

May 31, 2023

**CONSULTATION DRAFT**

**EARLY LEARNING AND CHILD CARE ACT**

**REGULATIONS**

**AMENDMENT**

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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:

**1. Subsection 1(1) of the *Early Learning and Child Care Act* Regulations (EC819/16) is revoked and the following substituted:**

**1. Definitions**

(1) In these regulations,

- (a) “**assignee**” means a person to whom the operator of a licensed centre proposes to assign the licence to operate the centre;
- (b) “**early childhood centre**” means a licensed centre where the operator is authorized to provide services to infants, preschool children and school-age children;
- (c) “**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 eight children, including the children of the operator;
- (d) “**parent**” includes a guardian of a child;
- (e) “**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 are not school-age children;
- (f) “**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, where schools are closed for the day;
- (g) “**transferee**” means a person to whom the operator of a licensed centre proposes to transfer the licence to operate the centre.

**2. The heading immediately preceding section 8 is revoked and the following substituted:**

**Application for Certification**

**3. (1) Subsection 8(1) of the regulations is revoked and the following substituted:**

**8. Certification levels**

(1) The following levels of certification are prescribed:

- (a) family home child care provider;
- (b) school-age child care provider;
- (c) early childhood intern;
- (d) early childhood associate;
- (e) early childhood educator.

(2) **Subsection 8(2) of the regulations is revoked.**

(3) **Subsection 8(3) of the regulations is amended**

- (a) **in the words preceding clause (a), by the deletion of the words “a certificate” and the substitution of the word “certification”; and**
- (b) **by the revocation of clause (c).**

**4. (1) Subsection 9(1) of the regulations is amended by the deletion of the words “a family home child care provider certificate” and the substitution of the words “certification at the family home child care provider level”.**

(2) **Subsection 9(2) of the regulations is amended by the deletion of the words “a school-age child care provider certificate” and the substitution of the words “certification at the school-age child care provider level”.**

(3) **Subsection 9(3) of the regulations is revoked and the following substituted:**

**Early childhood intern**

(3) An applicant for certification at the early childhood intern level 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.

(4) **Subsection 9(4) of the regulations is revoked and the following substituted:**

**Early childhood associate**

(4) An applicant for certification at the early childhood associate level shall have successfully completed

- (a) a one-year certificate program in early childhood care and education, approved by the Board; or
- (b) a diploma or degree program related to human studies, approved by the Board.

- (5) **Subsections 9(5), (6), (7) and (8) of the regulations are revoked and the following substituted:**

**Early childhood educator**

- (5) An applicant for certification at the early childhood educator level shall have successfully completed
- (a) a two-year diploma or degree program in early childhood care and education, approved by the Board;
  - (b) a degree program related to human studies that incorporates a two-year diploma program in early childhood care and education, approved by the Board; or
  - (c) a degree program related to human studies and a one-year certificate program in early childhood care and education, approved by the Board.

5. **The heading immediately preceding section 10 is revoked and the following substituted:**

**Renewal of Certification**

6. (1) **Subsection 10(1) of the regulations is amended**

- (a) **in the words preceding clause (a), by the deletion of the words “a certificate” and the substitution of the words “a certificate holder’s certification”; and**
- (b) **in clause (b), by the addition of the words “, where applicable” after the words “set out in subsection (2)”.**

- (2) **Subsection 10(2) of the regulations is revoked and the following substituted:**

**Continuing education**

- (2) Subject to subsection (3), a certificate holder shall have successfully completed 45 hours of continuing education, approved by the Board, in the three years preceding the application to renew the certificate holder’s certification.

**Exception**

- (3) Subsection (2) does not apply to a certificate holder who is certified at the family home child care provider or school-age child care provider level.

7. **Subsection 18(1) of the regulations is amended by the deletion of the word “80” and the substitution of the word “125”.**

8. (1) **Subsection 19(2) of the regulations is amended by the deletion of the word “six” and the substitution of the word “12”.**

- (2) **Subsection 19(3) of the regulations is revoked and the following substituted:**

**Exception**

- (3) The maximum group size for infants in a licensed centre may exceed 12 infants

- (a) where the infants are 17 months old or younger, for up to 25% of the time that the infants receive services at the licensed centre daily; and
  - (b) where the infants are 18 to 22 months old, for up to 75% of the time that the infants receive services at the licensed centre daily,
- provided that the group includes preschool or school-age children.

