

## **Child Care and Early Years Act and Education Act Next Steps for Middle Childhood Programs**

**Date:** May 24, 2017

**To:** Community Development and Recreation Committee

**From:** General Manager, Children's Services

**Wards:** All

### **SUMMARY**

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This report provides an update on the legislative changes made under the Education Act and the Child Care and Early Years Act (CCEYA) regarding the expansion of before and after school programs for middle childhood (six -12 year olds) children and the optional provision for the City of Toronto to authorize Recreational and Skill Building programs serving this age group. The report will provide an update on the expanded duty of school boards to provide before and after programs for grades one to six (six -12 year olds). The report will also highlight the considerations and potential impacts of the optional provision to authorize Recreational and Skill Building programs.

### **RECOMMENDATIONS**

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The General Manager, Children's Services recommends that:

1. City Council direct the General Manager, Children's Services to not exercise the option to authorize Recreational and Skill-Building programs for the 2017-18 school year.
2. City Council request the General Manager, Children's Services to report to the Community Development and Recreation Committee by Summer 2018 on whether to exercise the option of authorizing Recreational and Skill Building programs.
3. City Council request the Ministry of Education to continue to work with the City of Toronto for the 2017/2018 school year in order to mitigate service impacts for families.
4. City Council request the Ministry of Education to increase funding for school aged (kindergarten to grade six) fee subsidies in order to ensure affordable care is available through the age continuum.

## **FINANCIAL IMPACT**

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There are no financial impacts with the adoption of this report.

The subsequent report, which may include a recommendation to implement the optional authorizing mechanism will include the potential financial and service level impacts to the future years' of Children's Services' Operating Budget.

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

## **EQUITY IMPACT**

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High-quality, affordable, age appropriate out-of-school time programs are important for families. Currently, many Toronto families have difficulty accessing quality middle childhood programs. The joint planning for program expansion with school boards described in this report will result in improved access.

Affordability is one of the greatest barriers for families to access programs, this report continues to request that the Province fund schoolaged (kindergarten to grade six) expansion with additional resources for fee subsidies.

## **DECISION HISTORY**

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At its meeting on December 13, 14 and 15, 2016 City Council requested the Province of Ontario to provide additional funding for child care fee subsidies and base operating funding to enable the ongoing expansion of before-and-after-school kindergarten and school-age programs, to address affordability barriers for families and to report to the Budget Committee through the 2017 Budget Process and concurrently to the Community Development and Recreation Committee at its January 16, 2017 meeting with an analysis of the number of subsidies required to maintain the ratio of fee subsidies to licensed spaces that existed prior to the introduction of the Full Day Kindergarten Before and After School Programs, including costs for implementation in 2017.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.CD16.2>

At its meeting of September 20, 2016, Community Development and Recreation Committee requested the General Manager, Children's Services to "report to the November 29, 2016 Community Development and Recreation meeting with an update of the 2013 report, which includes the number of schools, operators, number of subsidies, nutritional and other supports provided for all-day kindergarten, and other matters related to After School/Extended Day programs."

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.CD14.15>

At its meeting on May 3, 4 and 5, 2016, City Council approved the City's response to the proposed regulatory changes and forwarded the response to the Premier of Ontario, Child Care and Early Years Act and Education Act Next Steps for Middle Childhood Programs

Minister of Education, and all Toronto Members of Provincial Parliament. The response identified that allowing the Service System Manager to authorize recreational and skill building programs is an important enhancement to local authorities as long as there is clarity defining recreation programming, sufficient transition time and is built from existing processes (such as the school age quality standard).

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.CD11.4>

Community Development and Recreation Committee at its meeting of April 13, 2016, requested the General Manager, Children's Services and the General Manager, Parks Forestry and Recreation to report to a future meeting of the Community Development and Recreation Committee on emerging provincial policy directions and regulations related to before and after school programs and City of Toronto middle-year standards for school age children.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.CD11.4>

At its meeting of June 11, 12, and 13, 2012, City Council adopted the Middle Childhood Strategy Implementation Plan, A Time for Action and requested that the General Manager, Children's Services in partnership with the General Manager, Parks Forestry and Recreation, to work with the Province of Ontario officials across Ministries to explore and align funding opportunities to stabilize and support a system of out-of-school time programming for children aged six to 12.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.CD16.2>

## COMMENTS

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In 2012 City Council adopted The Toronto Middle Childhood Strategy. The Strategy was in advance of, but with awareness of, the Provincial government's commitment to policy changes for programs serving ages six to 12 as a next step in Ontario's child care modernization. The Strategy noted that "families with schoolage children often have to contend with a patchwork of services that may not always be accessible, affordable or developmentally appropriate." Three of the goals in the Strategy are to develop a comprehensive and integrated system of services for children aged six to 12; improve local service coordination and planning; and improve the quality of all programs. The initiatives described in this report outline the steps that the Ministry of Education has taken for this age group. Throughout this report the term "schoolage refers to children in kindergarten to grade six; broken into the two age categories of kindergarten and middle childhood.

