



PRINCE EDWARD ISLAND  
ÎLE-DU-PRINCE-ÉDOUARD

# **EARLY LEARNING AND CHILD CARE ACT REGULATIONS**

## PLEASE NOTE

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For more information concerning the history of these regulations, please see the *Table of Regulations* on the Prince Edward Island Government web site ([www.princeedwardisland.ca](http://www.princeedwardisland.ca)).

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## EARLY LEARNING AND CHILD CARE ACT

### Chapter E-.01

## REGULATIONS

Pursuant to section 76 of the *Early Learning and Child Care Act* R.S.P.E.I. 1988, Cap. E-.01, Council made the following regulations:

### PART 1 — INTERPRETATION

#### 1. Definitions

(1) In these regulations,

- (a) “**Act**” means the *Early Learning and Child Care Act* R.S.P.E.I. 1988, Cap. E-.01;
- (b) “**assignee**” means a person to whom the operator of a licensed centre proposes to assign the licence to operate the centre;
- (c) “**early childhood centre**” means a licensed centre where the operator is authorized to provide services to infants, preschool children and school-age children;
- (d) “**early childhood director**” means a person who holds an early childhood director certificate;
- (e) “**early childhood educator I**” means a person who holds an early childhood educator I certificate;
- (f) “**early childhood educator II**” means a person who holds an early childhood educator II certificate;
- (g) “**early childhood educator III**” means a person who holds an early childhood educator III certificate;
- (h) “**early childhood supervisor**” means a person who holds an early childhood supervisor certificate;
- (i) “**family home centre**” means a licensed centre located in a private residence, where the operator is authorized to provide services to not more than a total of six infants, preschool children and school-age children, including the children of the operator;
- (j) “**family home child care provider**” means a person who holds a family home child care provider certificate;
- (k) “**inclusion support assistant**” means a person who holds an inclusion support assistant certificate;
- (l) “**parent**” includes a guardian of a child;

- (m) “**preschool centre**” means a licensed centre where the operator is authorized to provide services for less than four consecutive hours per day to children who are three years of age or over but not yet attending school;
- (n) “**school-age child care provider**” means a person who holds a school-age child care provider certificate;
- (o) “**school-age child centre**” means a licensed centre where the operator is authorized to provide services to school-age children on weekdays during one or more of the following time periods:
  - (i) before or after regular school hours,
  - (ii) the school lunch period,
  - (iii) regular school hours, if schools are closed for the day;
- (p) “**transferee**” means a person to whom the operator of a licensed centre proposes to transfer the licence to operate the centre.

**Associated person**

- (2) For the purposes of clause 1(c) of the Act, the following persons are deemed to be associated with a centre:
  - (a) a person who resides in a residence in which a centre is operated;
  - (b) a staff member;
  - (c) an individual operator;
  - (d) where the operator is a partnership of individuals, each individual partner;
  - (e) where the operator is a corporation or a partnership that includes a corporation, the shareholders and directors of the corporation.

**Reasonable grounds, not suitable**

- (3) For the purposes of clauses 20(c), 23(c), 32(c), 35(c), 49(1)(c) and 54(2)(c) of the Act, and in these regulations, the following circumstances constitute reasonable grounds to believe that a person is not suitable to have contact with children receiving services at a centre:
  - (a) a court has made a finding that a child is in need of protection under the *Child Protection Act* R.S.P.E.I. 1988, Cap. C-5.1, based in whole or in part on conduct of the person in relation to the child and the conduct is of a nature that, in the opinion of the Board, the association of the person with a centre endangers or would endanger the health, safety or well-being of children receiving services at the centre;
  - (b) the person has been found guilty of an offence under the *Criminal Code* (Canada) or the *Controlled Drugs and Substances Act* (Canada) for conduct of a nature that, in the opinion of the Board, the association of the person with a centre endangers or would endanger the health, safety or well-being of children receiving services at the centre. (EC819/16)



**PART 2 — LICENCES AND CERTIFICATES****Application for Licence or Renewal of Licence****2. Categories of licensed centres**

- (1) Pursuant to section 15 of the Act, an applicant may apply for a licence to operate one of the following categories of centre:
- (a) an early childhood centre;
  - (b) a family home centre;
  - (c) a preschool centre;
  - (d) a school-age child centre.

**Information to accompany application for licence**

- (2) An application for a licence shall be accompanied by the following documents:
- (a) a business plan for the centre;
  - (b) a service plan that describes the services the applicant proposes to provide at the centre and includes
    - (i) the early learning and child care philosophy under which the services will be provided,
    - (ii) a description of how the services will meet the developmental needs of children,
    - (iii) the proposed utilization of the centre premises, indoors and outdoors, to provide services,
    - (iv) the proposed utilization of community resources to provide services,
    - (v) the proposed nature and scope of parental involvement in the services provided at the centre, and
    - (vi) a process for ongoing evaluation and improvement of the services;
  - (c) a staffing plan, including
    - (i) a list of staff member positions and responsibilities,
    - (ii) the certification and training requirements for staff members, including first aid,
    - (iii) an orientation process for staff members with respect to the policies and procedures of the centre, and
    - (iv) a description of how the applicant will screen staff members;
  - (d) the administrative policies and procedures relating to the operation of the centre;
  - (e) a statement of the results of a criminal record check and a vulnerable sector search conducted in the Canadian Police Information Centre system, dated not earlier than six months prior to the date of the application, with respect to every associated person of the centre;
  - (f) if the applicant is a corporation,
    - (i) a statement of the corporate status of the applicant, and
    - (ii) a copy of the letters patent or articles of incorporation of the corporation;
  - (g) if the applicant is a partnership, a copy of a valid declaration filed respecting the partnership in accordance with section 48 of the *Partnership Act* R.S.P.E.I. 1988, Cap. P-1;

- (h) if the applicant is a sole proprietorship, a copy of a valid declaration filed respecting the sole proprietorship in accordance with section 53 of the *Partnership Act*, if applicable;
- (i) a floor plan of the centre;
- (j) a copy of any certificate, permit or report issued by an appropriate provincial authority evidencing compliance with health and safety standards set out in these regulations;
- (k) documentation confirming that the property on which the centre will operate is zoned for the operation of that type of centre in accordance with any applicable municipal bylaws;
- (l) documentation confirming that access from the property on which the centre will operate to a highway meets any requirements and is in compliance with the *Roads Act* R.S.P.E.I. 1988, Cap. R-15, and its regulations;
- (m) a copy of the liability insurance certificate for the centre.

