



Amendments to Nova Scotia's  
*Day Care Regulations*

Consultation Document

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*Building strong, healthy communities together*

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## **Glossary - List of Terms**

**Note:** Until such time as the *Day Care Act* is renamed the *Child Care Act*, and the language of the *Act* is changed, we are required to refer to the provision of care and supervision to children in a licensed setting as “day care”

“approved family home day care” means day care by a care provider, in the care provider’s family home, which is supervised by an agency to ensure the child's physical, emotional, social and intellectual needs are met.

“attending school” means attending a school program in a public or private school authorized under the Education Act and includes any child who is over the age of five for the purpose of Section 5 of the Education Act;

“child” means a person who is up to and including the age of 12 years on or before December 31;

“child care” means the provision of care and supervision to a child, and includes day care services licensed under the *Day Care Act*

“day care” means the provision of services pertinent to a child’s physical, social, emotional and intellectual development apart from the child’s parents or guardian, as licensed under the *Day Care Act*

“Director” means the person within the Department of Community Services who has overall responsible for the early childhood development program

“facility” means a building or part of a building at or in which day care is or may be provided and includes a home in which family home day care is provided.

“parent” includes guardian, foster parent or other person responsible for the care and custody of a child.

"school age" means up to and including the age of 12 years and attending school;

## **1 Introduction**

Access to quality child care has always been important to Nova Scotian families. Traditionally this care was provided in the home, or by family members. Over the past 40 years, changes in the family structure (more single parent families and less support of extended family), and increased parental workforce participation, have required parents to look outside their families for quality child care. In 1980 the Government of Nova Scotia introduced the *Day Care Act* and *Day Care Regulations* to provide rules for licensing and monitoring day care in the province.

Since that time, much research has been done on the impact of day care and on the positive benefits for children's growth and development that early learning experiences in group settings may offer. In recent years, this has resulted in an emerging shared understanding on the part of parents, educators, researchers and the wider public, with respect to the value of early learning environments and experiences for young children. This knowledge, coupled with a continued increase in parental work force participation, has increased the demand for day care services across Canada.

Nova Scotia has responded to this demand and made concerted efforts to better address the current child care needs of Nova Scotia families. Since 2001, the province, in conjunction with funding initiatives introduced by the federal government, has provided financial support to full-day child care centre operations to enhance early childhood educator wages, improve opportunities for training and, most recently, for enhanced operational support. Various initiatives have also been provided to part-day child care centres, including support for physical activity resources, access to supported child care funding to foster inclusion and opportunities for training.

In 2005, the Department of Community Services completed a consultation process with parents, communities and the child care sector. This consultation process was used to develop Nova Scotia's 10-year Early Learning and Child Care Plan, announced in May 2006. As a result, there has been a commitment to increase the number of regulated day care spaces, build capacity for inclusion and enhance the child care subsidy program to ensure that licensed day care is more accessible and affordable for families. Currently, the Department of Community Services has undertaken a review of the *Day Care Regulations*.

This discussion paper provides some background to the provision of day care in Nova Scotia, describes factors which are impacting the child care sector and sets out a number of areas in the *Day Care Regulations* which the Department of Community Services is considering changing.

## **2 Background: Day Care in Nova Scotia**

Currently, Nova Scotia licenses 380 day care centres (both full and part-day), offering approximately 13, 485 spaces to more than 14, 000 children who are between 3 months and 12

years of age. A 2006 Statistics Canada (Bushnik, 2006) report indicates that there has been a significant increase in the use of licensed child care services over the past 10 years. In 2002-2003, 54% of children in Canada between the ages of 6 months and 5 years were in a non-parental care arrangement (Bushnik, 2006). In keeping with trends across Canada, approximately 54% of Nova Scotia children are cared for by someone other than a parent and about 24% of those children are in a licensed child centre (Bushnik, 2006).

In addition, the number of women in the Nova Scotia workforce continues to increase as do the number of young children with working parents. In 2006, more than 70% of young children from 0 to 4 years had mothers who were in the paid workforce (Friendly et al., 2007). Statistics also show that, both, children from higher income homes and children from lower income homes, particularly those headed by female lone parents, are most likely to be in a non-parental care arrangement (Bushnik, 2006, Rushe, 2007). Accordingly, day care centre wait lists across Nova Scotia indicate that many kinds of families, with diverse backgrounds, are looking for licensed spaces and the demands on child care centres are increasing.