In order to modernize child care and early learning in Ontario for middle childhood children the Child Care and Early Years Act (CCEYA), the Education Act, and their regulations have undergone a number of changes. Many of these changes have been positive for the sector, while some are more challenging to implement.

### **New Duty for School Boards: before and after school programs**

As previously reported to City Council in December 2016 (Item CD16.2), new regulations under the Education Act have created a duty for school boards to ensure the

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provision of before and after school programs where there is sufficient demand and viability. This requirement applies to school age children (kindergarten through grade six) and is in place for September 2017. This duty builds on the previous requirement for school boards to provide programs for children in kindergarten, where a sufficient number of parent surveys had been returned indicating interest (the survey requirement has been removed for the 2017-18 school year). School boards may meet their duty for middle childhood children (grades one to six), where demand and viability exists, by either directly operating a program or entering into a third party contract with a licensed child care operator or an Authorized Recreational and Skill Building Program.

While the provincial budget announcement contained resources to expand child care capacity for children up to age four, no new resources (i.e. administrative costs, fee subsidies, start-up costs, resources for children with special needs, etc.) have been provided for the schoolage expansion initiative. This creates an imbalance in the allocation of fee subsidies by age. Therefore this report requests that the Ministry of Education increase funding for schoolage subsidies in order to maintain the current age distribution ratio and ensure affordable care is available through the age continuum. Given the Province's commitment to increase service to the infant to four year age groups it is estimated that for 2017-2018 an additional 1,247 subsidies for kindergarten and 2,315 for grades one to six will be required.

Provincial policies and guidelines for school boards on expanding before and after school programs were received at the end of January 2017. Under the regulations, a before and after school program is not required if the City of Toronto (in its role as Service System Manager) and the school board reaches an agreement that there is insufficient demand. This change provides the Service System Manager with an enhanced opportunity to increase access and support the development of a continuum of care service for families and their children.

Toronto Children's Services, the Toronto District School Board (TDSB), and the Toronto Catholic District School Board (TCDSB) formed a workgroup, which has been meeting since June 2016, to ensure consistency in the implementation of the regulations. (Toronto's French-language school boards already have programs for kindergarten and schoolage children and no further action was required).

In order to inform this collaborative approach, Children's Services and both school boards held joint engagement sessions. Two consultation sessions were held in December 2016 and January 2017, attended by approximately 100 licensed child care and recreation program operators. As well, a smaller focus group with nine child care and recreation program operators was held in March, 2017. Expansion concerns highlighted at these sessions include: recognizing that this period of transition needs on-going change-management efforts to support shared space relationships; filling split-shifts with qualified Registered Early Childhood Educators; and the need for fee subsidies so families can afford the newly created spaces. School boards also noted their struggle to expand care in situations where the existing operator may not have the ability or willingness to expand.

Each TDSB and TCDSB elementary school required an assessment of demand and viability. The planning strategy for the 2017-18 school year reviewed 603 schools. For the 299 schools (49.6%) that have both kindergarten and middle childhood programs no further action was required. While there may be waiting lists at some programs, the ability to expand existing programs depends on the operator's willingness and the availability of resources such as fee subsidies. For the 21 schools (3.5%) with kindergarten programs only and the 137 schools (22.7%) with middle childhood programs only, the Boards approached the existing operators to discuss expanding services to the other age group. In many cases, these discussions are expected to create new programs to provide a full continuum of before and after school care.

Finally, for the 46 schools (24.2 %) that had neither a kindergarten nor a middle childhood program, the Boards conducted parent surveys. If 20 kindergarten and/or 25 middle childhood surveys requested care the schools pursued options to provide care.

The TDSB and TCDSB are currently exploring opportunities for either expansion of existing programs or the establishment of new programs at over 50 sites. The number of new programs will depend on the actual number of children who register at each site.

This collaborative approach to service planning will improve access to programs and advances the goals of the Middle Childhood Strategy. The TDSB, TCDSB and Children's Services have committed to continued joint-planning activities.

### **Authorized Recreational and Skill Building Programs for Six-12 Year Olds**

As part of the Child Care and Early Years Act (CCEYA) changes, Service System Managers (Children's Services in the City of Toronto) have an optional ability to "authorize" a new program category called *Recreational and Skill Building*.

The regulations also identified recreation organizations which are already deemed authorized, including programs run by a school board, a First Nation, the Métis Nation of Ontario, a municipality, the YMCA or the Boys and Girls Clubs of Canada.