**Requirements for licence**

- (3) For the purposes of obtaining a licence under section 16 of the Act, the following requirements shall be met:
  - (a) the applicant shall have sufficient plans, policies and procedures in place to operate the centre and provide services in accordance with the Act, these regulations and the Minister's directives;
  - (b) where the applicant is a corporation,
    - (i) the corporation shall be in good standing under the *Canada Business Corporations Act* (Canada), the *Companies Act* R.S.P.E.I. 1988, Cap. C-14, or the *Extra-Provincial Corporations Registration Act* R.S.P.E.I. 1988, Cap. E-14, under which it was incorporated or registered, and
    - (ii) the letters patent or articles of incorporation of the corporation shall permit the corporation to carry on the business of operating a centre;
  - (c) where the applicant is a partnership, the partnership shall be registered under the *Partnership Act*;
  - (d) where the applicant is a sole proprietorship, the sole proprietorship shall be registered under the *Partnership Act*, if applicable;
  - (e) the applicant has liability insurance for the centre with coverage of at least \$2,000,000;
  - (f) the premises where the centre will operate shall meet the applicable requirements in Part 3 of these regulations;
  - (g) the property on which the centre will operate is zoned for the operation of that type of centre in accordance with any applicable municipal bylaws;
  - (h) access from the property on which the centre will operate to a highway meets any applicable requirements of, and is in compliance with, the *Roads Act* and its regulations. (EC819/16)

**3. Information to accompany renewal application**

- (1) An application made pursuant to section 21 of the Act to renew a licence shall be accompanied by the following documents:
  - (a) if there has been a change in any of the information contained in documentation submitted pursuant to clause 2(a), (b), (c), (d), (f), (g), (h) or (i), a statement describing the changes, and where the Board requests, updated documents;



- (b) a statement of the results of a criminal record check and a vulnerable sector search conducted in the Canadian Police Information Centre system, dated not earlier than six months prior to the date of the application, with respect to each associated person of the centre, except where the Board was provided with such a statement respecting the associated person of the centre within the 3 years preceding the date of the renewal application;
- (c) a statement containing the following information respecting each individual who provides services to children in the licensed centre:
  - (i) name,
  - (ii) position,
  - (iii) certification level,
  - (iv) training completed;
- (d) a copy of any certificate, permit or report issued by an appropriate provincial authority evidencing compliance with health and safety standards set out in these regulations;
- (e) a copy of the liability insurance certificate for the centre.

**Requirements for renewal**

- (2) For the purposes of renewing a licence under section 22 of the Act, the following requirements shall be met:
  - (a) the operator shall be operating the centre and providing services in accordance with the Act, these regulations and the Minister's directives;
  - (b) the operator shall have sufficient plans, policies and procedures in place to continue to operate the centre and provide services in accordance with the Act, these regulations and the Minister's directives;
  - (c) where the applicant is a corporation,
    - (i) the corporation shall be in good standing under the *Canada Business Corporations Act* (Canada), the *Companies Act* or the *Extra-Provincial Corporations Registration Act* under which it was incorporated or registered, and
    - (ii) the letters patent or articles of incorporation of the corporation shall permit the corporation to carry on the business of operating a centre;
  - (d) where the applicant is a partnership, the partnership shall be registered under the *Partnership Act*;
  - (e) where the applicant is a sole proprietorship, the sole proprietorship shall be registered under the *Partnership Act*, if applicable;
  - (f) the applicant shall have liability insurance for the centre with coverage of at least \$2,000,000;
  - (g) the premises where the centre operates shall meet the applicable requirements in Part 3 of these regulations. (EC819/16)

**4. Period of ineligibility**

- (1) For the purpose of section 25 of the Act, a person
  - (a) who is refused a licence or renewal of a licence because the Board has reasonable grounds to believe that the person is not suitable to provide services to children at a centre; or
  - (b) whose licence is revoked under section 50 of the Act,

is not eligible to apply for a licence for five years after the refusal or revocation, as the case may be.

**Idem**

- (2) For the purpose of section 25 of the Act, a person who
- (a) is refused a licence or renewal of a licence for a reason other than the one referred to in clause (1)(a); or
  - (b) is associated with a person referred to in subsection (1) or clause (a),

is not eligible to apply for a licence for 30 days after the refusal or revocation, as the case may be. (EC819/16)

### Modification of Licence

#### 5. Application to modify category of licence or services

- (1) The operator of a licensed centre may apply to the Board, in the form required by the Board, to modify
- (a) the category of centre operated under the licence for the licensed centre; or
  - (b) the services to be provided at the licensed centre.

#### Documents and fee

- (2) An application made under subsection (1) shall be accompanied by the following:
- (a) an updated business plan for the licensed centre;
  - (b) an updated service plan referred to in clause 2(2)(b);
  - (c) where the floor plan of the licensed centre has been altered since a copy was last submitted to the Board, an updated floor plan;
  - (d) a copy of the liability insurance certificate for the licensed centre;
  - (e) documentation confirming that the property on which the centre will operate is zoned for the operation of the modified category of centre, if applicable, in accordance with any applicable municipal bylaws;
  - (f) the application fee set out in the Schedule.

