

City of Toronto Response to Proposed Regulations under the Child Care and Early Years Act and Education Act

**City of Toronto
Children's Services and
Parks Forestry & Recreation**

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Executive Summary

The provincial government and municipalities in Ontario both play significant roles in the licensed child care system. They share the belief that high quality, accessible child care is essential for parents to participate in the workplace; generates positive child outcomes; and is a key tenet of poverty reduction.

To develop this response, Toronto Children's Services and Parks, Forestry & Recreation conducted broad consultation with service providers, parents and others. Consultations were held with District Child Care Advisory Committees, Children's Services staff, and the Toronto Child and Family Network and its committees, including early learning and care, family support, early identification and intervention, Aboriginal, and French-language. A parent survey also collected 9,291 responses, in both English and French, from parents both using and not using licensed child care. In addition, Parks, Forestry & Recreation and its stakeholders have informed the sections in this response related to recreation programs.

The proposed changes in the provincial consultation document continue the important work that the Province has taken to modernize the legislative and regulatory framework governing child care in Ontario. The City of Toronto continues to support the need for modernization and appreciates the opportunity to comment on these proposals. Many of the proposed changes are important and necessary, especially those that provide flexibility for operators, recognize the importance of Registered Early Childhood Educators (RECEs), strengthen the role of the service system manager, and improve access and quality of programming for children and families.

The proposed changes to licensing standards are of concern. If adopted, they could result in increased costs and service loss. The impact on the availability of spaces is a result of changes to age ranges, group sizes, ratios and the additional space requirements for sleeping areas. In Toronto, the anticipated **total loss is up to 2,184 infant and toddler spaces** – not including any operator decisions to close rooms because they are no longer viable. The proposed changes would increase parent fees by an estimated 20.8 per cent and 39.2 per cent for infants and toddlers respectively. While provisions have been made for a transitional implementation period, this will not mitigate the estimated loss. Parents have strongly expressed their concern with the lack of access to and affordability of the current child care system. These proposed changes will only exacerbate the difficulty of securing a licensed child care space.

The licensed child care system in Toronto consists of 65,000 spaces, of which 40 per cent are available to families who need fee assistance. While the Province cites one-year federal parental leave benefits as a rationale for changes to the infant age groupings, many families can not take advantage of these benefits (for example, students and low-income earners). It is often these families who benefit most from accessible, affordable, high-quality child care. Our joint responsibility is to level the playing field so that all families have the supports they need for employment and healthy child development. The proposed regulatory changes will work against increasing access for those families who need it most.

It is recommended that the Province maintain the current age ranges and ratios and proceed with implementing enhancements such as increasing the number of trained staff and lowering toddler group sizes. The City of Toronto currently only funds the construction of spaces for 10 toddlers. Setting this maximum group size in regulation – while grandparenting existing programs licensed for 15 toddlers – is a more cost effective change than what has been proposed as it does not create additional capital requirements.

The proposals also put at risk many longstanding community-based recreation programs that provide quality, affordable, programs. These programs promote the overall health and wellbeing of children not

participating in licensed child care but may no longer be accessible depending on how they are classified under any regulatory changes.

As a sector, the early learning and care and recreation communities must work together to find regulatory solutions that improve quality and access without wholesale changes that have unintended consequences. The City of Toronto will continue to work with the Province as progress is made towards this vision.

Recommendation 1: That the Province implement changes on which the City has been previously consulted and has expressed its support in this response, including changes that directly improve quality, such as requiring additional qualified staff in infant, toddler and preschool rooms; that the Province not make changes in areas not previously consulted on; especially, that current ratios and group sizes be maintained; and that future proposals be further developed through engagement with the child care and recreation sector.

Introduction

This report presents the City of Toronto's response to proposed regulatory changes under the *Child Care and Early Years Act, 2014* and the *Education Act*, which were posted by the Province on February 1, 2016. As with previous submissions on legislative and regulatory changes, this report has been informed by broad consultation with our partners in the early years and recreation sector, members of the Toronto Child and Family Network, and parents, including those not accessing licensed child care.

The proposed changes in the consultation document continue the important work that the Province has undertaken to modernize the legislative and regulatory framework governing child care in Ontario. The City of Toronto continues to support the need for modernization and appreciates the opportunity to comment on these proposals. Many of the proposed changes are important and necessary, especially those that provide flexibility for operators, strengthen the role of the service system manager, and improve access and quality for children and families.

At the same time, some of the proposals are contrary to the provincial goal of increasing affordability and access to licensed child care. Specifically, the changes regarding group sizes and ratios, if approved as presented, will result in an estimated service loss of up to 2,184 physical infant and toddler spaces. Reducing the infant group size by one per room will result in a loss of 325 infant spaces. In addition, by reducing the toddler group size from 15 to 12, and with the expectation that rooms currently licensed for 10 toddlers will serve only eight as a result of Ontario Building Code requirements, the number of toddler spaces is anticipated to decrease by 1,859. The anticipated service loss of up to 2,184 does not take into account any operator decisions to close rooms because they are no longer viable (for example, due to the revenue loss caused by reducing the infant group size). Parent fees are also likely to increase as a result of the licensing changes – by an average of 20.8 per cent and 39.2 per cent for infants and toddlers respectively.

These impacts would come at a time when the Province and City are making considerable capital investments to increase access for infants and toddlers by building new spaces. As a sector, the early learning and care community must work together to find regulatory solutions that improve quality, access, and affordability.

The changes would also limit access and parental choice as it relates to recreation programs. More clarity is needed from the Province in defining which programs will require a licence in order to increase consistency and allow sufficient flexibility to address family needs related to recreation. This response recommends that the ministry work with recreation stakeholders through this process.