The regulations also established that recreation programs may also be deemed authorized if they are an After School Program funded by the Ministry of Tourism, Culture and Sport (MTCS), a member of a provincial sport or multi-sport organization recognized by MTCS or an agency or attraction of MTCS.

### ***What are Authorized Recreational and Skill Building Programs?***

Like licensed child care, the new category of Authorized Recreational and Skill Building programs' primary purpose is child care; however, these programs must also be complemented by the promotion of recreational, artistic, musical or athletic skills or provides religious, cultural or linguistic instruction.

These programs can only serve children six years (grade one) or over, operate for three hours or less, and only operate once a day. In other words, they cannot offer both before- and after-school programming.

### ***What programs may want to be "Authorized" by Children's Services?***

Beyond the programs that are already deemed authorized through the regulations there are a variety of program models which may wish to be authorized by the Service System Manager. These programs may be operated by not-for-profits including the faith based sector, single or multi-service agencies, volunteer organizations or by for-profit businesses. Programs may operate in schools, faith buildings, City space, recreational rooms in buildings (including Toronto Community Housing) or commercial space. These programs may be funded by grants, including the United Way or the City (Social Development, Finance and Administration). They offer a variety of activities from homework help to sports play.

Estimating what programs may request to be authorized, if the option is exercised in Toronto, is challenging. Although these programs play an important role for families, the programs have generally been unregulated, creating an unsystematic sector that grew out of local community needs and family demand.

### ***Defer the Decision on the Option to Authorize***

Local Service System Managers are currently reviewing the guidelines and the needs of their communities to determine if they should or should not exercise this option to authorize.

This report recommends that Children's Services not exercise the option to authorize Recreational and Skill Building programs at this time. It recommends that staff take the time required to research and consider if there is a need to authorize and, if so, what policy framework must be put in place to manage the process.

While in principle, Children's Services supports efforts to improve oversight and quality for programs serving middle childhood, this discretionary power was granted by the Province without implementation resources which is problematic given the scale and diversity of programs that exist in Toronto. While the regulations regarding authorized Recreational and Skill Building came into effect in August, 2016, the guidelines for this authority were only received on May 3, 2017, therefore there has not been enough time to make an informed recommendation.

The Ministry's guidelines and the City's innate responsibility means there is no simple way for the City to recommend this optional role at this time. Although we are well positioned to build on the established School-Age Quality Standards, we do not have the knowledge required of existing programs nor the resources required to establish a new authorizing mechanism.

If the City takes on the role of authorizer, it will have a legal obligation to take on a significant number of related tasks such as developing policies to assess eligibility, to grant and revoke authorization and to monitor and implement quality standards. The City will also have to develop processes for ongoing monitoring of organizations to determine compliance which likely would include a process for handling complaints. As well, in order to have the ability to enforce the standards it wishes to promote, the City will have to enter into agreements with each organization.

The current options available for programs, where no municipal authorization process exists, include obtaining a child care licence or modifying programs in order to receive an exemption which is determined by the Ministry of Education's Licensing Unit. The flow chart in Appendix 1 shows the different options under the CCEYA. Not every program in its current form will be able to comply with the regulations.

Depending on how the Ministry of Education chooses to use its enforcement, licensing and exemption powers, there could be a service impact for families. Ministry officials have, however, committed to working with the City and the school boards to minimize service disruptions for families. This report recommends that the Ministry continue to work with the City of Toronto and the school boards to mitigate any service disruption, while ensuring safety and quality of programming, recognizing the City is considering the authorizing option.

Some activities are not affected by the regulations such as care by relatives or day camps for children over the age of four. Other activities which are not considered child care, such as one hour lessons or team sports may be exempt. The Ministry also has the ability to give exemptions on exceptional circumstances for programs that operate daily.

At this time there is little information on how these exemptions are applied, which could significantly impact the rationale to either take on this optional authority or not. (For example, it is unknown if the primary purpose of a music or culturally specific program, which may operate daily, is considered care or is considered learning, where care is a secondary benefit.)

### ***Next Steps***

Staff will investigate the sector serving middle childhood and consult with stakeholders in order to determine if there is a need to create an authorizing mechanism. If the recommendation is to take on this option, staff will develop a fair and consistent framework including what types of programs and locations the City will consider authorizing.

Before an authorization process could be designed and implemented, a number of issues will need to be resolved, chiefly, any potential legal liability to the City. The best way for the City to mitigate liability risks is to have demonstrably reasonable criteria for granting authorization and a reasonable system for ongoing monitoring. Such processes take time to design and resources to implement. The magnitude of this cost will depend on many factors including the: expected number of programs applying or that would be accepted; extent of the application review process (whether a paper-exercise or site visits with program quality assessments) and; the extent of the monitoring process (annual reviews vs. quarterly site checks).

