



## Recommendation 1: Sleeping Areas

<b>Recommendation</b>	That sleep areas licensed by the Ministry of Education be created to adhere to Section 3.6.1.3(3) of the Building Code Act as a sleep area and not necessarily a separate enclosed room.
<b>Policy</b>	<p><b>(A) Building &amp; Accommodation, Section 4-13</b>  <b>R.R.O. 1990, Regulation 262</b>  Legislative Reference 8</p> <p><b>8.</b> Every operator of a day nursery shall ensure that each day nursery operated by the operator has,</p> <p style="padding-left: 40px;"><b>(a)</b> where the day nursery is licensed to enroll children under eighteen months of age</p> <p style="padding-left: 80px;"><b>(i)</b> a separate play activity room for each ten children or less based on the licensed capacity, and</p> <p style="padding-left: 80px;"><b>(ii)</b> a separate sleeping area that is separated from any play activity space for each ten children or less based on the licensed capacity;</p> <p><b>(B) Section 3.6.1.3(3)</b> of the Ontario Building Code 419/86 requires that: “Day care centres shall provide sleeping accommodation having not less than .9 square metres (10 sq. ft.) of floor area for each child with not less than 2.3 metres (7 ft. 7 in.) ceiling height over the entire room area.”</p>
<b>Background</b>	<p>As child care operators transition from the loss of preschool spaces (due to Full Day Kindergarten) and create new spaces for younger age groups (including infants), renovation of classroom will be expensive or prohibitive. These costs can be mitigated by allowing for the creation of a separate sleep area (as outlined in Section 3.6.1.3(3) of the Ontario Building Code) while maintaining quality and keeping true to the DNA regulations 8(a)(ii) which speak to a separate sleep area.</p> <p>A separate sleep area also allows for better safety and supervision. The building of a walled completely enclosed separated sleep room will cost more money to build and may not be necessary.</p>



## Recommendation #2: Use of Space

<b>Recommendation</b>	That all indoor school spaces used by elementary school students during regular school hours be licensed for use by Third Party Operators for children ages 3.9 years and older in Extended Day and School Age Programs.
<b>Policy</b>	<p><b>(A) Building and Accommodation, Section 4-13</b>  <b>R.R.O. 1990, Regulation 262</b>          Legislative Reference 8(1)(d),(e),(f)  <b>8. (1)</b> Every operator of a day nursery shall ensure that each day nursery operated by the operator has,</p> <p style="padding-left: 40px;"><b>(d)</b> where the day nursery is licensed to care for children 44 months of age or over and up to and including 67 months of age as of August 31 of the year, a separate play and activity room for each 20 children or less based on the licensed capacity;  <b>(e)</b> where the day nursery is licensed to care for children 56 months of age or over and up to and including 67 months of age as of August 31 of the year, a separate play area for each 24 children or less based on the licensed capacity; and  <b>(f)</b> where the day nursery is licensed to care for children 68 months of age or over as of August 31 of the year up to and including 12 years of age, a separate play area for each 30 children or less based on the licensed capacity, unless otherwise approved by a Director. R.R. O. 1990, Reg. 262, s. 8; O. Reg. 505/06, s. 4(1).</p> <p><b>(B) Ministry of Children and Youth Services Day Nurseries Manual (January, 2007)</b>  <b>Building and Accommodation 3.3.35-36</b>          Legislative Reference 8          Intent – Director’s Approval – School Age Programs: It is strongly recommended that programs for school-age children, which often operate before and after school, have exclusive room space as a home base.</p> <p>When the operator of a school-age program proposes to use auxiliary and/or shared space as the licensed play space, Director approval is required. Additional space such as gymnasiums, libraries, resource centres etc. that are available to the child care school-age program on a regular, specified basis can be considered when determining licensed capacity.</p> <p>Section 8(d) and (e) provides for junior and senior kindergarten age</p>



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groupings. The intent is for these groupings to align with the Ministry of Education school groupings and help to support an integrated approach for children attending school.

**Background**

Many extended day and school age programs are required to change classrooms regularly due to numerous factors; school requires rotation of classrooms for rotary purposes, scheduled school use, sports events, etc. Third party providers must have every room used licensed (often without much notice). Licensing all school spaces used by students during school hours would allow for flexibility since children (students) are allowed in those spaces during the school day.



## Recommendation #3: Sink Requirements

**Recommendation** That sinks in classroom washrooms which are “over compliment” to the legislated licensed enrollment requirement be allowed to be used as by staff as a hand-washing sink.

**Policy**                    **Equipment and Furnishings, Section 14-20**  
**R.R.O. 1990 Regulation 262**  
 Legislative Reference 15  
**(A) 15.** Every operator of a day nursery shall ensure that the following equipment and furnishings are provided in each day nursery operated by the operator:  
**2.** Where the day nursery is licensed to enroll children eighteen months of age or over up to and including thirty months of age, a table or counter space for every fifteen children, based on the licensed capacity that is adjacent to a sink and suitable for dressing or changing the diaper of one child at a time.

