

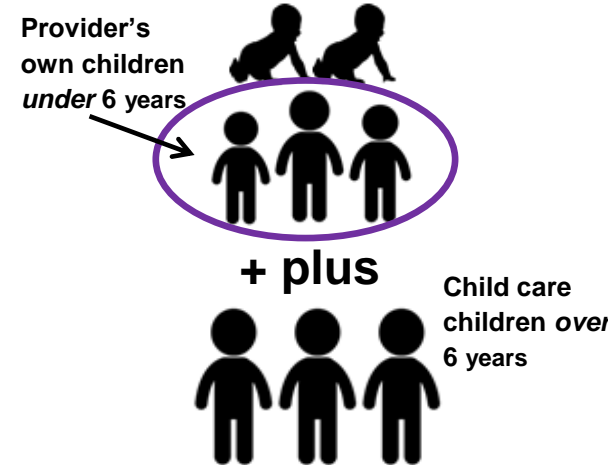






IMPACTS OF DNA vs. CCEYA ON REGULATED AND UNLICENSED CHILD CARE PROVIDERS

MAXIMUM NUMBER OF CHILDREN CARED FOR

 = child under 2 years  = child over 2 years

Regulated Home Child Care		Unlicensed Child Care		As of January 1, 2016
DNA (current)	CCEYA (upon proclamation)	DNA (current)	CCEYA (upon proclamation)	
<p>The number of children receiving child care must not exceed 5 children under 10 years. The number of children under 6 years in the provider's home, including the provider's own children, may not exceed a total of 5 children and no more than:</p> <ul style="list-style-type: none"> ▪ 2 children with special needs ▪ 2 children under 2 years ▪ 3 children under 3 years ▪ 1 child with special needs and 1 child who is under 2 years of age ▪ 1 child with special needs and 2 children who are over 2 years of age but under 3 years <p>Where the children of the provider are under the age of 6 years, they must be counted in the allowable age mix of children listed above; however, the provider may still have five child care children in addition to her own by caring for some school age children (i.e. 6 to 10 years of age). Example:</p> <div style="text-align: center;">  <p style="font-size: small;">Provider's own children under 6 years</p> <p style="font-size: small;">+ plus</p> <p style="font-size: small;">Child care children over 6 years</p> </div>	<p>Maximum of 6 children under 13 years including the provider's own children under 6 years and no more than 2 children who are under 2 years of age. Total number of kids determined at agency's discretion which must consider the following:</p> <ul style="list-style-type: none"> ▪ Ages of the children in the group; ▪ Any special needs; ▪ Child's ability to evacuate independently in an emergency; ▪ Experience and qualifications of the child care provider; and ▪ Physical environment of the home. <div style="text-align: center;">  </div> <div style="background-color: #d9e1f2; padding: 5px; text-align: center; font-weight: bold; font-size: small;">4 & 5 YEAR OLD CHILDREN</div> <p style="font-size: x-small;">Provider can exclude his/her own 4 and 5 year old children in FDK (or in Grade 1 with a late birthday), only during the school year and only if the provider cares for fewer than 2 children under 2 years old and if the provider meets prescribed (via regulation) criteria:</p> <ul style="list-style-type: none"> ▪ The provider has no record of convictions under the CCEYA or the DNA; and ▪ The exclusion only applies between the hours of 6 a.m.-7 p.m. on weekdays. <div style="background-color: #d9e1f2; padding: 5px; text-align: center; font-weight: bold; font-size: small;">10-13 YEAR OLD CHILDREN</div> <p style="font-size: x-small;">Children age 10 -13 years in provider's care on day of proclamation or within 2 years of date of proclamation do not need to be counted in maximum group size (i.e. 6 children) (via transition regulation).</p>	<p>Maximum of 5 children under 10 years, not including the provider's own children and no restrictions on the number of infants/toddlers (i.e. children under 2 years of age).</p> <p>Possibility of 5 children under 2 years of age:</p> <div style="text-align: center;">  <p style="font-size: 2em; font-weight: bold;">+</p> <p style="font-size: 1.5em; font-weight: bold;">plus</p> <p style="color: red; font-weight: bold;">Provider's own children:</p>  </div>	<p>Maximum of 5 children under 13 years including the provider's own children under 6 years and no more than 2 children who are under 2 years of age.</p> <div style="text-align: center;">  </div> <div style="background-color: #d9e1f2; padding: 5px; text-align: center; font-weight: bold; font-size: small;">4 & 5 YEAR OLD CHILDREN</div> <p style="font-size: x-small;">Provider can exclude his/her own 4 and 5 year old children in FDK (or in Grade 1 with a late birthday), only during the school year and only if the provider cares for fewer than 2 children under 2 years old and if the provider meets prescribed (via regulation) criteria:</p> <ul style="list-style-type: none"> ▪ The provider has no record of convictions under the CCEYA or the DNA; and ▪ The exclusion only applies between the hours of 6 a.m.-7 p.m. on weekdays. <div style="background-color: #d9e1f2; padding: 5px; text-align: center; font-weight: bold; font-size: small;">10-13 YEAR OLD CHILDREN</div> <p style="font-size: x-small;">Children age 10 -13 years in provider's care on day of proclamation or within 2 years of date of proclamation do not need to be counted in maximum group size (i.e. 5 children) (via transition regulation).</p>	<p>The new rules under the CCEYA re: counting the provider's own children and caring for no more than 2 children under the age of 2 years will come into effect (per transition regulation) for an unlicensed provider who was already providing care to a child on the day the <i>Child Care Modernization Act, 2014</i> received Royal Assent (December 4, 2014).</p>