This response is submitted to the Province as a draft pending Toronto City Council approval, anticipated in early May, 2016.

To develop this response, Toronto Children's Services and Parks, Forestry & Recreation conducted broad consultation with service providers, parents and others. Consultations were held with District Child Care Advisory Committees, Children's Services staff, and the Toronto Child and Family Network and its committees, including early learning and care, family support, early identification and intervention, Aboriginal, and French-language. A parent survey also collected over 9,000 responses in both English and French.

Proposed Regulatory Changes and Response

Each section of the response includes a summary of the proposed changes; comments and analysis; and recommendations to the Province.

A. Service System Management and Funding

What is being proposed?

In this section, the Province recognizes the "essential role" that service system managers play in planning, managing and funding local child care and early years programming. Toronto Children's Services is the service system manager for child care and early years in Toronto.

Key proposed changes clarify content and procedural matters relating to service system plans; require that service system managers consult and cooperate with family support programs; and update existing funding-related regulations while maintaining existing provincial-municipal cost share ratios.

Toronto Children's Services has been designated as service system manager for child care since 1997. The continued recognition and expanded responsibilities of this role are welcomed and strongly supported. The requirement to consult and cooperate with family support programs is a strong signal that children and families rely on a broad range of services. Toronto Children's Services consulted with family support programs in the development of the 2015-2019 Children's Services Service Plan and continues to work with the sector on Service Plan action items. Toronto supports these proposed regulations.

B. Licensing Clarity

What is being proposed?

The ministry is proposing to replace a transition regulation that currently exempts certain programs that run for no more than three hours per day from requiring a child care licence. Three-hour programs that serve children under the age of six years will no longer be exempted from licensing requirements (beginning January 1, 2017).

Authorized recreation and skill building programs would be exempt, as long as they operate for no more than three consecutive hours on weekdays, for children age six and older only, and are:

- Operated by a school board, First Nation, Métis Nation of Ontario, or a municipality;
- An Ontario After School Program funded by MTCS;
- A member of a provincial sports organization;
- Operated by an MTCS agency or "Attraction";
- Otherwise authorized by the local service system manager; or
- Authorized by a First Nation

The City of Toronto recognizes the need for limits on which programs are exempt from requiring a child care licence. This is crucial to ensuring consistency across the province. Unlicensed programs should not be alternatives to licensed, full time child care. Allowing the service system manager to authorize programs is an important enhancement to local authorities. Toronto Children's Services is well-positioned to assume the role of authorizing recreation and

skill-building programs given the recent development of its own school age quality standards, which are evidence-based characteristics of high-quality after-school programs. At the same time, Parks Forestry & Recreation has a long history of delivering quality recreation programming to meet community needs, based on nationally-recognized standards such as High Five.

Depending on how the regulations are written for recreation services, many recreation programs for children under the age of six could be put at risk. The City supports the expanded responsibility to authorize recreation and skill-building programs beyond those provided directly by the City. It also supports exempting recreation programs from licensing where programs are considered episodic and infrequent and for summer camps serving ages four and up. However, it is unclear how "episodic" and "infrequent" will be defined, and as a result, which programs will be able to continue operating. Clarity is needed in defining which programs will require a licence in order to support the role that this sector plays in providing quality programming for children age three years and above. Currently, Toronto Parks Forestry & Recreation provides a variety of programs for children under the age of six which are attended by thousands of children. The families that are currently served in these programs are seeking an affordable recreational experience for their young children for consistent and short durations of time. These programs promote the overall health and wellbeing of children not participating in licensed child care. Regulations and criteria should be developed in consultation with recreation service providers to ensure that they will not significantly reduce families' options.

Recommendations under Licensing Clarity

Recommendation 2: That the ministry work with recreation stakeholders to provide further clarity on defining recreational programming in order to increase consistency and allow sufficient flexibility to address family needs for recreation.

Recommendation 3: That the proposed quality criteria for authorizing recreation and skill building programs be established based on existing tools (such as High Five, the Assessment for Quality Improvement, and the City of Toronto's Quality Standards for School Age) and in consultation with the City.

Recommendation 4: That adequate transition time be provided so that community need can be assessed and programs that meet both this need and new regulatory requirements can be planned and communicated.

C. Enforcement

What is being proposed?

The ministry is proposing to broaden its enforcement tools to support compliance with legislation.

The key changes would broaden which contraventions of the *Child Care and Early Years Act* are subject to administrative penalties; set out penalty amounts; and prescribe additional contraventions that may be an offence under the Act.

The changes described in this section are a natural progression towards child care modernization. The enforcement tools being proposed by the Ministry of Education will provide improved oversight and monitoring of child care providers, especially for the most vulnerable

children. The City of Toronto believes that these tools are important to ensure compliance with the legislative standards that safeguard the safety of young children.

These enforcement tools are also necessary as the Province moves to a tiered licensing approach. Increased enforcement combined with risk-based licensing will create a more efficient and effective method of licensing while building incentives to maintain regulatory compliance and quality over time.

While the City encourages increased enforcement, the amounts of some of the penalties are high and excessively punitive, especially for a first or minor offense. Service providers also expressed concern that penalties may not be applied consistently across the system, especially early in the implementation period. Additional clarity on whether administrative penalties would target the agency, centre, or staff person has been requested by the sector.

Recommendations under Enforcement

Recommendation 5: That the Province amend the language related to administrative penalties so that the penalties are "up to" the proposed amounts.