**(B) Day Nurseries Design Guidelines (January 1990)**  
 “A philosophy of Relationships in Play Space”

**3. Washrooms**  
Physical and Spatial Characteristics (Toddlers – 18 months to 30 months)

- Section 3.6.4.2(20) of the Ontario Building Code 419/86 identifies the maximum number of children per water closet (flush toilet) and lavatory (hand basin)
- The Day Nurseries Act requires a table or counter space for every 15 toddlers that is adjacent to a sink and suitable for dressing or changing the diaper of one child at a time.

Physical and Spatial Characteristics (Preschool – 31 months to 5 years)

- Section 3.6.4.2(20) of the Ontario Building Code 419/86 identifies the maximum number of children per water closet (flush toilet) and lavatory (hand basin)
- Boys and girls use the same washroom
- Fixed, individual, toilet cubicles unnecessary
- Mounting height of sinks should permit independent use by all ages in this group. Toilet step stools and removable toilet seats are used
- Washrooms should be sized to permit staff assistance when required



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**Background**

As child care operators transition lost preschool spaces (due to Full Day Kindergarten) and repurpose classrooms to create new spaces for younger children (toddlers) renovation costs are expensive or prohibitive. In classrooms where the washrooms contain more sinks than are legislatively required, the ability to use the additional sink(s) for staff hand-washing may be allowed.

This would mitigate the requirement to add an additional sink for staff hand-washing (where in some cases there is no room in the existing washroom and major renovation would be required).

Presently local area business practices require an additional sink for staff.

The policy in regulations and Day Nursery Guidelines are silent on the use of the unused sink for staff hand-washing.



## Recommendation #4: Beds and Cots

**Recommendation** That cots for FDK and school age children attending Professional Development, School Holiday and Break days where programs run for more than 6 hours or more be allowed discretion approved by the Director to NOT have a cot for each child.

**Policy**

**(A) Equipment and Furnishing, Section 14-22**  
**R.R.O. 1990 Regulation 262**  
 Legislative Reference 15  
**15.** Every operator of a day nursery shall ensure that the following equipment and furnishings are provided in each day nursery operated by the operator:  
**3.** Bedding for use during rest periods for each child enrolled for 6 hours or more.  
**5.** For each child eighteen months of age or over up to and including thirty months of age enrolled for six hours or more, a cot.  
**6. For each child thirty-one months of age or over up to and including five years of age enrolled for six hours or more, a cot, unless otherwise approved by a Director.**

**(B) Section 53: Program**  
 Legislative Reference 53(5)  
**5.** Every operator shall ensure that the daily program in each day nursery operated by the operator and in each location where private home day care is provided by the operator is so arranged that;  
     **(d)** a child 44 months of age or over and up to and including 67 months of age as of August 31 of the year and who is unable to sleep during the rest period is permitted to engage in quiet activities. R.R.O. 1990, Reg. 262, s. 53(5); O. Reg. 505/06, s. 11(1).

**(C) Ontario Child Care Licensing Day Nurseries Manual 9.3.109-110**  
 Legislative Reference **53(5)**  
 Intent **53(5)(c)(d)**  
     **(c)** As children grow, their requirement for sleep decreases. While not all children need a mid-day nap, young children benefit from periods of relaxation to balance of active play. A kindergarten schedule may include a “quiet time” for books, reading, and listening to stories, as well as comfortable areas of the playroom for quiet, solitary activities.



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**(d)** When children attend afternoon kindergarten they may have time only for a short rest period or quiet time after lunch. Children may be allowed to engage in quiet activities for the entire rest period.

Indicator Type: Physical Inspection

**4.** Children over 44 months of age as of August 31 of the year who are unable to sleep during the rest period are engaged in quiet activities.

**Background**

Child care centres who are licensed to care for children 44 months of age and over often run programs for FDK and school age children during PD days, school holidays and breaks.

Presently, centres must purchase bedding and cots for every child in the program to meet this requirement. As these children do not attend full time the cost is prohibitive.

FDK and school age children are not required to “lay down on a cot” for rest periods during school days. The Director may provide discretion to “otherwise approve” not requiring a cot for each individual child in this program.



## Recommendation #5: Playgrounds

**Recommendation** That all outdoor school spaces used by elementary school students during regular school hours be licensed for use by Third Party Operators for children ages 3.9 years and older in Extended Day and School Age Programs.

**Policy** (A) **Playgrounds, Sections 21-24**  
**R.R.O. 1990, Regulation 262**  
 Legislative Reference

**22.** Every operator of a day nursery shall ensure that each playground in each day nursery operated by the operator,

(b.1) Used by children 44 months of age and up to and including 67 months of age as of August 31 of the year, is fenced to a minimum height of 1.2 metres and the fence is furnished with one or more gates that are securely closed at all times, unless otherwise approved by the Director; and

(c) Is so designed that the staff can maintain constant supervision of the children.