#### Board may modify

- (3) Subject to subsection (4) and on receiving the application, documents and fee required under subsections (1) and (2), the Board may
- (a) modify the category of licensed centre operated under the licence if the Board is satisfied that
    - (i) the licensed centre fits within the modified category as defined in these regulations,
    - (ii) the operator has sufficient plans, policies and procedures in place to operate, and provide services of, a modified category of centre in accordance with the Act, these regulations and the Minister's directives,
    - (iii) the premises where the modified category of licensed centre will operate meet the applicable requirements under Part 3 of these regulations, and
    - (iv) the operator has liability insurance with coverage of at least \$2,000,000 for the new category of centre; or





- (b) approve a modification in the services provided at the licensed centre if the Board is satisfied that
  - (i) the modified services to be provided at the licensed centre meet the requirements of the Act, these regulations and the Minister's directives,
  - (ii) the operator has sufficient plans, policies and procedures in place to provide the modified services in accordance with the Act, these regulations and the Minister's directives, and
  - (iii) the operator has liability insurance for the licensed centre that covers the provision of the modified services.

**Refusal to modify**

- (4) The Board may refuse to modify the category of licensed centre operated under the licence or to approve a modification in the services provided at the licensed centre in any of the following circumstances:
  - (a) the Board is not satisfied that the applicable requirements in subsection (3) have been met;
  - (b) the Board has reasonable grounds to believe that the operator has knowingly made a false statement in the application or accompanying documents;
  - (c) the Board has reasonable grounds to believe that, in the geographic area where the licensed centre operates, the available capacity in existing licensed centres meets or exceeds the demand for services in the category of licensed centre if modified, or services of the type to be provided if modified. (EC819/16)

**Transfer or Assignment of Licence****6. Application to transfer licence**

- (1) The operator of a licensed centre and a transferee or assignee may jointly apply to the Board, in the form required by the Board, for approval of the transfer or assignment of a licence by the operator to the transferee or assignee, as the case may be.

**Documents and fee**

- (2) An application made under subsection (1) shall be accompanied by the following:
  - (a) where the transferee or assignee intends to modify any of the items referred to in clause 2(2)(a), (b), (c), (d), or (i), updated information required in those clauses with respect to the modifications and, where the Board requests, updated documents;
  - (b) where the transferee or assignee does not intend to modify any of the items referred to in clause (a), a written statement indicating this;
  - (c) a statement of the results of a criminal record check and a vulnerable sector search conducted in the Canadian Police Information Centre system, dated not earlier than six months prior to the date of the application, with respect to
    - (i) the transferee or assignee, if he or she is an individual, and
    - (ii) any associated person, if a criminal record check and a vulnerable sector search have not been done, or were carried out more than 3 years prior to the date of the application, with respect to the associated person;
  - (d) a copy of any certificate, permit or report issued within the year preceding the application by an appropriate provincial authority evidencing compliance with health and safety standards set out in these regulations;

- (e) a copy of the liability insurance certificate held by the transferee or assignee for the licensed centre;
- (f) if the transferee or assignee is a corporation,
  - (i) a statement of the corporate status of the corporation, and
  - (ii) a copy of the letters patent or articles of incorporation of the corporation;
- (g) if the transferee or assignee is a partnership, a copy of a valid declaration respecting the partnership filed in accordance with section 48 of the *Partnership Act*;
- (h) if the transferee or assignee is a sole proprietorship, a copy of a valid declaration filed respecting the sole proprietorship in accordance with section 53 of the *Partnership Act*, if applicable;
- (i) the application fee set out in the Schedule.

**Approval of transfer**

- (3) Subject to subsection (4), the Board may approve the transfer or assignment of the licence by the operator to the transferee or assignee, as the case may be, if the Board is satisfied that
  - (a) the operator and the transferee or assignee have submitted the required application, prescribed documents and prescribed fee in accordance with subsections (1) and (2);
  - (b) the transferee or assignee has sufficient plans, policies and procedures in place to operate the licensed centre and provide services in accordance with the Act, these regulations and the Minister's directives;
  - (c) where the transferee or assignee is a corporation,
    - (i) the corporation is in good standing under the *Canada Business Corporations Act* (Canada), the *Companies Act* or the *Extra-Provincial Corporations Registration Act* under which it was incorporated or registered, and
    - (ii) the letters patent or articles of incorporation of the corporation permit the corporation to carry on the business of operating a centre;
  - (d) where the transferee or assignee is a partnership, the partnership is registered under the *Partnership Act*;
  - (e) where the transferee or assignee is a sole proprietorship, the sole proprietorship is registered under the *Partnership Act*, if applicable;
  - (f) the transferee or assignee has liability insurance for the licensed centre with coverage of at least \$2,000,000;
  - (g) the premises where the licensed centre operates continues to meet the applicable requirements in Part 3 of these regulations.

**Refusal to approve transfer or assignment**

- (4) The Board may refuse to approve the transfer or assignment of the licence by the operator to the transferee or assignee, as the case may be, in any of the following circumstances:
  - (a) the Board is not satisfied that the requirements in subsection (3) have been met;
  - (b) the Board has reasonable grounds to believe that the transferee or assignee knowingly made a false statement in the application or accompanying documents;
  - (c) the Board has reasonable grounds to believe that the transferee or assignee or an associated person of the licensed centre is not suitable to have contact with children receiving services at the licensed centre. (EC819/16)



## Notice and Review

### 7. Notice of refusal

- (1) Where the Board refuses to modify a licence under section 5 or approve the transfer or assignment of a licence under section 6, section 52 of the Act applies with respect to providing notice of the refusal to the applicant or applicants, with any modifications that are necessary.

#### Request for review

- (2) An operator may request that the Appeal Board review a decision of the Board to refuse to modify a licence.

#### *Idem*

- (3) An operator or a transferee or assignee may request that the Appeal Board review a decision of the Board to refuse to approve the transfer or assignment of a licence.

#### Application of Act

- (4) Sections 58 and 59 of the Act apply with respect to a request made under subsection (2) or (3), with any modifications that are necessary. (EC819/16)

## Application for Certificate

### 8. Certificate levels

- (1) The following levels of certificate are prescribed:
  - (a) family home child care provider certificate;
  - (b) school-age child care provider certificate;
  - (c) early childhood educator I certificate;
  - (d) early childhood educator II certificate;
  - (e) early childhood educator III certificate;
  - (f) inclusion support assistant certificate;
  - (g) early childhood supervisor certificate;
  - (h) early childhood director certificate.

#### Multiple certificates

- (2) A person may hold more than one level of certificate.