Recommendation 6: That the Province clearly articulate that administrative penalties apply to the licensee and prevent operators from applying the fine payment to staff.

Recommendation 7: That the Province develop a mechanism to ensure the consistent application of enforcement actions across the province, and consider implementing an appeal process.

D. Tiered Licensing

What is being proposed?

The ministry is proposing a new, progressive approach to licensing child care centres. Under tiered licensing, each child care centre will be placed into one of three tiers depending on its compliance history over the last three years. Centres that consistently demonstrate very high compliance will be eligible for a two year licence and will receive an abbreviated licence renewal inspection every other year, with an interim monitoring visit during the two year period. Centres with low or moderate non-compliances, but without ministry enforcement actions, will receive abbreviated annual licence renewal inspections. Centres that are experiencing difficulty meeting provincial licensing standards, or that have received enforcement actions, will receive a full licence renewal inspection every year, as well as additional compliance monitoring and support.

The key change would set out the term of a licence to be a period of up to two years, to allow for tiered licensing.

The City of Toronto supports using provincial licensing resources where they are most needed – to support under-performing programs. This approach would create an incentive for compliance. The City would be interested in exploring a mechanism whereby the Province and the City identify poor performing centres, and the municipality uses the Assessment for Quality Improvement (the only validated tool for assessing quality in child care centres in Canada) and its professional resources to develop action plans to improve quality. Programs at risk due to licensing compliance are also at risk of losing their contract with the City and would benefit from

support related to the assessment measure. This provides an opportunity for the City and Province to work collaboratively in addressing areas of quality and capacity building.

In consultation sessions, operators asked for more clarity on the difference between the first and second tiers— both would appear to receive abbreviated visits every year. In the first tier, one of the visits is called an "interim monitoring visit". A better understanding of the nature of these visits would help service providers adapt to the new approach.

Recommendations under Tiered Licensing

Recommendation 8: That licensees be required to post licensing information that shows the tier they have been assigned, in order to increase transparency.

Recommendation 9: That tiered licensing decisions also take into account Assessment for Quality Improvement results.

Recommendation 10: That the difference between the first two tiers be clarified in order to ensure an appropriate incentive for full compliance.

Recommendation 11: That the Province work with service system managers to address performance issues at under-performing centres.

E. Licensing Standards

Note: All recommendations appear at the end of this section

What is being proposed?

The ministry is proposing a suite of changes affecting age groupings, maximum group sizes, and staff qualifications in child care centres; and home child care visitor caseloads. It also proposes new requirements for operators related to, for example, planning for children with medical conditions, first aid certification, and serious occurrences.

Details of the key changes are arranged by section, below.

Key changes – Home Child Care

The ministry is proposing to remove the caseload cap from the current regulation that prescribes a home visitor may oversee no more than 25 homes.

There is a role for licensed home child care as an option for parents. However, the lack of requirements for trained staff and limited control over quality in home child care means that more, not less oversight is needed. This proposal weakens the distinction between licensed and unlicensed home child care and is not supported by the City of Toronto.

Home child care is loosely regulated, with a home child care agency holding the licence, not the home provider. As a result, there are greater risks in these programs which require that regulation and oversight be stronger. It is important to note that home child care has no legislation addressing educational requirements for providing care to children. Providers are

largely unsupervised with children for up to 11 hours per day. With the existing cap of 25 homes per visitor, Home Visitors (RECEs) have time to meet with providers, provide support, share resources and provide training. Currently in Toronto, Home Child Care Agencies have both a cap of 25 homes to a home visitor and a requirement that home providers be visited monthly. Removing the home to child care visitor ratio may decrease the number of visits home providers receive. Home child care providers want and need support and monitoring, especially as other proposed regulations may push younger children into this sector. With infant care limited in the centre based sector, it is anticipated that many parents will find care in home child care, suggesting that more contact may be necessary with home child care providers.

- Key changes – Age Groupings, Ratios, Maximum Group Size, Staff Qualifications**
- **Impacts to other Regulations**
 - **Reduced Ratios**
 - **Sleep Supervision**

The ministry is proposing changes to age ranges, group sizes, staff to child ratios and staff qualifications, primarily for children from birth to 3 years, 8 months in licensed child care centres.

The regulations allow for existing play activity space to be used in toddler rooms that would contain more children, only for licences issued before January 1, 2017. Programs licensed after this date, or that undergo renovations would be required to increase their play activity space. It would also require programs licensed after January 1, 2017, or those that undergo renovations or room relocation, to have a separate sleeping area in toddler rooms

The changes would also:

- Deny the ability to reduce ratios for infants and toddlers at any time; permit two thirds of the required ratio for older children up to one hour after centre opens and one hour before centre closes (instead of the two hours currently in regulations)
- Require a physically present staff person in a sleep area with three or more sleeping children age 0-18 months

Details of the proposed changes to age ranges, ratios of staff to children, maximum number of children per group, and minimum number of qualified staff are summarized in the chart below.