The *Day Care Act* and *Regulations* set out the requirements that must be met before a license may be issued to a day care centre owner or operator. As with all regulatory processes, the intent of the *Act* and *Regulations* is to ensure that children in licensed day care centres receive the care that they deserve - care that protects them from hazardous situations, supports their development and secures their overall well-being. This is accomplished in large part through regulations that are clear, enforceable and reflective of several basic factors that are linked to positive child development, including, but certainly not limited to, clean and safe classroom environments, qualified and responsive staff as well as appropriate child to staff ratios, stimulating programs, and family- and child-centered practices.

The *Day Care Act* and *Regulations* were first introduced in 1980. At that time, part-day programs were essentially viewed as an opportunity for children's enrichment and not necessarily as a means to support parental workforce participation. Conversely, full-day programs were mainly designed to support low income working families and children at risk. At that time, there were significantly fewer licensed day care centres in the province than there are now and fewer government staff enforcing the *Act* and *Regulations*.

Since the introduction of the *Day Care Act* and *Regulations* in 1980, the Department of Community Services has consulted regularly with the child care sector, to ensure that concerns are heard and understood. An important consultation took place in the early 1990's when the Nova Scotia Round Table on Child Care struck a sub-committee to review and propose amendments to the *Day Care Regulations*. This review resulted in a number of recommendations, which were provided to the Department in 1997. As a result, amendments to the *Day Care Regulations* were made in 2001 and 2004. In 2005, consultation sessions with the child care sector, parents and the community took place and the data collected was used in developing a 10-year plan for child care.

This consultative approach has helped the Department of Community Services keep abreast of issues which impact the regulation of day care services in the province. A number of areas of concern have been identified by the child care sector. The Department has also identified issues as a result of new learnings about early childhood development and the Government's commitment to streamlining and improving the regulatory process through the Better Regulation Initiative.

### **3 Factors Affecting the Provision of Day Care**

#### **3.1 Labour Force Trends**

Since 1980, and especially since the mid 1990s, there has been a significant increase across Canada in the number of families from all socio-economic backgrounds looking for day care (Bushnik, 2006). Day care is a critical factor in parental ability to join and remain in the workforce and to pursue educational goals. Many families in Nova Scotia have come to rely on the incomes of two parents to make ends meet. In addition, many lone parents are the sole providers for their families and as such are also engaged in the workforce, often on a full-time basis.

A Federal Labour Standards Review (Fairness at Work: Federal Labour Standards for the 21<sup>st</sup> Century, October 2006) has identified a number of factors which are impacting employment status and work arrangements in Canada, and which must be considered as we develop new *Day Care Regulations*. These include:

- *Decreased career stability:* Today's worker will have on average approximately three careers and eight jobs over a lifetime.
- *More complex and less standardized working arrangements and employment relationships:* Only about 33% of the work force now works standard hours (Monday to Friday, 9 to 5) in a standard job at the employer's workplace; only 63% of all working Canadians hold a permanent and full-time job, down from 67% of workers in 1989. This results in limited access to non-wage benefits, decreased job security and imbalanced workloads.
- *Social and family changes:* Changes include greater participation of women in the work force (60% in 2006 compared to 31% in 1965 ), an increase in dual earner families (72% in 2002, 33% in 1965), a rise in the number of working single mothers with children under six (63% in 2006 compared to 44% in 1976 ), and a large increase in the number of working mothers with children under six (71% in 2006, 25% in 1965).
- *Change in the make up of the workforce:* In 1965, the work force was almost 70% male and only 30% female. By 2003, almost half of the work force was female (46%). During this period, the female labour participation rate doubled from 31% to 62%.

In addition, the Federal Labour Standards review also identified the aging population as a significant factor impacting the workforce. While at first glance this might seem to be a factor which would reduce, rather than increase, the demand for high quality day care, in fact, the shortage of workers which will result from the retirement of the baby boomers, will put more pressure on the remaining work force (young families with children) to remain in the workforce rather than staying at home caring for children.

All of these factors put pressure on the child care sector to provide greater access to quality day care, and to provide more flexible day care services. For example, day care beyond the normal Monday to Friday 8 AM to 6 PM (extended hours care) and more flexibility for the provision of after school care have been requested.

### **3.2 *Early Childhood Development Trends***

Since early 1980, a greater understanding has developed in both the general public and the research community of the positive developmental outcomes for children in responsive quality early childhood settings (McCain & Mustard, 1999; McCain, Mustard & Shanker, 2007). Research in the field of early childhood development and care supports the notion that opportunities for children to be cared for by someone other than a parent and to enjoy social experiences that are reflective of children's developmental competencies, may be very positive for children. There are several indications that day care provided by skilled and knowledgeable care givers in high quality early childhood environments results in positive developmental outcomes for children (Barnett, 2003). Not surprisingly, then, increasing numbers of parents are looking for licensed day care programs not only to address their child care needs but also as a way to support positive developmental outcomes for their children (Statistics Canada, 2006).