#### Required documents

- (3) An application for a certificate shall be accompanied by the following documents:
  - (a) a statement of the results of a criminal record check and a vulnerable sector search respecting the applicant, conducted in the Canadian Police Information Centre system, dated not earlier than six months prior to the date of the application;
  - (b) official transcripts confirming the applicant meets the educational requirements in section 9, as applicable;
  - (c) where the applicant is applying for an early childhood supervisor certificate or an early childhood director certificate, written confirmation that the applicant has the experience required in section 9, as applicable;
  - (d) written confirmation that the applicant is entitled to work in Canada. (EC819/16)

**9. Family home child care provider**

- (1) An applicant for a family home child care provider certificate shall have successfully completed a 30-hour course related to the care and education of infants and preschoolers, approved by the Board.

**School-age child care provider**

- (2) An applicant for a school-age child care provider certificate shall have successfully completed a 30-hour course related to the care and education of school-age children, approved by the Board.

**Early childhood educator I**

- (3) An applicant for an early childhood educator I certificate shall have successfully completed a 30-hour course, approved by the Board, in each of the following subject areas:

- (a) child growth and development;
- (b) child guidance;
- (c) early childhood pedagogy.

**Early childhood educator II**

- (4) An applicant for an early childhood educator II certificate shall have successfully completed a one-year certificate program in early childhood care and education, approved by the Board.

**Early childhood educator III**

- (5) An applicant for an early childhood educator III certificate shall have successfully completed a two-year diploma program, or a degree program, in early childhood care and education, approved by the Board.

**Inclusion support assistant**

- (6) An applicant for an inclusion support assistant certificate shall have successfully completed a one-year certificate program or two-year diploma program in early years studies, early childhood care and education, or human services, approved by the Board.

**Early childhood supervisor**

- (7) An applicant for an early childhood supervisor certificate shall have
- (a) successfully completed
    - (i) a two-year diploma program or a degree program in early childhood care and education, approved by the Board, or
    - (ii) a degree program in child and family studies, which includes credit for a two-year diploma program in early childhood care and education, approved by the Board; and
  - (b) obtained at least 3,900 hours of experience providing services to children while holding a certificate or an equivalent authorization issued in the jurisdiction where the services were provided.

**Early childhood director**

- (8) An applicant for an early childhood director certificate shall have
- (a) successfully completed
    - (i) a degree program in early childhood care and education, approved by the Board,



- (ii) a degree program in child and family studies, which includes credit for a two-year diploma program in early childhood care and education, approved by the Board, or
  - (iii) a one-year certificate program in early childhood care and education, approved by the Board, and a degree program that, in the opinion of the Board, is related to early childhood care and education; and
- (b) obtained at least 9,750 hours of experience providing services to children at an early childhood centre or preschool centre, a Type I facility under the former Act or an equivalent type of centre licensed under the laws of another jurisdiction, while holding a certificate or an equivalent authorization issued in the jurisdiction where the services were provided. *(EC819/16)*

### Renewal of Certificate

#### 10. Required documents

- (1) For the purpose of subsection 33(2) of the Act, an application to renew a certificate shall be accompanied by
- (a) where the criminal record check and the vulnerable sector search referred to in clause 8(3)(a) respecting the certificate holder were carried out more than 3 years prior to the date of the renewal application, a statement of the results of a criminal record check and a vulnerable sector search respecting the certificate holder, conducted in the Canadian Police Information Centre system, dated not earlier than six months prior to the date of the application; and
  - (b) written confirmation that the certificate holder has met the continuing education requirement set out in subsection (2).

#### Continuing education

- (2) To renew a certificate, the certificate holder shall have successfully completed 45 hours of continuing education, approved by the Board, in the three years preceding the application to renew his or her certificate. *(EC819/16)*

### APPEAL BOARD

#### 11. Appointment

- (1) The Minister shall appoint the following persons as an Appeal Board:
- (a) an individual who is a member, in good standing, of the Law Society of Prince Edward Island, who shall be the Chair;
  - (b) two individuals with experience, or an interest, in early childhood care and education.

#### Term of office

- (2) The term of office for a member of the Appeal Board is three years and a member may be *re-appointed*, but may not serve more than two consecutive terms.

#### Remuneration

- (3) Members of the Appeal Board shall receive such remuneration and be entitled to be reimbursed for such expenses as the Minister may determine. *(EC819/16)*

**12. Conduct of review**

The Appeal Board may retain any legal or other assistance that it considers necessary for the purpose of reviewing a decision of the Board. *(EC819/16)*

**13. Notice of decision**

- (1) The Appeal Board shall serve written notice of a decision on a review and the reasons for the decision on the appellant and the Board.

**Decision final**

- (2) A decision of the Appeal Board on a review is final. *(EC819/16)*

## **PART 3 — EARLY LEARNING AND CHILD CARE CENTRES**

### **Requirements for Services**

**14. Services to meet needs of children**

The operator of a licensed centre shall provide services that are in keeping with the physical, social, intellectual, language, creative and emotional needs of children receiving services at the licensed centre. *(EC819/16)*

**15. Child discipline**

- (1) The operator of a licensed centre shall, with respect to children receiving services at the licensed centre, develop and post behaviour management policies that
- (a) demonstrate a positive approach to behaviour management and guidance;
  - (b) require behaviour management to be reasonable in accordance with the circumstances and age of the child; and
  - (c) prohibit physical punishment, verbal or emotional abuse and denial of necessities.

**Communication of policies**

- (2) The operator of a licensed centre shall ensure that the behaviour management policies of the licensed centre are communicated to
- (a) parents of children receiving services at the licensed centre; and
  - (b) staff members of the licensed centre.

**Compliance with policies**

- (3) The operator of a licensed centre shall ensure that the staff members of the licensed centre comply with the behaviour management policies of the licensed centre.

