient play space and that they are fenced and gated;

5. record keeping i.e. that operators keep up-to-date files and records and can verify they have required insurance coverage, are compliant with municipal requirements, have copies of inspection reports and attendance records and have proper recording keeping in relationship to clients and staff;
6. staff and group size i.e. there are sufficient qualified staff, staff: child ratios and appropriate age groupings;
7. nutrition i.e. that there is safe food storage preparation, sufficient food quantities, food allergy policies and infant feeding instructions;
8. program i.e. that the operator has a program statement and plans that are appropriate for the developmental age level of their licensed capacity;
9. health and medical supervision such as daily observation of children, procedures for when a child becomes ill; and
10. specific requirements for centres that support handicapped children i.e. that there are the appropriate staffing levels, individual program plans and assessments on file.

The Ministry of Children and Youth Services (MCYS) is responsible for the DNA and issues licences to operators of child care programs. There are a variety of programs: day nurseries which include nursery schools, full and extended day care and before and after school programs and private-home day care agencies.

Proposed DNA Regulatory Amendments

The proposed DNA regulatory amendments focus on changes that are intended to enhance operator flexibility during the implementation of full-day early learning and the reconfiguration of child care to focus on children aged 0-4 years old. These changes also help support safe and nurturing environments for children and provide choice for parents.

MCYS has undertaken the following steps to provide evidentiary support for the proposed regulatory amendments:

- A literature review was commissioned by the ministry to identify factors that influence staff:child ratios;
- A inter-jurisdictional scan of Canadian and international regulated child care services was conducted to compare current best practices; and
- Research in early learning and child development was reviewed to identify current principles in child care policy.

The proposed amendments are based on the following key principles:

- The amendments will be consistent with the ministry's child care objectives to reflect a system focused on more spaces for children 0-4 years old that:
 - . cares for children in a safe, nurturing environment;
 - . supports the needs of parents who want to work;
 - . is flexible and provides choice;
 - . supports children and families at risk or with special needs;
 - . provides appropriate standards of child care;
 - . fosters early childhood development; and
 - . works in partnership with others involved in Ontario's child care system;
- The amendments are intended to support the reconfiguration of current JK/SK child care spaces for children 0-4 years, increasing the number of spaces available for this age group;
- The amendments will help support operator viability during the transitional phases of full day learning implementation beginning September 2010;
- The amendments will not reduce current health and safety standards for licensed child care; and
- The amendments will not reduce the overall quality of programming in licensed child care.

Age Groupings and Group Sizes

The DNA sets out age groupings and group sizes in order that similarities in development, interest, ability and attention span may be considered in program planning, physical space, staff and appropriate equipment. In the child care sector, the age groupings are known as infant, toddler, preschool, JK/SK, and school-age.

The proposed changes if implemented will create additional age groupings that will help support operators to address local community needs and may increase access to child care. A blended infant/toddler grouping for children 12 to 24 months of age will help address the up to one year parental leave and eliminate the age group transition that currently occurs when children turn 18 months of age. In addition, the amended four and five year old grouping will align with the Early Learning Program (ELP) group size.

Operators will be able to choose between maintaining existing age groupings, moving to the new model, or using a combination of both models.

The ratios and group sizes proposed are congruent with the recommended ratios and group sizes identified by the National Association for the Education of Young Children (NAEYC) who have gathered information from across the United States to determine recommended ratios and group sizes by ages of children.

Current Regulation

The regulation outlines the following age groupings and group sizes:

- Under 18 months of age, maximum group size 10 (infant)
- 18 months of age and over up to and including 30 months of age, maximum group size 15 (toddler)
- More than 30 months of age up to and including five years of age, maximum group size 16 (preschool)
- 44 months of age or over and up to and including 67 months of age as of August 31 of the year, maximum group size 20 (JK/SK)

- 56 months of age or over and up to and including 67 months of age as of August 31 of the year, maximum group size 30 (SK)
- 68 months of age or over as of August 31 of the year and up to and including 12 years of age, maximum group size 30 (school-age)

Proposed Amendments

Maintain existing groups and add the following:

- Under 12 months; maximum group size: 10
- 12 to 24 months of age; maximum group size: 15
- 24 months of age up to and including 55 months as of August 31 of the year; maximum group size: 16
- 36 months of age or over and up to and including 55 months of age as of August 31 of the year; maximum group size: 20
- 44 months of age or over and up to and including 79 months of age as of August 31 of the year; maximum group size 26.

Staff:Child Ratios

The DNA regulates the minimum number of staff for each age grouping and group size to help support age and developmentally appropriate programs that will enhance child cognitive, physical and socio-emotional well-being.

Research shows that a key element for determining the quality of licensed child care program is the ratio of adults to children. The European Commission Child Care Network's (ECCN) has recommended the development of targets for staff: child ratios. ECCN recommended ratios would support minimum health and safety standards as well as quality programming based on the following adult:child minimums:

- 1 adult : 4 children under 12 months;
- 1 adult : 6 children aged 12-23 months;
- 1 adult : 8 children aged 24-35 months; and
- 1 adult : 15 children aged 36-71 months.