Table 1: Proposed Changes to Age Ranges, Ratios, Maximum Number of Children, and Minimum Number of Qualified Staff

Current Requirements					Proposed Change				
Name of Age Category	Age Range	Ratio of Staff to Children	Maximum Number of Children	Minimum Number of Qualified Staff*	Name of Age Category	Age Range	Ratio of Staff to Children	Maximum Number of Children	Minimum Number of Qualified Staff*
Infant	0 – 18 months	3 to 10	10	1	Infant	0– 12 months	1 to 3	9	2
Toddler	18 – 30 months	1 to 5	15	1	Toddler	12– 24 months	1 to 4	12	2
Preschool	30 months – 6 years	1 to 8	16	1	Preschool	24 months – younger than 5 years as of August 31	1 to 8	24	2
Kinder-garten	44 – 68 months	1 to 13	26	1	Kinder-garten	44 months – younger than 7 years as of August 31	1 to 13	26	1
Primary/ junior school age	68 months – 13 years	1 to 15	30	1	Primary/ junior school age	68 months – younger than 13 years as of August 31	1 to 15	30	1
Junior school age	9 – 13 years	1 to 20	20	1	Junior school age	9 years – younger than 13 years as of August 31	1 to 20	20	1
					Family Grouping	0-12 years	based on formula	15	1/2 to 2/3 of required staff

These proposals generated the most feedback in the consultation sessions. The early years sector knows that a more accessible, affordable, high quality licensed child care system is needed and expects that regulatory changes would move the system in that direction. The combined effect of these changes will, however, make the system more expensive with less service.

System Impact Highlights

The suite of changes proposed to group sizes, age ranges, ratios and sleep supervision for infants and toddlers will result in a significant loss of space and a more expensive system.

Service Capacity Impacts

- The estimated service loss is 2,184 spaces for infants (325) and toddlers (1,859) due to group size changes alone.
- Additional impacts are expected as operators will likely decide to close infant rooms that are no longer viable. The main viability concerns are:
 - The reduction in the number of children in infant groups results in a revenue loss (this would be made up through higher parent fees for the remaining children).
 - Because fee subsidies are allocated equitably by age group, the shorter age range for infants will mean fewer subsidies available for children in infant rooms. The balance would be made up by full-fee families. This would be a challenge for many operators, especially in high-need areas.
 - The shorter age range for infants will also create constant turnover in infant rooms, meaning that operators will be challenged to fill vacancies on an ongoing basis.
- Many of the city's 3,300 infant spaces would be at risk. There are 1,694 infants in Toronto on the fee subsidy wait list who have a requested start date for younger than 12 months and 462 children that are 12 months or younger currently have a fee subsidy in Toronto.

Cost Impacts

- The changes that will result in a significant cost to operators include the limitations on reduced ratios, requirements for additional trained staff, and toddler sleep room requirements. The total cost of implementing these changes is \$20.582 million (centres that are municipally-operated and with a service contract for fee subsidy only).
 - This includes the cost of changes that limit the ability to reduce ratios and increase the minimum number of trained staff (\$13.460 million) and those that require the supervision of toddlers during sleep (\$7.122 million)
- As a result of all these changes, average increases to parent fees are expected to be 20.8 per cent for infant spaces and 39.2 per cent for toddler spaces

See the following sections for more information on how these figures have been generated.

Analysis

There is not enough licensed child care capacity in Toronto, with only enough space for one in thirteen infants and one in three toddlers. Licensed child care is a recognized economic stimulus and contributes to the Province's, City's and community's shared interest in poverty reduction. In recognition of this, the City and Province have been making significant investments in the capacity of the system, especially for infants and toddlers. For these reasons, the sector expects that regulatory changes would increase access to child care. However, strong concerns have been raised that some of these proposals may reduce access, especially for the most vulnerable children and families.

The combined impact of the changes to the ratios and group sizes results in an estimated service loss of 2,184 infant and toddler spaces in Toronto, without taking into account decisions that operators may make to close rooms. With a fee subsidy waiting list of over 11,000, the City cannot afford to lose any service capacity.

Table 2 shows the impact of reduced group sizes on the current capacity. It assumes that each infant room will lose one child (due to the maximum group size changing from 10 to nine); that toddler rooms currently licensed for 15 children will have to reduce by three children each (due to the proposed licensed maximum group size of 12); and that toddler rooms currently licensed for 10 children will reduce to eight due to physical plant requirements. For more details, see the "Toddler Room" section below.

Table 2: Estimated Number of Spaces Lost, by Age Group, Due to Proposed Group Size Changes Only

Existing Room of:	Change to:	Number of rooms	Number of spaces lost per room	Total loss of space	Cumulative loss
10 infants	9	325	1	325	325
15 toddlers	12	391	3	1,173	1,498
10 toddlers	8	343	2	686	2,184

Note: See sections below on why rooms currently serving 10 toddlers would only contain eight instead of the maximum group size of 12. These numbers represent a conservative estimate as some rooms may be unable to accommodate even 8 toddlers depending on the definition of a "separate sleep area".

The City of Toronto supports increasing the number of qualified staff for the infant, toddler and preschool groups. Regardless of whether other regulations are approved, the Province is encouraged to pursue increasing the minimum number of RECEs in these rooms to increase program quality and optimal learning experiences. There will be an increase to the fees as a result of this change which could be partially offset by maintaining current ratios and group sizes. In addition, the Province has modernized the funding formula to municipalities which allows service system managers to base fund operators to reduce the cost. Additional mechanisms to offset the fees for parents should also be explored. The City of Toronto also supports limiting the time period for reduced ratios to one hour after opening and before closing; however, requirements for adding staff in sleep areas do not make the best use of staff resources.

Infant Child Care: By the numbers

Many operators have informed the City that should the proposed groupings be implemented, they will close existing infant rooms and pursue toddler programs only. The main driver of this decision is the decreased period of time an infant would be in an infant room and the loss of revenue per infant room due to the lower maximum group size (each infant room would be permitted nine children instead of the 10 currently permitted). Allowing infants in toddler rooms through mixed age groupings (which allow a limited number of younger children to be placed in the next age group) is insufficient to absorb the 2,197 infants currently in care as well as the 4,524 who are on the waitlist.