As cited above, a recent Statistics Canada study (Bushnik, 2006) indicates that more than 50% of children aged 6 months to 5 years are in some form of non-parental care and about half of these children are in regulated care. It is also interesting to note that more than 60% of children in non-parental care situations are from lone parent families and this group is most likely to use a day care centre for care. The same study also points out that the number of children in non-parental care situations from families whose household incomes are at least 3 times above the Low Income Cut-Off (LICO) has not changed from 70% since 1994-1995, however, the percentage of children in these families who attend a day care centre has increased from 17% to 25%. Over the same time, the number of children in day care from households below the LICO increased from 22% in 1994-1995 to 39%. Approximately 40% of these children attend a day care centre as opposed to another type of care arrangement.

Factors such as these have led to an increase in the number of licensed day centres in Nova Scotia and a change in their primary focus from the provision of care to children at risk to a broad range of day care services for all Nova Scotia families. We know that the provision of early learning experiences will benefit young children and support parents in their endeavours to work and study and maintain a healthy work and home-life balance.

Clearly the arguments for the provision of regulated early childhood education and care programs are many. Such programs enable parents to enter into work and study assignments and may be attributed to positive developmental experiences for all children regardless of socio-economic status or family composition. That being said, one cannot underestimate the importance of early education and care programs for children who are at risk due to financial and/or environmental factors. Several long-term research studies, including the High Scope/Perry Preschool Program and the Abecedarian Project clearly outline the long- and short-term benefits of early childhood education and show direct economic benefits. As adults, children in these programs exhibit better employment possibilities and are less likely to turn to crime and violence than peers in their comparison groups who did not receive preschool education (Willms, 2004). The Organization for Economic Co-Operation and Development (OECD, [www.oecd.org](http://www.oecd.org)) regularly reviews national policies on early childhood development. *Starting Strong II: Early Childhood Education and Care* (OECD, 2006) outlines the importance of quality early childhood education opportunities for young children and the benefits of services in fostering positive child development and leading to better long-term outcomes for children into adulthood. The OECD identifies the need for governments to create strong public policy and clear expectations for provision of services in early education and care.

The provision of integrated services for families has been cited as a key for family success, especially for those families who have little other support. The Nunn Commission of Inquiry (2006), identifies the coordination of services for families as a key recommendation for ensuring successful outcomes for families and children. The Nunn report outlines how many of the troubles experienced by the young boy in this case could be traced back to early childhood, including a late diagnosis, and inconsistent treatment, of Attention Deficit Disorder.

Much research has been done on the effectiveness of early intervention for children who suffer from any developmental disorder. There is also substantial evidence for the effectiveness of quality early childhood education experiences in ensuring healthy development and positive outcomes for all children, especially those who may be already at risk because of social or physical factors (Shonkoff, & Phillips, 2000; Schweinhart, Barnes & Weikart, 2005).

Early childhood educators play an important role in young children's lives as they are often the first non-relative adults with whom children develop secure attachments and relationships. Early childhood educators have the opportunity to get to know children at a time when they are experiencing the world from a new perspective and developing their independence. Early childhood educators observe children as they learn to adapt to new routines, to develop trusting relationships with others, and to make sense of new environments. As such, early childhood educators are in the unique position of being able to identify poor social skill development and recognize signs of anti-social behaviour or learning difficulties at a very early stage in a child's life. In such situations, early intervention is critical in supporting children to redirect behaviours into more socially acceptable manifestations and child care settings are an ideal place to begin.

Early childhood educators often recognize signs of developmental delay and are especially attuned to identifying children's competencies and know how to build upon them. They are trained to create child-centered and play-based environments that are developmentally



appropriate and to use responsive strategies for guiding children.

Clearly, early childhood educators are in unique positions to identify children at risk at an early age and have access to resources to support parents in caring for their children and addressing concerns. The earlier the intervention, the greater the chances are that children will learn how to cope with their disability and capitalize on their competencies. Proposed amendments to create a separate category of school age day care directly reflect the ideas above and those put forth in the Nunn Commission. With respect to the importance of the provision of services for children, from the early years through to adolescence, and the notion that seamless transitions and a continuum of services are key to strong families and children, the amendments will clarify requirements and more closely reflect and provide a foundation to support best practices.

Given that substantial changes have occurred over the past 25 years, which dramatically impact the fabric of Nova Scotia family life, and that over the same time our citizens have gained a better understanding of the value of day care in the development of young children, it comes as no surprise that the demand for licensed day care continues to increase. In order to help Nova Scotia prepare for these workforce changes and to recognize that the pressures on families are increasing, it is important that we begin today to review the regulatory framework for the provision of day care services to ensure that the rules are both flexible and reflective of the new learnings in early childhood education.