**Prohibitions**

- (4) The operator of a licensed centre shall ensure that, with respect to children receiving services at the licensed centre, no staff member or other associated person, at any time,
- (a) inflicts or causes to be inflicted on a child any form of physical punishment, verbal or physical degradation or emotional deprivation;
  - (b) denies or threatens to deny a child any basic necessity;
  - (c) uses or permits the use of any form of



- (i) confinement or isolation of a child, or
- (ii) physical restraint of a child, except where
  - (A) physical restraint is necessary to prevent imminent bodily harm to the child or another person, and
  - (B) less restrictive forms of intervention are not practicable or effective. (EC819/16)

**16. Daily schedule**

The operator of a licensed centre shall post, in an area visible to parents, a daily schedule for the licensed centre that includes time for meals, rest or quiet play, and outdoor activity. (EC819/16)

**17. Off-site activity**

- (1) No operator of a licensed centre shall take a child receiving services at the licensed centre, or permit a child receiving services at the licensed centre to be taken by a staff member or other associated person, to an activity off the premises of the licensed centre unless a parent of the child
  - (a) has been advised of the activity, including the transportation and supervision arrangements with respect to the activity; and
  - (b) has consented in writing to the participation of the child in the activity.

**Transportation of child in private vehicle**

- (2) For the purposes of section 38 of the Act, where the operator of a licensed centre transports or provides for the transportation of a child receiving services at the centre in a private passenger vehicle, the operator shall ensure that, in accordance with the *Highway Traffic Act* R.S.P.E.I. 1988, Cap. H-5,
  - (a) the child is seated and secured by a restraint system;
  - (b) the vehicle is inspected; and
  - (c) the driver of the vehicle has a valid driver's licence. (EC819/16)

**Number of Children**

**18. Maximum number of children**

- (1) The maximum number of children to whom an operator may provide services at a licensed centre, other than a family home centre, at one time is 80 children.

**Family home centre**

- (2) The maximum number of children to whom an operator may provide services at a family home centre at any one time is six children, including any children of the operator. (EC819/16; 20/18)

## Staffing

### 19. Staff member to child ratios

- (1) The operator of a licensed centre shall engage sufficient staff members at the licensed centre to ensure the following minimum staff member to child ratios are met while children are receiving services indoors and outdoors respectively:

Age of Child	Indoor Ratio	Outdoor Ratio
Under 22 months	1:3	1:3
22 months – 3 years	1:5	1:7
Over 3 years – school entry	1:10	1:15
School-age	1:15	1:22

#### Group size

- (2) Subject to subsection (3), the operator of a licensed centre shall ensure that the maximum group size for infants receiving services at the licensed centre is six infants.

#### Exception

- (3) The maximum group size for infants in a licensed centre may exceed six infants for a period not exceeding 25% of the time that the infants receive services in the licensed centre daily, provided that the group includes preschool or school-age children.

#### Supervision

- (4) The operator of a licensed centre shall ensure that every child receiving services at the licensed centre is supervised at all times. (EC819/16)

### 20. Staff qualifications

- (1) The operator of a licensed centre shall ensure that every staff member at the licensed centre
- is at least 18 years of age;
  - provides to the operator a criminal record check and a vulnerable sector search respecting the staff member, conducted in the Canadian Police Information Centre system, dated not earlier than six months prior to the date it is provided,
    - within eight weeks of commencing to provide services at the licensed centre, and
    - at least every three years after that date; and
  - has emergency first aid certification approved by the Board.

#### Unsupervised access

- (2) The operator of a licensed centre shall ensure that no staff member has unsupervised access to a child receiving services at the licensed centre unless
- the staff member has complied with clause (1)(b); and
  - the Board has no reasonable grounds to believe that the staff member is not suitable to have contact with children receiving services at the centre. (EC819/16)

### 21. Staffing requirements – family home centre

- (1) The operator of a family home centre shall ensure that the licensed centre is staffed with at least one of the following certificate holders:





- (a) a family home child care provider;
- (b) an early childhood educator I;
- (c) an early childhood educator II;
- (d) an early childhood educator III;
- (e) an early childhood supervisor;
- (f) an early childhood director.

**Staffing requirements – school-age child centre**

- (2) The operator of a school-age child centre shall ensure that the licensed centre is staffed with
  - (a) at least one of the following certificate holders:
    - (i) a school-age child care provider,
    - (ii) an early childhood educator I,
    - (iii) an early childhood educator II,
    - (iv) an early childhood educator III,
    - (v) an early childhood supervisor,
    - (vi) an early childhood director; and
  - (b) at least one other certificate holder referred to in clause (a), if additional staff members are required to comply with the staff member to child ratios set out in subsection 19(1). (*EC819/16*)

**22. Staffing requirements – preschool centre or early childhood centre**

- (1) The operator of a preschool centre or an early childhood centre shall ensure that the licensed centre is staffed with
  - (a) at least one early childhood supervisor or early childhood director; and
  - (b) at least one of the following certificate holders, if additional staff members are required to comply with the staff member to child ratios set out in subsection 19(1):
    - (i) an early childhood educator II,
    - (ii) an early childhood educator III,
    - (iii) an early childhood supervisor,
    - (iv) an early childhood director.

**Temporary replacement of supervisor or director**

- (2) The early childhood supervisor or early childhood director responsible for the day-to-day operations at a preschool centre or an early childhood centre shall designate one of the following certificate holders to assume his or her responsibilities during his or her absence from the licensed centre:
  - (a) an early childhood educator II;
  - (b) an early childhood educator III;
  - (c) an early childhood supervisor;
  - (d) an early childhood director.

**Limit on Supervisor absence**

- (3) No operator shall operate a preschool centre or an early childhood centre for more than four consecutive weeks without either an early childhood supervisor or early childhood director on the premises. (*EC819/16*)

**23. Exemption**

- (1) On the written request of an operator, the Board may exempt the operator of a licensed centre from a staffing requirement in section 21 or 22 for a specified period of time, if the Board is satisfied that the operator
- (a) made every reasonable effort but was unable to hire a required certificate holder; and
  - (b) has a reasonable plan to meet the staffing requirement within the time period specified by the Board.