Of particular concern is that the proposed regulations are based on the idea that parental leave benefits significantly reduce the need for infant child care. The changes to the infant group would align that age group with one-year federal parental leave benefits. However, this change will reduce access to infant child care that is needed by the large number of parents who can not access these benefits, including low-income families, those with precarious employment, and students. Many families with a child care fee subsidy fall within this category. These changes would have a disproportionate impact on the families who most need access to quality child care.

There is a significant need for centre-based child care for young children:

1. There are 1,694 infants in Toronto on the fee subsidy wait list who have requested a start date for younger than 12 months. Out of those, 923 requested a start date for younger than 10 months. These numbers do not include all of the young children already in care who started at younger than 12 months, and all the families in the full fee sector who prefer a start date earlier than 12 months. Infants are often placed later than their requested start date do to the lack of infant spaces available in the system.
2. A significant percentage of infants in home child care choose home child care as a means to secure a licensed child care space. There are 246 children under 18 months receiving subsidy in home child care, and 125 (51 per cent) of these children are waiting for transfer to a licensed child care centre.

It is important to be clear that strong demand for centre-based care for very young children remains. With approximately 3,300 licensed infant spaces in Toronto, there is not an excess of capacity. If the expectation is that these children will be accommodated in home child care, significant growth would be required in that sector.

Toddler Rooms

Adapting to the proposed toddler regulations would require costly capital changes and could result in a reduction in available spaces. The system currently operates with two types of licenses. One is for a maximum group size of 15 and other is for a maximum of 10. While rooms currently licensed for 15 toddlers would be able to accommodate a change to a group size of 12, three spaces and the corresponding revenue would be lost in each of these rooms.

Rooms currently licensed for 10 toddlers are highly unlikely to be able to accommodate two additional children in order to reach the proposed group size of 12. While the regulations appear to allow for two additional toddlers without adding to the existing play area, an additional sink and toilet would be required to comply with the Ontario Building Code. This would reduce

the square footage available for the play space to an insufficient level in many rooms; consequently the space would not meet licensing requirements. Moreover, the ability to use existing play space with two additional toddlers applies only to spaces licensed before January 1, 2017, and expires by 2020. This only pushes costly capital changes and service losses into the future.

The regulations also say that new licenses issued after January 1, 2017, and any programs that undergo renovations or room relocations would be required to have "a separate sleeping area", which is problematic given space limitations in existing child care settings. Many centres in Toronto are in older buildings or dense urban areas where retrofit is not an option. The implication of these limitations is that many operators are much more likely to operate with eight toddlers instead of 12 (eight is the next lowest efficient group size for the proposed 1:4 staff to child ratio). Depending on the details of what a "separate sleeping area" is, some rooms may not be able to accommodate eight children. This would represent a significant loss of capacity numbering in the thousands of spaces. There are currently 1,447 toddlers on the waitlist for child care fee subsidy.

The potential loss of both infant and toddler spaces stands in stark contrast to recent and ongoing efforts by the City and the Province to build more of these spaces. The Schools-First Child Care Capital Retrofit Policy (\$18 million in Toronto) and the Capital Funding for New Construction of Child Care programs (\$120 million across the Province), both funded fully by the Province, prioritize the construction of spaces for young children. These funds are currently planned to create 3,834 new spaces in Toronto, including 302 infant and 965 toddler spaces, built to current regulatory requirements. There is wide concern that this capital funding from the Province will be compromised by the proposed changes.

Similarly, Toronto Children's Services developed a capital strategy in 2015 that focuses on building spaces for infants and toddlers. Children's Services is currently seeking approval for adjustments to its capital budget which would result in the delivery of 18 child care centers over the next 10-year term, adding a total of 921 new child care spaces, including 170 infant spaces and 285 toddler spaces.

Locations currently in the design and tender stage will not meet the proposed capital requirements and risk not meeting licensing standards. Progress is being made towards an expanded system; this progress would be put at risk if these regulations were to be implemented.

Key changes – Other Licensing Standards

In the rest of section E, the ministry proposes changes to mixed age groupings, which permit younger children to be included in an older age grouping and requirements for play, sleep, and diaper changing areas. It also proposes requirements for licensees related to, for example, first aid and children with medical conditions.

The key changes would:

- Permit mixed age groupings in more than one room
- Allow for alternate sleeping arrangements in home child care (other than a cot or a bed)
- Require individual plans for each child with a medical need
- Update the definition of a serious occurrence that needs to be reported to the ministry.

Allowing mixed age groupings in more than one room would allow operators greater ability to manage the flow of children through a child care centre. Operators would appreciate this flexibility.

The requirement for developing individual plans for children with medical conditions is a positive development. However, as this is a new requirement for child care service providers, it is important that support be provided. A standard template would help appropriate plans to be developed, and could follow children to school and other programs, which would reduce the burden on families who interact with multiple service providers. Experts have suggested that plans need to be vetted by a medical professional and regularly updated at no more than one-year intervals (more regular updates would be preferred).

The proposed family grouping, which would permit the placement of children from different age groups in the same room, was thought to be a helpful model for some areas of the province. While significant uptake of this option is not expected in Toronto, the Aboriginal community did express interest in exploring the model further. For this reason, this option is supported.

Financial Impacts

Some of the proposed changes under Licensing Standards will result in additional costs for child care operators and families. Children's Services has analyzed the most significant of these, related to group sizes, ratios; reduced ratios; and sleep supervision. The figures below reflect annual costs for child care centres with a service contract for fee subsidy and municipally-operated centres, based on 261 operating days per year. The City does not have a mechanism to collect detailed operating information from centres that do not have a service contract for fee subsidy, so these are excluded from this analysis. We expect similar impacts on these centres.