(B) **Ministry of Children and Youth Services – Day Nurseries Manual (January 2007) 5.2.53**

**Playgrounds**

Legislative Reference 22

Intent **22(b.1)**

(b.1) This provision includes Director discretion to allow approval of playgrounds without fences for junior and senior kindergarten age children (44 months of age up to and including 67 months of age as of August 31 of the year). Director discretion may be exercised on a site by site basis, upon the licensing inspection of the playground. The ministry will assess the playground to determine if the children can be adequately supervised without a playground fence or gate.

Considerations for fence exemptions may include:

- Whether the day nursery is located at a school and the children use the same playground while attending school
- Whether there is a perimeter fence around the site
- Traffic patterns and proximity to roads and parking areas
- Supervision plan (detailed plan on how the operator will provide





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for child safety and supervision)

- Whether the day nursery has exclusive use of the playground during hours of operation
- Whether there is director approval for 20% of younger children (e.g. mixed age grouping)

**(c)** This provision ensure the general safety of the children while they are outdoors and allows the staff to fulfill their responsibility.

Indicator Type: Documentation

1. There is approval by a Director exempting the playground from being at ground level and adjacent to the premises.
2. There is approval by a Director exempting the playground from having a fence for children 44 months of age up to and including 67 months of age as of August 31 of the year.
3. The playground supervision plan is reviewed and confirms it provides for child safety and supervision.

### **(C) Ministry of Children and Youth Services – Day Nurseries Manual 2.7**

Policies and Procedures 2.7

Playground Safety Policy – Appendix B

Effective September 30, 1999, all licensed child care operators are required to develop a Playground Safety Policy.

- A Playground Safety Policy will contain the following:
  1. A playground supervision statement that provides the child care centre staff with requirements for supervision of children on playgrounds that provides a safe outdoor play environment, promoting creative and constructive play for children. The policy must provide that staff ratios cannot be reduced on the playground.
  2. A statement that identifies the designated playspace, area or equipment that the program will use on a regular basis. If the equipment or site does not meet the CSA Standard a reporting procedure is to be established to work with the other organization and to establish responsibility to gain and maintain compliance.

#### **Background**

Where children (students) attending Extended Day and School Age Programs in schools operated by a Third Party Operator, regulation changes should be made to allow those same children to access the same playground used during the school day.



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Regulation and Policy and Procedures Manual are silent on playgrounds used for Extended Day and School Age programs where there is NOT a “day nursery located at a school.” Supervision plans are required and complied with to provide maximum safety in the school playground.



## Recommendation #6: Qualified Staff / Otherwise Approved

<b>Recommendation</b>	<p>(1) That Ontario Certified Teachers (OCT) with a primary speciality approved on section 59(1)(a)(ii) “as academic qualification that a Director considers equivalent to a diploma referred to in subclause (i) as qualified staff in FDK – Extended Day and School Age Programs.”</p> <p>(2) That a licensed Child and Youth Worker diploma and a Recreation and Leisure diploma receive automatic “otherwise approved” qualified staff in school age programs.</p>
<b>Policy</b>	<p><b>Staff Qualifications</b></p> <p>Legislative Reference 59(1)</p> <p><b>59(1)</b> Every operator of a day nursery, except a day nursery for handicapped children, shall employ in each day nursery operated by the operator, at least one person for each group of children set out in Column 3 of Schedule 3 who,</p> <p style="padding-left: 40px;"><b>(a)</b> holds,</p> <p style="padding-left: 80px;"><b>(i)</b> a diploma in Early Childhood Education from an Ontario College of Applied Arts and Technology; or</p> <p style="padding-left: 80px;"><b>(ii)</b> an academic qualification that a Director considers equivalent to a diploma referred to in subclause (i); or</p> <p style="padding-left: 40px;"><b>(a)</b> is otherwise approved by a Director</p> <p><b>1.</b> For each group of children as defined in Schedule 3, the operator has employed at least one program staff person who has:</p> <p style="padding-left: 40px;"><b>(a)</b> a diploma in Early Childhood Education from an Ontario College of Applied Arts and Technology or</p> <p style="padding-left: 40px;"><b>(b)</b> a degree in Early Childhood Education studies from a recognized university</p> <p style="padding-left: 120px;">or</p> <p style="padding-left: 40px;"><b>(c)</b> studies in a related profession to an equivalent level which includes specific child and family related studies and supervised practice</p> <p style="padding-left: 120px;">or</p> <p style="padding-left: 40px;"><b>(d)</b> an AECEO certificate or a letter of equivalent status from the AECEO</p>



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or

**(e)** in lieu of (a) – (d) above, the approval of a Director.

**Background**

1. OCT certified teachers are permitted to supervise and teach children for FDK programs in classrooms. However, the Third Party licensed child care provider is not permitted to hire individuals with these same qualifications to operate the extended day portion of the student's day or school age programs as qualified staff.

Ontario qualified teachers that are otherwise certified to teach elementary school students should be automatically qualified to work with students after school hours in licensed extended day and school age programs without Director approval.

2. Child and Youth Workers and Recreation and Leisure Diplomas curriculum has a focus on work with school age children. These diplomas should be "automatic" approvals by the Director as "otherwise approved" staff for licensed school age programs.