**Substitute**

- (2) Where the Board has exempted the operator of a licensed centre from a staffing requirement under subsection (1), the operator shall not employ a person who does not hold a required certificate to provide services to children for more than eight weeks, unless the person is enrolled in a course or program acceptable to the Board to obtain the qualifications for a required certificate within the time period specified by the Board under subsection (1).  
(EC819/16)

## Premises and Equipment

**24. Layout of the centre**

The operator of a licensed centre shall, with respect to the centre, ensure that

- (a) areas used in the provision of services to children have a layout that is conducive to the effective supervision of children; and
- (b) adequate space is designated for administrative and staff needs. (EC819/16)

**25. Washroom**

- (1) The licensed centre shall contain, or the operator shall have access to, washroom facilities that are, in the opinion of the Board, adequate for the number of children receiving services at the licensed centre, suitable for the use of children, conveniently located and conducive to the effective supervision of children using the washroom.

**Idem**

- (2) The operator of a licensed centre shall ensure that a washroom used by children receiving services at the licensed centre is, at all times,
- (a) maintained in sanitary condition; and
  - (b) equipped with
    - (i) an adequate supply of
      - (A) toilet tissue,
      - (B) hot and cold potable water under adequate pressure,
      - (C) soap,
      - (D) single service towels in a suitable dispenser or a drying device, and
    - (ii) a waste receptacle. (EC819/16)

**26. Required activity space per child**

- (1) The operator of a licensed centre shall provide for children receiving services at the licensed centre



- (a) a minimum of 3.5 square metres of indoor activity space per child; and
- (b) a minimum of 7 square metres of outdoor activity space per child.

**Indoor activity space**

- (2) For greater certainty, indoor activity space does not include hallways, closets, entryways, kitchens, washrooms, storage or dedicated sleep space for infants.

**Joint use of outdoor activity space**

- (3) The Board may permit an operator of a licensed centre to meet the requirements of clause (1)(b) using outdoor activity space shared with another licensed centre, provided that the outdoor activity space is not used by more than one operator at a time to provide services to children.

**Natural light**

- (4) Subject to subsection (5), the indoor activity space at a licensed centre shall provide exposure to natural light.

**Exception**

- (5) Subsection (4) does not apply with respect to indoor activity space at
  - (a) a school-age child care centre; or
  - (b) a licensed centre that, immediately before the coming into force of these regulations, was operated under a license issued under the former Act and regulations and was deemed to be a licensed centre on the coming into force of these regulations.

**Outdoor activity space**

- (6) Subject to subsections (8) and (9), the outdoor activity space provided by the operator of a licensed centre shall be
  - (a) adjacent to the licensed centre; and
  - (b) securely enclosed on all sides.

**Secure space**

- (7) Subject to subsection (9), the operator of a licensed centre shall ensure that all entrances to and exits from the outdoor activity space provided by the operator that do not lead into the interior of the licensed centre are kept closed at all times while children are using the outdoor activity space.

**Exemption**

- (8) Where there is no outdoor activity space available adjacent to a licensed centre, the Board may exempt the operator of the licensed centre from the requirements in clause (6)(a) if the Board is satisfied that
  - (a) the operator has outdoor activity space or outdoor activity space is available for use by children receiving services at the licensed centre within a reasonable distance from the licensed centre;
  - (b) the outdoor activity space is safely accessible by children receiving services at the licensed centre;
  - (c) potable water is safely accessible in or from the outdoor activity space by children receiving services at the licensed centre; and
  - (d) children receiving services at the licensed centre can be adequately supervised and protected in the outdoor activity space.

**Idem**

- (9) Where outdoor activity space adjacent to a licensed centre cannot be securely enclosed on all sides, the Board may exempt the operator of the licensed centre from the requirement in clause (6)(b) if the Board is satisfied that enclosing the outdoor activity space on all sides is not necessary to ensure the health and safety of children using the space.

**Retraction of exemption**

- (10) The Board may retract an exemption granted under subsection (8) or (9) at any time if the Board is no longer satisfied that the requirements for the exemption are met. (EC819/16)

**27. Furnishings and equipment**

The operator of a licensed centre shall ensure that

- (a) all furnishings, play equipment and toys at the licensed centre, whether indoors or outdoors,
- (i) meet the applicable requirements of the *Canada Consumer Product Safety Act* (Canada) and the regulations made pursuant to it,
  - (ii) are cleaned and sanitized regularly and maintained in good repair, and
  - (iii) are developmentally appropriate for children receiving services at the licensed centre;
- (b) a sufficient quantity and variety of furnishings, play equipment and toys are available to children receiving services at the licensed centre;
- (c) books, toys and play equipment that support early learning and development are available to children at the licensed centre; and
- (d) each child under 12 months of age who is receiving services at the licensed centre is provided with a separate crib or alternative infant bed that meets the applicable requirements of the *Canada Consumer Product Safety Act* (Canada) and the regulations made pursuant to it. (EC819/16)

**28. Diapering**

The operator of a licensed centre shall, with respect to children receiving services at the licensed centre,

- (a) provide
- (i) a change table, or
  - (ii) individual changing pads for each child requiring diapering;
- (b) ensure that children are diapered in an area in reasonable proximity to a washing area equipped with
- (i) hot and cold potable water under adequate pressure,
  - (ii) single use soap in a dispenser, and
  - (iii) single service towels in a dispenser or a drying device;
- (c) ensure that staff members follow proper hand washing procedures approved by the Board when diapering children; and
- (d) ensure that staff members follow cleaning and sanitizing procedures approved by the Board for change tables or changing pads. (EC819/16)



## Health and Safety

### 29. Fire inspection

The Board shall, prior to the commencement of the operation of a licensed centre and at least annually thereafter, request that the Fire Marshal, or an inspector, appointed under the *Fire Prevention Act* R.S.P.E.I. 1988, Cap. F-11, inspect the premises of the centre in accordance with the *Fire Prevention Act* and regulations. (EC819/16)

### 30. Emergency procedures

- (1) The operator of a licensed centre shall develop, and ensure that all staff members are trained to carry out, emergency procedures, including emergency evacuation procedures.

#### Practice

- (2) The operator of a licensed centre shall require staff members to practice emergency evacuation procedures at least once a month.

#### Idem

- (3) The operator of a licensed centre shall ensure that, where developmentally appropriate, children receiving services at the licensed centre practice emergency evacuation procedures.