The total annual cost of the proposed changes to ratios, minimum number of trained staff, limits to reduced ratios, and sleep supervision is estimated at \$20.6 million

Toronto Children's Services has calculated that an additional 847.64 trained Full Time Equivalent staff would be required to meet the new requirements for minimum number of trained staff, and to accommodate the limited ability to reduce ratios. The total additional staff cost would be \$13,459,770, which is based on the cost differential between trained and untrained staff, plus benefits. This calculation takes into account the centres that already employ enough trained staff not to be impacted by the new minimum requirements. The City supports these changes but suggests that costs be offset by maintaining current ratios and group sizes.

Section E4 (Sleep Supervision) would require a staff person to be physically present when three or more children age 0-18 months are sleeping in a separate sleep area. In contrast, the regulations only require one adult for four children when children are awake in toddler rooms, and one for three in infant rooms. To assess the financial impact of sleep supervision requirements in toddler rooms, Children's Services has assumed two additional hours of staff time are required in each toddler room at a total annual cost of \$7,121,975. The City does not support this proposal.

Appendix B shows the impacts of these changes to daily parent fees. The proposed limitations on reducing ratios, requirements for sleep supervision and additional trained staff would increase fees by up to 20.8 per cent and 39.2 per cent on average for infants and toddlers respectively. In a city with the highest child care fees in Canada, most parents will not be able to absorb these additional costs.

Parent Survey Results

The Parent Survey results on changes to age ranges and ratios have been mixed, as demonstrated below. Parents who did not support the age group and ratio changes consistently identified safety and quality as their primary concerns. Parents did indicate a strong preference for additional qualified staff, though were much less supportive if the change would increase their child care fees.

Table 3: Parent Survey Results – 9291 responses

Do you support the changes?	Infant			Toddler			Preschool		
	Yes	No	Don't know	Yes	No	Don't know	Yes	No	Don't know
Age Range	44%	43%	13%	44%	46%	10%	39%	50%	11%
Ratios	47%	46%	7%	45%	48%	7%	40%	51%	9%
Additional Qualified Staff	76%	18%	7%	73%	19%	7%	72%	20%	8%
Still support add'l staff if fees increase?	44%	42%	14%	47%	40%	14%	48%	39%	13%

Note: Percentages have been rounded; may not add to 100%.

Recommendations under Licensing Standards

Recommendation 12: That the home child care visitor ratio be maintained at 1 to 25.

Recommendation 13: That instead of implementing new age ranges, group sizes and ratios, the Province build on the strong foundation that already exists in child care in Ontario. Consider changes that do not risk the quality and accessibility of programs that currently exist. Increasing the number of RECEs in existing groups is a change that can be supported from this perspective. Reducing the toddler group size for toddlers from 15 to 10 – while grandparenting existing programs licensed for 15 toddlers – is another, as this change would not create any additional capital costs.

Recommendation 14: That the Province develop an evaluation framework for any changes to group sizes, age ranges, and ratios, and work with the community to assess impacts and recommend future changes.

Recommendation 15: That guidelines be established to support children with extra support needs through the transition process to new regulations, and that follow-up analysis be conducted after changes are enacted to ensure that children with extra support needs are not negatively affected.

Recommendation 16: That proposed regulations requiring staff to be physically present in a sleep room be removed in favour of additional staff time during programming hours and more effective methods of monitoring infant and toddler sleep.

Recommendation 17: That, if changes as proposed are enacted, grandparenting square footage requirements for existing toddler spaces (licensed before 2017) only until 2020 is ineffective. The regulations must ensure that these spaces are not in need of expensive retrofits in a few years, which may not be possible on older buildings.

Recommendation 18: That the Province create a standard way for licensees to develop individual plans for children with medical needs that are vetted by a medical professional and regularly updated (every six months). In order to reduce the burden on families and facilitate information sharing, the plan should follow the child to school and other service providers.

F. Licensing Fees

What is being proposed?

The ministry is proposing a new fee schedule for a new or renewed child care licence, which has not changed since 1993. The fees are proportionate to the number of child care spaces or number of contracted homes a licensee has, and represent a recovery rate of approximately 10 per cent against ministry expenditures for child care licensing, investigation and enforcement.

The new licensing fee schedule is supported as a reasonable cost of obtaining a licence. The community would benefit from additional details that clarify how fees would be applied under tiered licensing.

G. Before- and After-School Programs 6-12 Extended Day and Third Party Programs

What is being proposed?

The ministry is proposing changes that reflect a new duty of school boards to offer extended day (before- and after-school programs) programs for 6-12 year olds; and to allow multiple options for the delivery of these programs. The ministry is also seeking advice on allowing programs to be offered off school property for 6-12 year olds.

The key changes would allow authorized recreation programs to offer after-school programming for 6-12 year olds for up to three hours per day; and support the provision of after school programs for this age group to take place off school property.

The changes would also remove the requirement for school boards to survey parents to assess demand for before-and after-school programs, in favour of consultation with the service system manager, service providers, and parents.

Toronto Children's Services has requested in the past that the survey requirement for assessing demand be replaced. This evolution in determining demand will allow for a much more accurate picture of where services are needed. Similarly, extending the duty to offer programming for 6-12 year olds is supported, including by 84 per cent of parents who responded to our survey. There is significant unmet demand for programs for this age group, and the City's Middle Childhood Strategy will guide how and when the programs should be offered.