**9. (1) Clause 20(1)(c) of the regulations is revoked and the following substituted:**

- (c) either
  - (i) has emergency first aid and infant and child cardiopulmonary resuscitation (CPR) certification, approved by the Board, or
  - (ii) enrolls in a course to obtain the certification referred to in subclause (i) within two weeks of commencing to provide services at the licensed centre and obtains the certification referred to in subclause (i) within eight weeks of commencing to provide services at the licensed centre.

**(2) Clause 20(2)(a) of the regulations is amended by the deletion of the words “clause (1)(b)” and the substitution of the words “clauses (1)(b) and (c)”.**

**10. (1) Subsection 21(1) of the regulations is revoked and the following substituted:**

**21. Staffing requirements – family home centre**

- (1) The operator of a family home centre shall ensure that the centre is staffed with at least one certificate holder who is certified at a level other than school-age child care provider.

**(2) Subsection 21(2) of the regulations is amended by the revocation of clauses (a) and (b) and the substitution of the following:**

- (a) at least one certificate holder who is certified at a level other than family home child care provider; and
- (b) where additional staff members are required to comply with the staff member to child ratios set out in subsection 19(1), at least one additional certificate holder who is certified at a level other than family home child care provider.

**11. Section 22 of the regulations is revoked and the following substituted:**

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

The operator of a preschool centre or an early childhood centre shall ensure that the licensed centre is staffed with

- (a) at least one certificate holder who is certified at the early childhood educator level; and
- (b) where additional staff members are required to comply with the staff member to child ratios set out in subsection 19(1), at least one additional certificate holder who is certified at the early childhood associate or early childhood educator level.

**12. (1) Subsection 26(1) of the regulations is amended**

- (a) in clause (a), by the deletion of the word “3.5” and the substitution of the words “three and a half”; and
- (b) in clause (b), by the deletion of the word “7” and the substitution of the word “seven”.

**(2) Section 26 of the regulations is amended**

- (a) by the addition of the following after subsection (1):

**Exception, more than six infants**

- (1.1) Notwithstanding subsection (1), where there are more than six infants receiving services at a licensed centre, the operator shall provide for children receiving services at the licensed centre, a minimum of four square metres of indoor activity space per child.

- (b) by the addition of the following after subsection (2):

**Dedicated sleep space for infants**

- (2.1) Where there are more than six infants receiving services at a licensed centre, the operator shall provide dedicated sleep space for infants.

**13. Section 47 of the regulations is revoked.**

**14. The regulations are amended by the addition of the following after section 47:**

**47.1 Certification, transition**

- (1) On the coming into force of this section,
  - (a) a certificate holder who holds an early childhood educator I certificate is deemed to be certified at the early childhood intern level;
  - (b) a certificate holder who holds an early childhood educator II certificate is deemed to be certified at the early childhood associate level;
  - (c) a certificate holder who holds an inclusion support assistant certificate is deemed to be certified at the early childhood associate level; and
  - (d) a certificate holder who holds an early childhood educator III, early childhood supervisor or early childhood director certificate is deemed to be certified at the early childhood educator level.

**Expiration**

- (2) The new certification of a certificate holder referred to in subsection (1) expires on the date stated on the existing certificate.

**15. These regulations come into force on .....**

## EXPLANATORY NOTES

**SECTION 1** revokes and replaces subsection 1(1) of the regulations to remove definitions that are spent or unnecessary.

**SECTION 2** revokes and replaces a heading in the regulations.

**SECTION 3** amends section 8 of the regulations to update the staff certification levels and requirements.

**SECTION 4** amends section 9 of the regulations to update the staff certification levels and requirements.

**SECTION 5** revokes and replaces a heading in the regulations.

**SECTION 6** amends section 10 of the regulations to improve the wording.

**SECTION 7** amends subsection 18(1) of the regulations to increase the number of children to whom an operator may provide services at a licensed centre, other than a family home centre, from 80 to 125 children.

**SECTION 8** amends section 19 of the regulations to increase the maximum group size for infants from six to twelve and to provide for exceptions for infants of different age ranges.

**SECTION 9** revokes and replaces clause 20(1)(c) of the regulations to require staff to be certified in CPR for infants and children, and updates clause 20(2)(a) accordingly.

**SECTION 10** updates section 21 of the regulations to reflect the new staff certification levels.

**SECTION 11** revokes and replaces section 22 to reflect the new staff certification levels.

**SECTION 12** amends section 26 of the regulations to require more indoor activity space per child where there are more than six infants receiving services at a licensed centre.

**SECTION 13** revokes transitional provisions that are spent.

**SECTION 14** provides transitional provisions for certificate holders moving from the existing certificate levels to the new certification levels.

**SECTION 15** provides for the commencement of these regulations.