The financial impact of creating an authorizing mechanism and its funding source must be investigated. The Ministry of Education has provided no additional resources to implement this option, at this time.

With provincial guidelines for Service System Managers now released, Children's Services can take on a detailed review of potential service impacts, liability and costs. This review would include ongoing partnership with the school boards and consultation with stakeholders, including the Ministry of Education, as well as legal and financial analysis. If the recommendation is to take on the authorizing option, a clear and consistent framework would need to be established.

Children's Services is requesting that the Ministry continue to work with the City of Toronto and the school boards to ensure that families do not experience any service disruption during this time of transition.

## **CONTACT**

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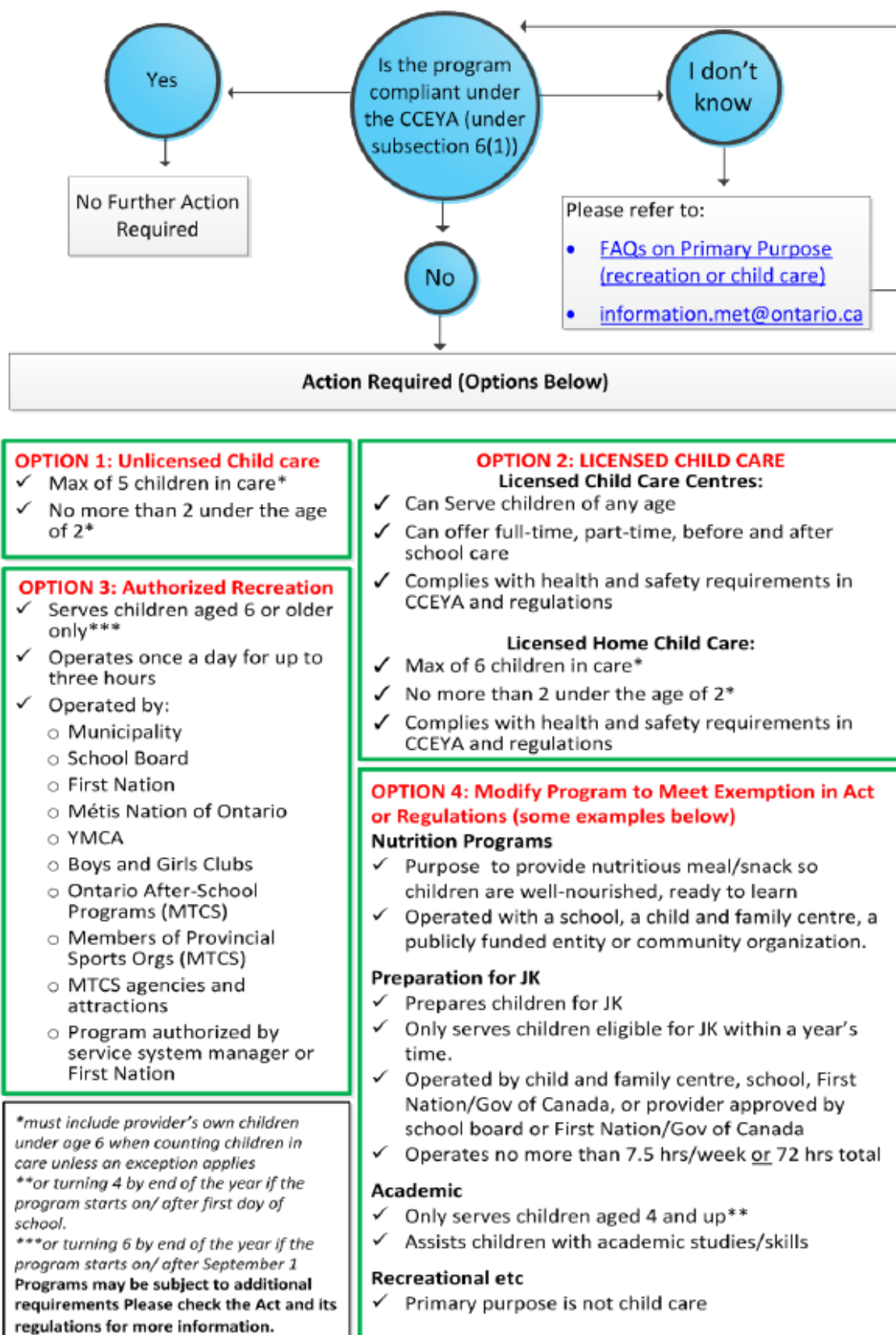
## **SIGNATURE**

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Elaine Baxter-Trahair  
General Manager, Children's Services



## Appendix 1: Determining Whether a Program is Child Care: Compliance Under the CCEYA



*Source: Authorizing Recreational and Skill Building Programs, A Resource for Service System Managers, released on May 3, 2017.*