#### **4 Proposed Regulation Amendments**

The following key areas are the focus of the proposed amendments to the *Day Care Regulations*. These areas have been selected to address factors such as the clarity of the *Regulations*, the ability of day care operators and directors to adhere to the regulatory requirement and the effectiveness of the regulations in ensuring the health, safety and well-being of children. The major areas of focus include:

- Services Exempted from Licensing
- Classes of Licence
  - Provision of Care for School Age Children
  - Part-Day and Full-Day Programs
- Licensing and Compliance Expectations
- Improved Information for Parents
- Qualifications

##### **4.1 Services Exempted from Licensing**

**Issue:** The *Day Care Act* and *Regulations* do not specifically identify the types of services that

are exempt from regulation. As a result, questions regarding the application of the *Act* are raised in cases when operators have not clearly understood the requirements to be licensed.

**Discussion:** Under the *Day Care Act*, “day care” means the provision of services pertinent to a child’s physical, social, emotional and intellectual development apart from the child’s parents or guardian but does not include organized recreational or religious activities, or services exempted by the regulations. The Department does not regulate programs that fall under the *Education Act* and operate under the authority of the Minister of Education.

This definition is broad and may cover various types of non-parental care arrangements. In some cases, operators have not clearly understood this section of the Act and have resisted licensing their programs because they offer recreational activities and believe their programs fall into the definition of “recreational.” However, in reality, many programs that have a recreational approach to programming are also aptly defined as day care under the Act.

The Department exempts services day care services provided at summer day camps, short-term child focused programs (less than 10 weeks in duration) and occasional child-minding where parents are on location. It would be helpful to have these exempted activities spelled out in the regulations, since the Department has no desire to license programs that do not require licensing. Providing greater clarity to staff and operators regarding what is included and what is not covered by the *Act* would reduce confusion and therefore also reduce investigation and enforcement costs.

**Cross-Canada Comparison:** Newfoundland and Labrador, Prince Edward Island, Manitoba, and Saskatchewan are all examples of jurisdictions that provide detailed exemptions in their *Act* or Regulations.

**Recommendations:** Amend the *Day Care Regulations* to clearly identify day care services that are exempt from the *Act*. In addition to those currently included in the Act and Regulations, the proposed list of exempted day care services would include:

- casual and irregular child–minding arrangements where the care and supervision is provided in the home of the child, in the home of the person providing the care and supervision, or where the parents are on the premises and readily available;
- care and supervision of children provided by the Director of Child Welfare or an agency under the *Children and Family Services Act*;
- school programs that fall under the authority of the Minister of Education through the Education Act;
- day care provided through a short-term program, which is designed to provide an activity, or instruction of an educational, craft, artistic, religious or sport related nature; and

- day care provided at a children's camp operated on a seasonal basis or during holiday periods in a location separate and apart from a licensed facility.

#### 4.2 *Classes of License*

**Issue:** Currently only two classes of license are defined in the *Day Care Regulations*: part-day and full-day; however, three distinct day care programs are currently provided by day care operators in Nova Scotia:

- Full-day early childhood development programs for children not yet in school;
- Part-day early childhood development programs for children not yet in school;
- School age day care programs.

A fourth day care program, Family Home Day Care, was introduced by the Department in May 2007, under a separate set of regulations, the *Family Home Day Care Program Regulations*. Other changes to the classes of license may be required for new initiatives such as extended hours day care.

**Discussion:** Each program may serve a different age group with distinct developmental requirements and programming needs, or is a program designed for special circumstances. Greater clarity is required to ensure that the rules for each program are specific to the requirements of the program and reflect developmentally appropriate standards. In addition, it has become apparent that day care operators are beginning to contemplate the provision of extended hours and flexible care. This is in response to parental needs and reflects the job market where shift work and compressed work weeks mean parents often require care that extends beyond a typical workday. (See discussion regarding specific programs below.)

**Cross-Canada Comparison:** Most provinces and territories set out specific programs that will be licensed with rules related to each class of program. Manitoba includes a section which sets out a list of classes of day care centres and day care homes and stipulates rules for extended hours care.

**Recommendation:** It is recommended that the *Day Care Regulations* be amended to create three classes of day care programs, in addition to the Family Home Day Care Program:

- early childhood part-day program,
- early childhood full-day program, with the option of extended hours,
- school age program, with the option of extended hours.

Set out below is a more detailed discussion of the reasons for creating a separate school age program and for clarifying the definitions of full- and part-day programs and the reasons for having an option to become licensed to offer extended hours care.