Forty-five per cent of respondents to the parent survey indicated that they would use a recreational program before school, but as the regulation is proposed, recreation providers cannot offer programs as part of the extended day program for more than three consecutive hours per day. The combined effect of mandating before-school programs and limiting recreation providers to a maximum of three consecutive hours per day will result in school boards choosing licensed child care providers to address before and after school needs. It is inconsistent that during the summer, camps are permitted for school age children but that on instructional days, recreation service providers are limited to three hours. In Toronto, in three cases, school boards have already attempted to apply the proposed regulations in advance of implementation by providing notice to after school recreation programs.

From the municipal service perspective, Parks Forestry and Recreation will be unable to meet the licensing conditions in the provision of its current after school program, After-School Recreation Care (ARC). 51 ARC sites (35 at school locations and 14 at community centres) would be impacted as would 13 non-ARC after school program sites. 2,840 children currently use these programs (1,631 ARC and 1209 non-ARC). ARC programs cost families \$2.49 per day and are free at some locations. As a result, the unintended consequence will be to eliminate the recreation sector from providing recreational after school care, which increases costs to families and adds more pressure on the child care fee subsidy system.

Under the proposals, authorized after school recreation programs would be required to have a qualified staff person who is a graduate of a post-secondary institution in a child/youth field. This regulation will increase program costs. This impact could be mitigated by including an option for recognizing experience equivalent to the requirement for post-secondary certification.

The proposals include language respecting maximum group sizing. The City has requested clarification of the draft regulation to ensure that a maximum group size of thirty does not limit the ability to meet the demand at any one location.

The successful implementation of these changes will require that the child care and recreation sectors can access and share space in schools. This is a significant issue for many community partners. Permitting fees for schools are prohibitive for many programs. While allowing off-site programs may be appropriate in some cases, it may create an opportunity for programming to be pushed out of schools. School boards must be partners in ensuring that programming can take place in schools where there is demand. 76 per cent of respondents to the parent survey whose before and after-school programs took place off school property, indicated that they would move their child to a program located at the school if it were available.

Recommendations under Before- and After-School Programs 6-12 Extended Day and Third Party Programs

Recommendation 19: That the survey method determining demand for before and after-school programs be eliminated as described in the proposed regulations.

Recommendation 20: That corresponding regulations be developed to ensure that quality school space is accessible to community and municipal service providers.

Recommendation 21: That the three-hour time restriction for before and after school recreation programs, which is limiting and arbitrary, should be removed so that recreation programs could be provided both before and after school in schools.

Recommendation 22: That for programs serving six-12 year olds exclusively, the ministry includes an option for recognizing experience equivalent to the requirement for post-secondary certification (i.e. Principles of Healthy Child Development-supervisors training; minimum years of experience, leader-in-training certification programs, and aquatic leadership certification programs); and that for the training requirements, that the ministry recognize the High Five Quality Assurance model as a professional development opportunity.

Recommendation 23: That the requirements for a maximum group size of 30 not be limited by requiring separate areas, and that guidelines (developed with the sector) be provided for managing group sizes and shared spaces.

H. Miscellaneous

What is being proposed?

The ministry is proposing an expanded requirement for licensed child care providers to ensure that all legislated policies and procedures are put into practice and reviewed and monitored on a regular basis.

The key changes would set out an approach for screening measures for individuals on contract with outside organizations; and sets a minimum time per day for children in child care to spend time outside.

Changes proposed under Section H are mostly supported. However, some participants in consultation sessions were concerned that the requirements for vulnerable sector checks, especially for staff providing special needs resourcing, may slow service. Organizations are typically accountable for obtaining this screening. Licensees and contracted staff from these agencies should not be responsible for obtaining additional screening.

Recommendation 24: That the Province develop an approach to vulnerable sector screening in a manner that complements, rather than adds to, existing processes used by employers.

City of Toronto Operational Impacts

The service system management of a complex system like child care relies on significant Information Technology (IT) resources. The proposed changes to age groups, maximum group sizes, and staff qualifications in child care centres and home child care agencies will have a significant impact on the operations that the City manages in its role of service system manager.

Toronto Children's Services supports over 35,000 families annually including waitlist and placement for over 25,000 spaces and distributes \$350 million in fee subsidies and base funding. Our systems have over 2,000 users from over 900 child care centres. Most functions are automated, with numerous databases, programs, and reports.

The proposed regulatory changes will have a significant impact on the IT system currently used to plan, manage and delivery child care services to families and operators in Toronto.

Recommendation 25: That the Province recognize the time and funding needed to revise technology currently supporting the system and provide the necessary funding to address these changes.

Conclusion

The City of Toronto would like to take this opportunity to reiterate the need to strengthen and modernize the licensed child care sector in Ontario. Many of the proposed changes in the Province's consultation document will move us in a positive direction. However, the proposed changes to group sizes, ratios and physical plant requirements will significantly reduce access while increasing costs.

It is recommended that the Province maintain the current age ranges and ratios and work on more focused enhancements. More trained staff and lower toddler group sizes can be achieved without major disruption to the sector.

One area that came up several times in consultations is how children with extra support needs would be affected by these changes. As changes are made, it is important that policy and planning consider from the start how these children will be impacted. Some participants would have preferred to see this consideration more prominently in the consultation document.

The City of Toronto will continue to partner with the Province on developing and implementing new regulations as we continue to work towards a more accessible and high quality child care system.