#### Replacement staff in emergency

- (4) Where only one staff member is present at a licensed centre, the operator of the centre shall ensure that another person is quickly available to replace that staff member should he or she need to be absent for an emergency. (EC819/16)

### 31. Telephone

- (1) The operator of a licensed centre shall provide a telephone in working order within the centre and a cellular telephone in working order for use outside the centre.

#### Idem

- (2) The operator of a licensed centre shall ensure that a staff member of the licensed centre carries a cellular telephone in working order with him or her during an activity off the premises or an emergency evacuation.

#### Emergency and safety contacts and procedures

- (3) The operator of a licensed centre shall ensure that telephone numbers for the following are posted in the centre and are readily accessible:
  - (a) emergency 911;
  - (b) poison control centre;
  - (c) child protection services;
  - (d) emergency replacement staff. (EC819/16)

### 32. Accident or illness

In the case of an accident or illness involving a child receiving services at a licensed centre, the operator of the licensed centre shall ensure that

- (a) medical attention is sought for the child, if necessary; and
- (b) the child's parent or emergency contact is notified. (EC819/16)

**33. Duty to report to Board**

The operator of a licensed centre shall promptly report the following to the Board, in the manner required by the Board:

- (a) a serious illness of, or injury to, a child that occurs while the child is receiving services at a licensed centre; or
- (b) any other incident that occurs while a child is receiving services at a licensed centre that may seriously affect the health or safety of the child. (EC819/16)

**34. Illness of child**

- (1) Subject to subsection (3), where a staff member knows or has reason to believe that a child receiving services at a licensed centre is exhibiting signs or symptoms of illness as set out in subsection (2), the operator shall ensure that
  - (a) the child is immediately separated from other children at the licensed centre, under the supervision of a staff member;
  - (b) the child's parent or emergency contact is asked to arrange for the immediate removal of the child from the licensed centre; and
  - (c) the child does not return to the licensed centre until the operator is satisfied that the child
    - (i) no longer poses a health risk to other persons at the licensed centre, and
    - (ii) can fully participate in the regular activities of the licensed centre.

**Signs or symptoms of illness**

- (2) Signs or symptoms of illness exhibited by a child include
  - (a) recurring vomiting, fever or diarrhea;
  - (b) an inability to fully participate in the regular activities of the centre; or
  - (c) having or displaying any other illness or symptom that a staff member knows or believes may indicate that the child poses a health risk to other persons at the licensed centre.

**Exception**

- (3) Subsection (1) does not apply if
  - (a) the child's parent provides written notice from a medical practitioner or nurse practitioner indicating that the child does not pose a health risk to other persons at the licensed centre; and
  - (b) with respect to signs or symptoms referred to in clause (2)(b) or (c), a public health official has provided written notice that the signs or symptoms of illness are not a health risk to other persons at the licensed centre. (EC819/16)

**35. Illness of staff member**

No staff member who has a communicable disease, as defined in the *Public Health Act* R.S.P.E.I. 1988, Cap. P-30.1, shall attend at a licensed centre if the presence of that staff member poses a significant risk to the health of other persons at the licensed centre. (EC819/16)

**36. Medication**

- (1) The operator of a licensed centre may administer or allow the administration of medication to a child receiving services at the licensed centre only if



- (a) the written consent of the child's parent has been obtained;
- (b) the medication is in the original labelled container; and
- (c) the medication is administered according to the labelled directions.

**Record**

- (2) Where medication is administered at a licensed centre to a child receiving services at the licensed centre, the operator shall ensure that the following information is recorded:
  - (a) the name of the medication;
  - (b) the time of administration;
  - (c) the amount administered;
  - (d) the initials of the person who administered the medication.

**Storage of medication**

- (3) The operator of a licensed centre shall ensure that
  - (a) medication kept at the licensed centre, other than medication that may be needed in an emergency, is stored in a locked container;
  - (b) all medication kept at the licensed centre is stored in a place that is not accessible to children; and
  - (c) medication supplied by a parent of a child receiving services at the licensed centre is clearly labelled with the name of the child. *(EC819/16)*

**37. Life-threatening allergy**

The operator of a licensed centre shall ensure that, with respect to a child receiving services at the licensed centre who has a life-threatening allergy, every staff member is aware

- (a) that the child has a life-threatening allergy;
- (b) of the nature of the allergy; and
- (c) of the appropriate response if the child has an allergic reaction. *(EC819/16)*

**38. Health care**

The operator of a licensed centre may provide or allow for the provision of health care to a child receiving services at the licensed centre only if

- (a) the written consent of a parent of the child has been obtained; or
- (b) the health care provided is in the nature of first aid or emergency response. *(EC819/16)*

**39. First aid kit**

- (1) The operator of a licensed centre shall provide and maintain at the licensed centre a first aid kit, of a type approved by the Board, which is accessible to staff members at all times.

**Hazards**

- (2) The operator of a licensed centre shall take reasonable steps to protect children receiving services at the licensed centre from hazards, including
  - (a) ensuring hazardous items are inaccessible to children;
  - (b) storing poisonous substances in a locked enclosure;
  - (c) covering radiators and hot pipes with non-combustible material; and

- (d) where infants or preschool children receive services at the licensed centre, capping or covering electrical outlets that are not in use. (EC819/16)

**40. Smoking prohibited**

No staff member of a licensed centre shall smoke at any time while providing services to children or in any place where services are being provided to children. (EC819/16)

### Food Services

**41. Supply of meals and snacks**

- (1) The operator of a licensed centre shall
  - (a) supply meals and snacks for a child receiving services at the licensed centre; or
  - (b) require the parent of a child receiving services at the licensed centre to supply meals and snacks for that child.

**Nutrition**

- (2) Where the operator of a licensed centre supplies meals and snacks for a child receiving services at the licensed centre, the operator shall ensure that the meals and snacks meet the nutritional guidelines set out in *Eating Well With Canada's Food Guide*, published by Health Canada, 2011, as amended from time to time.