#### 4.2.1 Provision of Care for School Age Children

**Issue:** Currently school age day care programs must adhere to the same regulations as day care programs for children not yet in school. Some of the regulatory requirements may place an undue burden on providers of school age care and do not reflect the experience that children typically receive in school settings or recognize that school age children have distinct developmental and social needs as compared to younger children.

Most notable are the requirements for educators to be trained in early childhood education only, the provision of meals and the provision of a fully fenced outdoor play space. These requirements have been identified as burdensome by some operators and as obstacles in the licensing process.

**Discussion:** The needs of school age children and their families are often different from those of younger children. Thus, it makes sense to reflect this in regulation. The identification of programs more closely with the service they provide, and the individuals they serve, will lead to a more comprehensive understanding of the breadth of the programs available in a facility and the standards to which they should be held. A separate school age category would offer the opportunity to provide standards for programming and safety that more accurately reflect the needs and competencies of the children they serve. This, in turn, would enable greater compliance with the regulations.

One of the key issues for school age programs has been Reg 21A, which requires 2/3 of the staff of a facility to be trained in Early Childhood Education (ECE). This regulation has been applied to all centres, regardless of the day care service offered or length of program. This regulation has been difficult for school age programs to comply with and is not seen as reflective of school age programming requirements. In some instances, school age programs would prefer to hire staff trained in fields other than ECE such as recreation, education, fine arts, and music.

Although these skills are highly appropriate for working with school age children, training other than ECE is not officially recognized to meet the 2/3 trained staff requirement. A provision allowing for school age staff to be trained in areas other than ECE would offer more flexibility to operators in hiring staff and provide recognition that the developmental needs of school age children are as important as those of younger children but also different.

**Cross-Canada Comparison:** Several other provinces including Manitoba and British Columbia identify regulations specifically for the provision of school age care. In BC, the requirements for training are different in school age programs than for early childhood programs, as are the facility requirements and ratios.

**Recommendations:** The following recommendations are made in relation to school age care:

- Create a new definition for “school age programming”: the provision of care and developmental activities before and after school, during the lunch period and during school holidays and in-service days to school age children.
- Keep the ratios for school age programming as they are at 1 staff to 15 children and maximum group size at 30 children.
- Change the requirements for staff training to allow for more flexibility in hiring practices and to reflect the unique developmental needs and interests of school age children. Require that 2/3 of staff in a school age program have training in recreation, education, early childhood education, or another recognized field that pertains to school age child care programming.
- Permit school age programs to allow children to bring their own lunch (unless they attend a school age program that is offered in a full-day centre, which provides a meal to other children attending the program).
- Require school age programs to include outdoor play in their programs, but exempt school age programs from the requirement to have a fenced outdoor play area on site.
- Continue other distinctions currently in *Day Care Regulations* - no nap time, etc.

The Department will also promote best practices through guidelines to encourage programs to form groups based on age, i.e. primary and grade 1 children together, grades 2 - 4 together and grade 5 - 6 together. Depending on the size of the group this may not be possible or necessary but when possible it is highly recommended. It seems also to be the common practice for programs that do offer school age services.

#### 4.2.2 Part-Day and Full-Day Programs

**Issue:** The *Day Care Regulations* currently distinguish between full and part-day programs on the basis of whether or not they are open at noontime. This results in some part-day programs being licensed to deliver day care services for up to 8 hours per day, five days per week, as long as they are closed at noontime.

**Discussion:** The *Day Care Regulations* respecting full and part-day programs were created before the growth of school age care and at a time when part-day programs were primarily focused on enrichment. Full-day licenses were issued mainly for programs where the same children stayed all day, five days per week. Both full and part-day programs were designed for children not yet attending school. The reduction in school-run lunch programs in the mid 1990s created a need for lunch time supervision of school age children. This type of care was a good fit for some part-day programs, which already had many of the required day care equipment and facilities (minus kitchens since lunch is not needed in a morning or afternoon part-day program).

By mixing before and after school care in with nursery school and adding the potential of lunch time supervision, the initial distinction between part-day and full-day licenses has become less distinct.

Currently, Nova Scotia licenses 133 part-day centres, which provide early childhood development and school age programming for approximately 2,800 children. At this time, the *Day Care Regulations* permit an operator to provide part-day care at a reduced ratio of 1 teacher to 12 children, without specifying minimum age ranges. This means that an operator could technically offer part-day care to a mixed age group, including infants.

The ratios for infant care in full-day programs are set at four infants to one staff person. These ratio requirements reflect both safety and developmental concerns. Some of these concerns include the fact that infants require a significant amount of support to exit a facility in the event of an emergency. Providers must ensure that they are able to create and maintain safe environments for all infants, including adequate supervision at all times and the creation of exit plans.

