



STAFF REPORT ACTION REQUIRED

Response to Proposed Legislative and Regulatory Changes for Child Care in Ontario

Date:	March 3, 2014
To:	Community Development and Recreation Committee
From:	General Manager, Children's Services
Wards:	All
Reference Number:	

SUMMARY

This report transmits the City of Toronto's response to the Province of Ontario on Bill 143, the *Child Care Modernization Act* and proposed regulatory changes to Regulation 262 under the *Day Nurseries Act*. Both changes were announced in December 2013. Children's Services consulted with community partners in developing this response.

The Ministry of Education accepted feedback on the proposed regulatory changes until February 28, 2014. The attached response was submitted in draft form to meet the deadline, under the understanding that a formal response would be submitted following City Council's consideration of it at its next meeting.

RECOMMENDATIONS

The General Manager, Children's Services recommends that:

1. City Council endorse the response to proposed legislative and regulatory changes attached as Appendix A to this report;
2. City Council forward the response to the Premier of Ontario, Minister of Education, and all Toronto Members of Provincial Parliament;

3. City Council urge the Ministry of Education to delay the adoption of regulatory changes until additional research, policy development and public engagement has taken place to develop evidence-based proposals that would modernize the child care system in Ontario; and
4. In accordance with flexibility embedded in the draft regulation, and in the event that the proposed regulatory amendments are enacted, City Council endorse the decision of the General Manager to maintain Day Nurseries Act age groupings, group sizes, staff to child ratios and staff qualification regulations when directly delivering or purchasing child care services, with possible exceptions being made for aboriginal programs as needed and should appropriate space become available.

Financial Impact

The adoption of these recommendations forms advice to the Province and has no financial impact on the City. Should the Province make regulatory and/or legislative changes, any financial impacts would be reported to City Council.

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

DECISION HISTORY

This report responds to Bill 143, the *Child Care Modernization Act, 2013*, which was introduced to the Ontario Legislature in December 2013 (text of the Bill: http://www.ontla.on.ca/web/bills/bills_detail.do?locale=en&Intranet=&BillID=2913)

It also responds to proposed regulatory changes proposed regulatory changes: (<http://www.ontariocanada.com/registry/showAttachment.do?postingId=14762&attachmentId=22931>)

The Province has asked for feedback on the regulatory changes.

ISSUE BACKGROUND

Over the past four years, the Province has made significant and needed policy changes to progress to a high quality, accessible and coordinated early learning and care system in Ontario. The release of the 2012 discussion paper, *Modernizing Child Care in Ontario*, initiated a discussion on how best to make change. At that time, the City of Toronto consulted with parents, child care providers, registered early childhood educators and experts in the field and responded to the discussion paper. Among other things, the City's response proposed changes to the legislative framework while continuing to advocate for quality programs. Over 400 responses across Ontario expressed the need to update the current legislative framework governing child care.

Since 2012, the Province has released a number of significant documents that signal broad transformation in the early learning and child care system.

1. Ontario Early Years Policy Framework, 2013

Introduced in January 2013, the Framework provides a vision for children from birth to age six and identifies priority areas of action, which include the:

- continued implementation of full-day kindergarten;
- creation of an effective approach to implementing Best Start Child and Family Centres;
- improved delivery of speech and language services; and
- stabilization and transformation of the child care sector.

2. Bill 143, *Child Care Modernization Act*, December 2013

On December 3, 2013 the government introduced Bill 143, the *Child Care Modernization Act, 2013*, a new, modernized legislative framework that would govern the provision of child care and early years programs and services for children from birth to age 12.

If passed, the Bill will repeal and replace the *Day Nurseries Act* with the *Child Care and Early Years Act, 2013* and amend the *Education Act* to support access to after-school programming for 6 to 12 year olds. It will also amend the *Early Childhood Educators Act* governing the Early Childhood Educators' profession.

3. Proposal to Amend Regulation 262 under the Day Nurseries Act and Early Childhood Educators Act

On December 18, 2013 the government posted proposed changes to Regulation 262 under the Day Nurseries Act and a proposed new regulation under the Early Childhood Educators Act.

The proposed changes fall under three priority areas:

- Program quality
- Access and flexibility
- Health and safety

The provincial government is soliciting feedback on the proposed regulatory changes. The changes would be an early step towards modernization of the early years system in the province, one that could proceed without any legislative changes.

COMMENTS

Children's Services appreciates the Province's efforts to modernize the child care system by improving the legislative and regulatory framework. There is a need to review these frameworks and to improve access and equity for families and flexibility for operators. Children's Services consulted with community partners, including Aboriginal and Francophone advisory committees and district child care advisory committees in developing its response.

Some of the broad directions in the legislation are important steps towards a modernized child care system in Ontario. Important for the City, the proposed legislation provides more clarity and scope to the role of service system manager. In fact, Part VI of the bill is dedicated to the role of service system planning for child care and early years programs and services. The proposed Act provides clear authority for service planning, influence on license issuance, and requirements for the development of a child care and early years system of services that includes both families requiring child care fee subsidy and those that can pay full fees. The broad directions of Bill 143 are largely supported, with some exceptions noted on pages 3 to 7 of the attached response.

At the same time, some of the proposed changes to age groupings, child to staff ratios and staff qualifications have raised concern from both health and safety and program quality perspectives. As a result, many stakeholders are asking for more research and consultation before regulatory changes are made. Children's Services agrees that the regulatory changes should be delayed pending more research and analysis.

The full response to the legislation and regulations is attached as Appendix A. The response was submitted in draft form to meet the provincial deadline of February 28, under the understanding that City Council would consider the response at its next meeting.

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SIGNATURE

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ATTACHMENTS

Appendix A – Children's Services Response to Bill 143 and Regulatory Changes.