



Community and Health Services Department
Office of the Commissioner

Memorandum

TO: Members of Committee of the Whole

FROM: Adelina Urbanski
Commissioner of Community and Health Services

DATE: November 5, 2015

RE: **Repeal of *Day Nurseries Act* and Implications of the
*Child Care and Early Years Act (2014)***

This memorandum provides an overview of the repeal of the *Day Nurseries Act* and implementation of the *Child Care and Early Years Act*. It also provides an overview of the implications for York Region and actions taken to date, by the Region, to educate child care operators on the changes.

The Province is continuing to modernize the child care system through proclamation of new legislation

Since 2009, the Province has been taking steps towards the modernization of the child care system by implementing recommendations contained in the discussion paper *Modernizing Child Care in Ontario*. In this discussion paper, the Province committed to: update the *Day Nurseries Act*; modernize and strengthen Ontario's child care system; and better support parents and children.

On August 31, 2015, the Province proclaimed the *Child Care Modernization Act, 2014* resulting in the:

- Repeal of the *Day Nurseries Act* with its replacement, the *Child Care and Early Years Act, 2014*
- Amendment of the *Education Act*, requiring school boards to provide before and after school programs for 6 to 12 year olds, where there is sufficient parent demand
- Amendment of the *Early Childhood Educators Act, 2007*, meeting the statutory duty to review the Act before February 2014
- Amendment of the *Ministry of Training, Colleges and Universities Act* to provide the Province with authority to collect and use personal information

Changes to the regulations that govern the child care and early years system will be implemented in phases over the next few years

The *Child Care and Early Years Act* will improve oversight in both the licensed and unlicensed child care sectors. The first phases of new and amended regulations, which will focus on program quality, will continue to be a provincial responsibility. The first phase includes:

- Increased Ministry authority, oversight and requirements of the unlicensed child care sector
- Increased transparency of both licensed and unlicensed home-based providers including: a requirement to disclose, in writing, whether or not the provider is licensed; and full access for parents to the home
- Increased provincial enforcement tools and the authorization to intervene if there is a threat to the health and safety of children, including those in unlicensed settings
- The requirement that licensed child care programs, all child care employees, and all home child care providers be certified in First Aid and CPR and have a current Vulnerable Persons Criminal Reference Check
- The requirement for all licensed child care programs to have a written statement outlining the use of *How Does Learning Happen* which is a provincial framework for program development in licensed child care settings.
- Broadening the definition of children with special needs and changing the reference in the legislation from “handicapped children” to children with special needs

The Province will continue to develop new regulations under the *Child Care and Early Years Act*, which will be phased in over time, through publically reviewing provisions carried over from the *Day Nurseries Act* and making amendments. The timing of these amendments is unknown.

As the Child Care Service System Manager, York Region will continue to provide leadership and support to licensed child care operators through this transition

The leadership role of municipalities in Child Care Service System Management is entrenched in legislation. At this time, the implementation of the *Child Care and Early Years Act* and the first phase of regulation changes have minimal impact on the Region as the Service System Manager.

The Region will continue to provide child care operators with the opportunity to provide input into regulatory changes. Ongoing training for licensed child care staff will be provided as part of the Region's Service System Manager role.

Adelina Urbanski
Commissioner of Community and Health Services

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