FOR ABOVE CHART: **black font** = applies to regulated home child care **red font** = applies to unlicensed **blue font** = applies to both regulated and unlicensed

IMPACTS OF DNA vs. CCEYA ON REGULATED AND UNLICENSED CHILD CARE PROVIDERS

	Day Nurseries Act (current)	Child Care and Early Years Act, 2014 (upon proclamation)
Past Conduct	<ul style="list-style-type: none"> No prohibitions regarding past conduct precluding an individual from providing child care. 	<ul style="list-style-type: none"> Prohibits individuals from ever providing child care including those found guilty of certain criminal offences or offences under the Act, as well as individuals who have had their membership revoked from a regulatory college due to professional misconduct.
Duty to Disclose	<ul style="list-style-type: none"> No requirement to disclose unlicensed status to parents/guardians. 	<ul style="list-style-type: none"> Unlicensed providers are required to disclose to parents that they are unlicensed in a written format (per regulation) and to retain a record of the disclosure for at least two years unless otherwise prescribed.
Receipts for Child Care Services	<ul style="list-style-type: none"> No requirements in legislation/regulation to provide receipts to parents/guardian for child care services. 	<ul style="list-style-type: none"> Requires a person remunerated to provide child care (licensed and unlicensed) to provide a receipt (free of charge) for payment upon request.
Parental Access	<ul style="list-style-type: none"> No provisions ensuring parents' right of access to their child when under the care of a child care provider. 	<ul style="list-style-type: none"> Prohibits any child care provider from obstructing a parent's access to their child or preventing access by a parent to the premises where their child is receiving care unless the provider believes the parent has no right to access or may be dangerous or disruptive.
Protection & Branding of Licensed Child Care	<ul style="list-style-type: none"> No provisions/requirements re: protection of terms or branding of licensed child care. Licensed operators are required to post licence in a conspicuous place. 	<ul style="list-style-type: none"> Requires regulated providers to post a licence (or any other required information or signage prescribed by regulations) in a visible place - a ministry-issued decal would need to be posted at regulated home- and centre-based child care premises (per regulation). CCEYA provides that certain terms are protected and one cannot hold oneself out as licensed when they are not; unlicensed child care providers are prohibited from claiming to be licensed by EDU expressly or by implication.
Multiple Premises (Unlicensed)	<ul style="list-style-type: none"> Provision of unlicensed child care at multiple non-domestic addresses. 	<ul style="list-style-type: none"> Unlicensed providers are not permitted to operate multiple premises.
Camps	<ul style="list-style-type: none"> By policy made under the DNA (B1 directive), non-recurrent ten week programs are not considered day nurseries and therefore do not require a licence. 	<ul style="list-style-type: none"> Camps that are serving children 4 years (JK age) and up are exempt from the Act provided that they do not operate for more than 13 weeks per year, do not operate on regular school instructional days (which do not include school holidays like March Break, summer break or PA days), and do not operate in someone's home. Programs serving children under the age of four (JK age) would require a licence. Prevents licensed and unlicensed child care programs that offer child care year round from converting themselves to a camp during summer months to avoid compliance with licensing requirements.
Enforcement	<ul style="list-style-type: none"> Limited authority and enforcement powers to address non-compliances (issue, revoke, or refuse a licence; prosecution). Few offences: <ul style="list-style-type: none"> Providing child care to more than 5 children without a licence; Providing false information to the ministry; and/or Failing to comply with a court order or direction of a Director under the DNA. <ul style="list-style-type: none"> Convictions for the above could result in a fine of up to \$2,000, up to one year imprisonment, or both. Obstructing a program advisor. <ul style="list-style-type: none"> Conviction of above could result in a fine of \$5,000 or imprisonment up to two years or both. 	<ul style="list-style-type: none"> The CCEYA includes provisions that expand list of offences and set out the authority for a range of enforcement tools that can be used to support progressive compliance, which allows EDU to appropriately respond to the different levels of risk/compliance of providers. These include: <ul style="list-style-type: none"> <u>Compliance orders</u>: to require any person in contravention of the Act or the regulations to stop contravening the provision within a specified time period. <u>Administrative penalties (AP)</u>: for contraventions of the Act or regulations. The amount of the penalty is not to exceed \$100,000 per infraction. <u>Protection orders</u>: If, upon inspection, there are reasonable grounds to believe that there is an imminent threat to the health and safety of children, the director may order a licensed or unlicensed provider to stop operating until the operator has eliminated the threat. <u>Restraining orders</u>: The ministry may apply to the Superior Court of Justice for an order to restrain a person from providing child care where there is an imminent threat to the health and safety of children. New requirement for the ministry to post any of the above online. Convictions for an offence under expanded list in CCEYA could result in a penalty of up to \$250,000, one year imprisonment, or both.
Children with Special Needs	<ul style="list-style-type: none"> The DNA allows for services/ supports/ financial assistance for children with special needs up to their 18th birthday. 	<ul style="list-style-type: none"> The CCEYA sets out that early years and child care services and supports, including those targeted specifically to children with special needs, are available to children up to their 13th birthday. Children with special needs who are receiving child care services/supports and/or financial assistance at the date of proclamation or within two years from the date of proclamation of the CCEYA will continue to be able to do so until they turn 18 years of age (per transition regulation).