Safety must also be provided within the context of the delivery of a developmentally appropriate program. Therefore, infant day care providers are not permitted to rely on cribs or playpens to control the activities of the children and adequate ratios are paramount. Early childhood development literature indicates that the needs of infants are very much individualized and often require the direct attention of a care provider for a period of time. An important key factor in ensuring optimal development for infants is a consistent primary care giver who is able to respond with warmth and understanding. The literature recommends a lower child/staff ratio for infants, to address these concerns. For these reasons, the inclusion of children under 30 months in a part-day program poses a safety risk and may not be developmentally appropriate or manageable for an educator.

**Cross-Canada Comparison:** The distinction between full and part-day programs is defined differently in other provinces. No province mirrors Nova Scotia's approach. Elsewhere, distinctions are made based on the number of hours part day programs are permitted to operate per day or week and on the type of programs being offered.

Some of the provinces do not have any regulations or guidance for part time programs. They appear to be unregulated, or if the program fits into the definition of day care, then they must meet those standards. Both Manitoba and Alberta use number of hours in care to define full-versus part-day care. Manitoba stipulates that part-day pertains to a day care program where children spend four or fewer continuous hours in a care in either a morning session or an afternoon session. Alberta defines nursery school as a program that provides care to children for up to three consecutive hours per day.

**Recommendation:** Amend the *Day Care Regulations* to clearly define full and part-day programs, as early childhood development programs for children who are not yet of school age. This would ensure that licenses accurately reflect the daily operations of day care centres. It would involve the introduction of a new class of license to cover school age programs and to specify age and time limits of children in part-day care.

We would recommend that an early childhood **full-day** program be defined as a program for children who are not yet of school age where the children attend for more than 4 consecutive hours per day or the program is operated for more than 25 hours per week.

We would recommend that an early childhood **part-day** program be defined as a program for children who are older than 30 months and not yet of school age where the children attend for fewer than 4 consecutive hours per day or the program is operated for fewer than 30 hours per week.

We would recommend that a **school-age program** be defined as a program for children who are school age, and attend the program during the early morning, at lunch, after school and on in-service/summer days.

#### 4.2.3 Extended Hours and Flexible Care

**Issue:** Currently, the Act and Regulations do not address flexible or extended hours care. The regulations do not stipulate the hours that a centre may be open but it does allude to the idea that day care runs during the day. Evenings and weekends are not mentioned.

**Discussion:** The Department has received inquiries with respect to requirements for extended hours care and would like to support operators to offer this type of care when there is a need in the community. The requirements for a child care environment that is open for extended hours, from early morning into the late evening are different from a typical part or full-day program. Some of the items for consideration include:

- Length of time for a child in child care (hours per day);
- Length of time for an educator providing care (hours per day);
- Number of adults onsite at all times;
- Quality of programming outside of typical daily routine;
- Quality of meals and snacks as children could potentially receive all of their required daily nutritional intake in the child care centre;
- Quality of quiet time and developmentally appropriate resting areas (e.g., cots vs. mats);
- Possibilities for bathing and self care activities;
- Likelihood of mixed-aged and family groupings.

**Cross Canada Comparison:** Manitoba has specific requirements for extended hours and 24-hour care that address many of those considerations above.

**Recommendation:** Amend the regulations to stipulate specific requirements for the provision of

extended hours care, including the following:

- Ensure that the number of hours a child spends in care reflects parental work/educational/training commitments and is in the best interests of the child;
- Ensure that educators are given breaks and shifts that reflect, at a minimum, Occupational Health & Safety requirements;
- Ensure that at least 2 adults, including the director or a designate, are onsite at all times or the number that is required to meet ratio, whichever is higher;
- Require program plans and daily schedule for all hours of operation that are reflective of the children's developmental needs;
- Provide adequate sleeping/resting areas for all children that are reflective of their age and developmental needs, including separate sleeping areas for male and female school age children where appropriate.

### **4.3 Licensing and Compliance**

**Issue:** In 2006 the Auditor General's report noted that the Department of Community Services issues many short term licenses. As a result, numerous centres continue to be licensed on a short-term basis year after year. The practice of issuing short term licenses may reduce overall compliance.

**Discussion:** Where non-compliance issues raise concerns about the health and safety of the children or about the content of the program being delivered, Early Childhood Development Officers provide support and consultation services to the operator in order to address the problems quickly and effectively. The operator's license is renewed for short periods of time to ensure frequent opportunities for departmental staff to review progress. Fortunately, these situations arise infrequently and account for only a small percentage of the short-term licenses issued each year.