The proposed amendments to the DNA adult:child ratios exceed the ECCN recommended standards. These changes are intended to allow operators to address community needs by being responsive to local demographics and parental concerns regarding program quality.

Current Regulation

The regulation outlines the following age-related staff:child ratios:

- Under 18 months of age; 1:3/3:10 staff:child ratio
- 18 - 30 months; 1:5 staff:child ratio
- 30 months – 5 years; 1:8 staff:child ratio
- 44 – 67 months group; 1:10 staff:child ratio
- 56 months - 67 months group; 1:12 staff:child ratio
- 68 months -12 year old group; 1:15 staff:child ratio

Proposed Amendments

Maintain the existing ratios and add the following:

- 0 - 12 months group; 1:3/3:10 staff:child ratio
- 12 - 24 months group; 1:5 staff:child ratio
- 24 - 55 months group; 1:8 staff:child ratio
- 36 – 55 months group; 1:10 staff:child ratio
- 44 - 79 months group; 1:13 staff:child ratio

Physical Plant and Equipment

Physical plant and equipment requirements are part of the DNA to help ensure that all children have the opportunity to engage in activities supportive of their physical, cognitive, social and emotional development in a comfortable environment. The regulation covers a variety of items including area per child, window space, lighting, temperature, playground, and indoor and outdoor play materials.

The ministry is not proposing broad changes to the DNA regulation in regards to physical plant and equipment, rather is recommending specific amendments related to the new age groupings to support operator viability. These changes may encourage existing operators to convert empty rooms to be used by the 12 to 24 month old age group and increase the number of spaces available.

For example, with the proposed changes to group sizes for 12 to 24 month old children it is necessary to make changes to sleeping and toileting arrangements. These examples are outlined below.

In addition, we are interested in suggestions to revise other sections of the DNA regulation on physical plant and equipment provisions that will help support operator viability while maintaining health and safety standards.

Current Regulation

For example, the DNA regulation requires that:

- A crib is provided for each child under the age of 18 months; and
- When a day nursery is licensed for children 18 to 30 months of age, a change table adjacent to a sink is available for every 15 children in this group.

Proposed Amendment

Consider alternative provisions for a sleep area for the 12 to 24 month age group by removing the need for a separate sleep area for children under 18 months old.

- Add the requirement for change tables or counter space adjacent to sinks for the new age groups up to the age of four years.

Capacity in Private-Home Day Care

The DNA regulation sets out age categories for children receiving care in private-home day care provided through a licensed agency. The proposed regulation provides that the maximum capacity of children in each home is determined after consideration of age and developmental factors, so that children receive care suited to their needs. We are also proposing to pilot a two-provider model that would serve up to 10 children in a private residence.

In the informal (unlicensed) child care system, caregivers' own children under the age of six years are not counted in the maximum of five children who can receive care in the home.

The proposed amendment increases capacity of private-home day care caregivers with young children of their own and creates more equity between caregivers in the informal and licensed child care system by removing a major disincentive that impacts on the number of children who receive care.

MCYS also wishes to pilot and evaluate a two-provider model for regulated private home child care in Ontario with selected agencies. Research shows higher levels of safety and quality in private home child care settings where more adults are present. The two-provider model for home child care is used in several provinces in Canada and across the United States.

Current Regulation

The current regulation requires providers to count their own children under the age of 6 years in the maximum of 5 children who receive care in the provider's home.

The regulation restricts the number of children under the age of two years old, to a maximum of two children.

The regulation further restricts the number of children under the age of three years old, to a maximum of three children.

In addition, the regulation includes handicapped children in the under two years old age category.

Proposed Amendments

Consider removing the requirement to include a private-home day care provider's children under the age of six years in the maximum of five children who receive care in the provider's home.

Consider removing the requirement that:

- Categorizes handicapped children in the same category as children under two years of age, and
- Limits one handicapped child and two children who are over two years of age but under three years of age.

Consider exempting designated (i.e. named) private-home day care agencies from the current maximum number of children requirements for a specified period of time, with terms and conditions, to implement a two-provider private-home day care model.

Questions

The following questions will be discussed during the sessions. Please come prepared with your comments and suggestions.

Based on the need to provide increased flexibility to operators as 4 and 5 year-olds move into full-day early learning, do the proposed changes to the DNA regulation target areas that will help child care centres and private-home child care agencies remain operationally viable while supporting quality and health and safety?

Do you have any cause for concern about the proposed regulation changes? If so, please explain your concern?

In considering these proposed changes, what do you see as:
a. the opportunities?
b. the challenges?

What factors should the ministry consider in order to support child care operators who care for children with special needs?

What other regulatory changes should the ministry consider to support operator viability and to enhance child care for children 0 – 4 years of age?

As operators and service system managers, how do you think parents will respond to the proposed changes and what advice do you have for communicating the proposed changes to parents?

Thank you for participating in the discussion of proposed regulatory amendments to the *Day Nurseries Act*.