**Menus**

- (3) The operator of a licensed centre shall ensure that
  - (a) a menu of meals and snacks to be supplied by the operator is posted daily in a prominent place at the licensed centre; and
  - (b) the menu and a record of the meals and snacks supplied by the operator is kept on file for at least 90 days thereafter.

**Labelling**

- (4) The operator of a licensed centre shall ensure that meals and snacks supplied by the parent of a child receiving services at the licensed centre are clearly labelled with the name of the child. (EC819/16)

**42. Provision of meals and snacks**

- (1) The operator of a licensed centre shall ensure that a child who is receiving services at the licensed centre for 3 hours or more is provided with the following meals and snacks, at appropriate times and in sufficient quantities in accordance with the needs of the child:
  - (a) breakfast;
  - (b) a mid-morning snack;
  - (c) a noontime meal;
  - (d) a mid-afternoon snack;
  - (e) an early evening meal.

**Manner of feeding**

- (2) The operator of a licensed centre shall ensure that





- (a) the manner in which children receiving services at the licensed centre are fed is appropriate to their age and level of development;
- (b) children are not walking or running while eating or drinking; and
- (c) no beverages are provided to children while they are napping. (EC819/16)

**43. Food safety course**

- (1) The operator of a licensed centre shall ensure that any staff member involved in the preparation of meals or snacks, other than meals or snacks consisting only of low-risk food as defined in the *Public Health Act* Food Premises Regulations (EC616/14), for children receiving services at the licensed centre has successfully completed a food safety course approved by the Board.

**Food preparation area and practices**

- (2) The operator of a licensed centre shall ensure that
  - (a) there is a sanitary food preparation area in the licensed centre; and
  - (b) staff members preparing food follow safe food preparation practices approved by the Board. (EC819/16)

**Records**

**44. Attendance records**

The operator of a licensed centre shall keep a daily record of children in attendance at the licensed centre and retain it for one year. (EC819/16)

**45. Personnel records**

- (1) The operator of a licensed centre shall keep current personnel records for the licensed centre that include the following information:
  - (a) the name of each employee;
  - (b) the position held by each employee;
  - (c) the qualifications that each employee has at the time of employment and subsequently acquires;
  - (d) the results of the criminal record checks and vulnerable sector searches conducted in the Canadian Police Information Centre system with respect to each employee.

**Volunteer records**

- (2) The operator of a licensed centre shall keep records with respect to volunteers that include the following information:
  - (a) the name of each volunteer;
  - (b) the results of the criminal record checks and vulnerable sector searches conducted in the Canadian Police Information Centre system with respect to each volunteer.

**Retention of records**

- (3) The operator of a licensed centre shall retain the records referred to in subsections (1) and (2) for at least one year after the person last provided services to children at the licensed centre. (EC819/16)

**46. Children's records**

- (1) The operator of a licensed centre shall keep a current record of the following information for each child receiving services at the licensed centre:
- (a) the name, age, home address and provincial health number of the child;
  - (b) the name, address and contact information of the parent or parents of the child;
  - (c) the name, address and contact information of a person who may be contacted in the event of an emergency if a parent of the child is not available;
  - (d) the name of any individual other than a parent of the child into whose custody the child may be released from the licensed centre;
  - (e) any medical, physical or developmental conditions relevant to the care of the child;
  - (f) assessments and evaluations of the child;
  - (g) attendance of the child;
  - (h) incidents involving the child.

**Retention of records**

- (2) The operator of a licensed centre shall retain the records referred to in clauses (1)(f) to (h) for one year after the child ceases to receive services at the licensed centre. (EC819/16)

**PART 4 — TRANSITIONAL**

**47. License, transition**

- (1) For the purpose of subsection 77(1) of the Act,
- (a) a Type I license issued under the former Act and its regulations to operate an early childhood centre for infants, preschool children and school-age children is deemed to be a licence to operate an early childhood centre;
  - (b) a Type I license issued under the former Act and its regulations to operate an early childhood centre for less than four consecutive hours per day for children who are three years of age or over but not yet attending school is deemed to be a licence to operate a preschool centre;
  - (c) a Type II license issued under the former Act and its regulations to operate a day care home is deemed to be a license to operate a family home centre; and
  - (d) a Type II license issued under the former Act and its regulations to operate a school age child care centre is deemed to be a license to operate a school-age child centre.

**Supervisor's certificate, transition**

- (2) For the purpose of subsection 77(2) of the Act, a supervisor's certificate issued under the former Act and its regulations is deemed to be an early childhood supervisor certificate.

**Staff certificate, transition**

- (3) For the purpose of subsection 77(3) of the Act,
- (a) a staff certificate issued to a person on the basis that the person had the basic training, extension units and experience set out in paragraph A, B, D, E or F of Schedule C in the *Child Care Facilities Act* Regulations is deemed to be an early childhood educator III certificate; and
  - (b) a staff certificate issued to a person on the basis that the person had the basic training, extension units and experience set out in paragraph C of Schedule C in the *Child*



*Care Facilities Act* Regulations is deemed to be an early childhood educator II certificate. (EC819/16)

## **FEEES**

**48. Fees**

The fees prescribed for the purposes of the Act and these regulations are set out the Schedule to these regulations, which forms part of these regulations. (EC819/16)

## **REVOCATION AND COMMENCEMENT**

**49. Revocation**

The *Child Care Facilities Act Regulations* (EC475/87) are revoked. (EC819/16)





**SCHEDULE****FEEES**

<b>Description</b>	<b>Fee</b>
Application for licence to operate a centre where the operator proposes to provide services at the centre to not more than 25 children	\$75
Application for licence to operate a centre where the operator proposes to provide services at the centre to more than 25 children	\$150
Application to renew a licence to operate a centre where the operator provides services at the centre to not more than 25 children	\$75
Application to renew a licence to operate a centre where the operator provides services at the centre to more than 25 children	\$150
Application to modify a licence to operate a centre	\$50
Application to transfer or assign a licence to operate a centre	\$50
Application for a certificate where the applicant completed all of his or her training in Canada	\$25
Application for a certificate where the applicant completed all or a portion of his or her training outside of Canada	\$300

(EC819/16)