Short-term licenses are also issued to operators who have not complied with all of the requirements of the *Day Care Act and Regulations*. This practice was criticized by the province's Auditor General. The Department had made improvements to its technical systems and made changes to its procedures to respond to the Auditor General's concerns. However, regulatory changes may also be needed to address the issue of short-term licenses.

The *Day Care Regulations* include a number of sections which require operators to comply with rules set out in other legislation and which are monitored by other departments or different levels of government. Short-term licenses are issued to operators who are missing an approval or inspection from another Department or government office (e.g. municipality). By including these requirements in the *Day Care Regulations*, the Department of Community Services becomes a second monitor for rules established and enforced by others. This leads to operators being in non-compliance, and to the issuance of short term licenses. Since these requirements are articulated in other legislation, regulations or by-laws and every operator must comply with the



law, it is not necessary to repeat the requirements in the *Day Care Regulations*. Eliminating these sections would reduce some of the administrative non-compliance.

The Department has developed a compliance policy, which outlines the consequences of non-compliance and sets out a series of steps that licensing staff will follow before they recommend revocation of a license. In conjunction with this policy, the Department instituted the practice of issuing short-term licenses for breaches of the *Day Care Act* or *Regulations*. This may inadvertently cause a lower level of compliance, since operators believe they will continue to be issued short term licenses and may not be incentive to comply with within established time frames.

A more clearly articulated licensing process, which sets out the consequences of non-compliance could address this problem and could also eliminate the requirement for short-term licenses. This change would also permit the Department to license operators who are fully compliant for a longer period than the current one year maximum, as was recommended by the Auditor General (e.g. two years or more). This change would also reduce the administrative burden on both the operators and the Department.

**Cross-Canada Comparison:** Provinces follow various approaches to regulation enforcement, including using legal processes such as injunctions, stop orders and court processes. In addition, provinces have varying terms for licenses. In Quebec day care centre permits may be issued for up to 5 years. British Columbia has non-expiring licenses and the North West Territories recommend licenses for 3 to 5 years.

**Recommendation:** Amend the *Day Care Regulations* to spell out the form of license that would apply in each type of situation:

Compliance Status	Explanation	Form of License
On-going full compliance	Two or more consecutive years of full compliance	License for two years or more
Full compliance	One year of full compliance	License for one year
Administrative non-compliance	One or two years of administrative non-compliance	License for one year with conditions
Non-compliance which affects health and safety	Immediate health and safety concerns or more than two years of administrative non-compliance	Short term license leading to revocation of license if problems not corrected

#### 4.4 *Improved Information for Parents*

**Issue:** If the Department is considering revoking a day care license (which happens infrequently), the parents of children enrolled in the centre need to be informed. Closures may take the parents of children enrolled in a day care facility by surprise and parents may feel that they have not been kept apprised of the day care's license status even though the *Day Care Regulations* require that the licensing report be posted at the day care centre. A better process is required to ensure that parents of children in day care are kept well informed of licensing issues and are made aware when conditions are attached to a license.

**Discussion:** The Department of Community Services has made a commitment to provide parents of children enrolled in day care centres with a mechanism for receiving information from day care operators regarding day care management issues that may be of concern. As one step to following through on this commitment, the Department is proposing that all day care centres be required to establish a parent advisory committee which would meet twice a year to discuss issues of concern to parents.

The parent advisory committee, of which the majority would be designated parent representatives, would ensure that parents are advised of the status of the agency's license, including steps being taken to address any conditions attached to the license. The twice yearly meetings of the parent advisory committee would replace the current requirement for quarterly parent meetings for full-day centres and bi-annual meetings for part-day centres. The committee would also be used by the Department for communicating directly with parents about any serious issues which could affect the health and safety of their children. A parent advisory committee would not replace the Board of Directors in a non-profit day care, where the Board is considered to be the centre operator.

Another step that the Department is considering to improve parental information about the status of each centre's license, is to introduce colour coded licenses. A visual identification method for distinguishing license types will quickly inform parents when their centre's license has changed status. For example, a fully compliant centre would be issued a green form of license; a centre with low priority non-compliance issues would be issued an orange form of license; and a centre in continued administrative non-compliance or with health and safety and program concerns would be issued a red form of license. These licenses would be posted near the entrance to the facility and a public education program would ensure that parents were aware of the significance of each colour of license.

In addition, to help parents make informed child care choices, the Department has implemented:

- a visual identification symbol to distinguish licensed programs; and
- an online service to provide up-to-date licensing information on the internet.

**Cross-Canada Comparison:** Some provincial regulations require day care centres to elicit direct parent involvement in decision-making processes. Saskatchewan requires the establishment of parent advisory committees and both Newfoundland and Labrador and Manitoba require parent involvement in policy development (Newfoundland and Labrador) and the operation of the centre (Manitoba).