Appendix A: List of Recommendations

The City of Toronto recommends that:

Recommendation #	Recommendation
1	That the Province implement changes on which the City has been previously consulted and has expressed its support in this response, including changes that directly improve quality, such as requiring additional qualified staff in infant, toddler and preschool rooms; that the Province not make changes in areas not previously consulted on; especially, that current ratios and group sizes be maintained; and that future proposals be further developed through engagement with the child care and recreation sector.
2	That the ministry work with recreation stakeholders to provide further clarity on defining recreational programming in order to increase consistency and allow sufficient flexibility to address family needs for recreation.
3	That the proposed quality criteria for authorizing recreation and skill building programs be established based on existing tools (such as High Five, the Assessment for Quality Improvement, and the City of Toronto's Quality Standards for School Age) and in consultation with the City.
4	That adequate transition time be provided so that community need can be assessed and programs that meet both this need and new regulatory requirements can be planned and communicated.
5	That the Province amend the language related to administrative penalties so that the penalties are "up to" the proposed amounts.
6	That the Province clearly articulate that administrative penalties apply to the licensee and prevent operators from applying the fine payment to staff.
7	That the Province develop a mechanism to ensure the consistent application of enforcement actions across the province, and consider implementing an appeal process.
8	That licensees be required to post licensing information that shows the tier they have been assigned, in order to increase transparency.
9	That tiered licensing decisions also take into account Assessment for Quality Improvement results.
10	That the difference between the first two tiers be clarified in order to ensure an appropriate incentive for full compliance.

11	That the Province work with service system managers to address performance issues at under-performing centres.
12	That the home child care visitor ratio be maintained at 1 to 25.
13	That instead of implementing new age ranges, group sizes and ratios, the Province build on the strong foundation that already exists in child care in Ontario. Consider changes that do not risk the quality and accessibility of programs that currently exist. Increasing the number of RECEs in existing groups is a change that can be supported from this perspective. Reducing the toddler group size for toddlers from 15 to 10 is another, as this change would not create any additional capital costs.
14	That the Province develop an evaluation framework for any changes to group sizes, age ranges, and ratios, and work with the community to assess impacts and recommend future changes.
15	That guidelines be established to support children with extra support needs through the transition process to new regulations, and that follow-up analysis be conducted after changes are enacted to ensure that children with extra support needs are not negatively affected.
16	That proposed regulations requiring staff to be physically present in a sleep room be removed in favour of additional staff time during programming hours and more effective methods of monitoring infant and toddler sleep.
17	That, if changes as proposed are enacted, grandparenting square footage requirements for existing toddler spaces (licensed before 2017) only until 2020 is ineffective. The regulations must ensure that these spaces are not in need of expensive retrofits in a few years, which may not be possible on older buildings.
18	That the Province create a standard way for licensees to develop individual plans for children with medical needs that are vetted by a medical professional and regularly updated (every six months). In order to reduce the burden on families and facilitate information sharing, the plan should follow the child to school and other service providers.
19	That the survey method determining demand for before and after-school programs be eliminated as described in the proposed regulations.
20	That corresponding regulations be developed to ensure that quality school space is accessible to community and municipal service providers.
21	That the three-hour time restriction for before and after school recreation programs, which is limiting and arbitrary, should be removed so that recreation programs could be provided both before and after school in schools.

22	That for programs serving 6-12 year olds exclusively, the ministry includes an option for recognizing experience equivalent to the requirement for post-secondary certification (i.e. Principles of Healthy Child Development-supervisors training; minimum years of experience, leader-in-training certification programs, and aquatic leadership certification programs).; and that for the training requirements, that the ministry recognize the High Five Quality Assurance model as a professional development opportunity.
23	That the requirements for a maximum group size of 30 not be limited by requiring separate areas, and that guidelines (developed with the sector) be provided for managing group sizes and shared spaces
24	That the Province develop an approach to vulnerable sector screening in a manner that complements, rather than adds to, existing processes used by employers.
25	That the Province recognize the time and funding needed to revise technology currently supporting the system and provide the necessary funding to address these changes.

Appendix B: Increases to Child Care Fees as a result of age groupings, ratios, group sizes, additional qualified staff and sleep supervision

Impact on Public Fees				
Purchased Centres, Fees as of June 2015				
Program	Low	Medium	High	Average
Infant.	\$ 65.30	\$ 82.11	\$ 106.90	\$ 84.77
Toddler	\$ 51.50	\$ 64.00	\$ 95.16	\$ 70.22
Preschool.	\$ 39.00	\$ 47.60	\$ 68.00	\$ 51.53
Kindergarten.				
Before & After School	\$ 25.89	\$ 31.73	\$ 37.23	\$ 31.62
School Age				
Before & After School .l	\$ 19.99	\$ 24.78	\$ 39.00	\$ 27.92
Est. Fees based on Additional Costs and Reduced Group Sizes				
Program	Low	Medium	High	Average
Infant	\$ 80.81	\$ 99.49	\$ 127.03	\$ 102.44
Toddler	\$ 74.32	\$ 89.94	\$ 128.89	\$ 97.72
Preschool	\$ 41.53	\$ 50.13	\$ 70.53	\$ 54.06
Kindergarten				
Before & After School	\$ 25.89	\$ 31.73	\$ 37.23	\$ 31.62
School Age				
Before & After School	\$ 19.99	\$ 24.78	\$ 39.00	\$ 27.92
Estimated Increase to Public Fees				
Program	Low	Medium	High	Average
Infant.	23.8%	21.2%	18.8%	20.8%
Toddler	44.3%	40.5%	35.4%	39.2%
Preschool.	6.5%	5.3%	3.7%	4.9%
Before & After School.	0.0%	0.0%	0.0%	0.0%
School Age.				
Before & After Schooll	0.0%	0.0%	0.0%	0.0%