**Recommendation:** We recommend adding provisions in the *Day Care Regulations* to create

parent advisory committees and to ensure that these committees inform parents of licensing status issues. Parent advisory committees would be comprised of at least 2 parents, one representative of the day care centre or agency operator (non-voting) and 1 staff representative. The current regulation requiring quarterly and bi-annual meetings based on license status (full- or part-day) would be replaced with requirements for parent advisory committees.

We would also consider that the implementation of a colour coded license scheme could also be used to provide quick visual identification to parents of the status of their day care centre's license. As well, the proposed amendments should include a provision to require unlicensed care providers to clearly identify that their services are unlicensed.

#### **4.5 Qualifications**

**Issue:** In 1984 the *Day Care Regulations* were amended to introduce higher standards of training for staff working in day care centres. To help untrained staff transition to a higher level of qualifications, provisions were included to permit day care staff who had not completed training in early childhood education (ECE) to acquire specific training and experience to be considered equivalent to an ECE trained staff person for staff/child ratio and salary purposes.

While this section has encouraged many untrained staff to engage in professional development opportunities in working towards equivalency requirements, it is not equal to a full ECE credential. This is one factor which has influenced early childhood educators with full ECE credentials to seek employment outside of the child care field, leaving day care centres in a struggle to find and retain trained staff. Since many trained ECE staff are leaving the sector, day care centres often have to recruit untrained workers and develop work plans to support them in completing the requirements for equivalency.

**Discussion:** The regulations with respect to early childhood education training and equivalency, which were introduced in 1984, came from recognition that training was a key factor in the quality of the care provided to children. Originally, the equivalency clause was created in recognition that the transition to complying with new training requirements would be difficult for the sector and particularly disadvantageous for many women who had devoted much of their working lives to the child care field. The notion was that equivalency (Grade 12 completion, one full-credit post secondary course in human growth and development, 25 hours of workshops in curriculum development and child care programming, plus two years experience in a licenced facility) would allow many of these people to be recognized for their work with children and provide a mechanism for maintaining their positions.

Equivalency was intended as a temporary mechanism to support the workforce and the sector in complying with new training requirements. Without doubt, equivalency has been instrumental in enabling day care centres, especially those in rural areas, to meet training requirements. With the current issues around recruitment and retention of trained staff, equivalency still enables many

centres to meet training requirements for ratio.

**Cross-Canada Comparison:** In reviewing cross-jurisdictional requirements for early childhood education training, the term “equivalent” does not appear. Many provinces identify training programs in early childhood education and development that are recognized by the Minister. Some provinces such as Manitoba and PEI have also established boards, comprised of interested parties such as faculty from recognized institutes, educators, parents and government representatives, who then advise the Minister as to the types of training that should be recognized.

**Recommendation:** Due to the current recruitment issues with respect to trained staff, at this time, it is recommended that day care staff who have completed the requirements for equivalency continue to be considered in allowing centres to comply with ratio/training requirements.

It is also recommended that the current sections on qualifications and equivalency in the *Day Care Regulations* be re-worded to clearly distinguish between a diploma or degree in Early Child Education and the completion of course work/experience that may be used by an operator to maintain compliance with training requirements. The differences between completion of a training program and minimum requirements for meeting ratio would be clearly articulated. The wording would clearly differentiate between trained educators and those with minimum qualifications. In sum, those with minimum qualifications would not be considered as equivalent to trained but would be recognized for their experience and completion of professional development hours and, at this time, would continue to be accepted in meeting ratio requirements.

Over the next two years, the Department will also complete a review of training requirements in preparing for future amendments to regulations in this area. It is anticipated that future amendments/changes could be implemented in conjunction with recommendations arising from the current retention and recruitment initiative, which is being developed under the Early Learning and Child Care Plan.

## 5 Next Steps

The Department of Community Services hopes to have the proposed amendments to the *Day Care Regulations* in place by the summer of 2008. Through consultations on the Early Learning and Child Care Plan in 2005, the creation of the Family Home Day Care Program Regulations, regular meetings with the Round Table on Early Childhood Development and the Child Care Working Group, the Department has already received a great deal of input from the child care sector and staff on areas of the *Day Care Regulations* which require amendments.

The Department will be holding an inter-departmental consultation session to discuss proposed changes on the afternoon of February 19, 2008. A full-day consultation session with representatives from the early childhood sector and Early Childhood Development Services staff

will be held on Thursday, February 21, 2008. Representatives from many child care organizations and associations have been invited by the Department to attend and represent the interests of their organizations. Those who are unable to attend but who would like an opportunity to provide input, should provide their comments by **March 28, 2008**.

Please forward any comments or suggestions in writing or by phone to the attention of:

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