



The Muttart Foundation

1150 Scotia Place, 10060 Jasper Avenue, Edmonton, Alberta Canada T5J 3R8
Telephone (780) 425-9616 • Fax (780) 425-0282 • Toll-Free 1-877-788-5437
www.muttart.org

Direct Phone: (780) 421-0230
e-mail: csmith@muttart.org

Delivered electronically to GrandePrairie@assembly.ab.ca;
CS.StakeholderCommunityEngagement@gov.ab.ca

June 24, 2020

Mrs. Tracy Allard
MLA for Grande Prairie

Dear MLA Allard:

Our Board of Directors have instructed me to provide you with its submission in respect to the Child Licensing Act and Regulation review. This written submission supports the Foundation's presentation at the virtual table discussion held on June 18th, 2020.

We would be pleased to discuss the submission with you or Ministry of Children's Services staff further as required.

Yours truly,

Christopher J. Smith, Ph.D.
Associate Executive Director

Submission to The Ministry of Children's Services' Review of the Child Care Licensing Act and Regulation

On behalf of the Muttart Foundation Board of Directors, please accept the following submission to inform the Ministry of Children's Services' review of the *Child Care Licensing Act* and Regulation.

The Muttart Foundation is a private charitable foundation based in Edmonton, Alberta. The Foundation's charitable activities and funding support work to advance public policy in early learning and child care that is informed by research evidence and guided by the best interests of children and their families. Over the last two decades, the Foundation has worked with provincial governments and other partners to advance this work considering how best to integrate, organize, finance and deliver early learning and child care for young children and their families. It is the Foundation's hope, that the Ministry of Children's Services will seek to identify and advance changes to the current legislation and regulation that are informed by an appropriate combination of research evidence and stakeholder perspectives.

The Review of the *Child Care Licensing Act* and Regulation

The *Child Care Licensing Act*, which came into force on November 1, 2008, and the supporting regulation, comprise the legislative framework for child care in Alberta. The Ministry of Children's Services *Business Plan 2020-23* identifies the *Licensing Act* review as one of the key objectives under the outcome of ensuring 'the growth and development of children are supported through accessible, affordable and quality child care.' The business plan objective relating to the review references the 'intent of reducing red tape, supporting choice for parents, and maintaining focus on the safety and well-being of children.' In subsequent communications, the Ministry advised of its intent to consult with Albertans to determine how to 'embed principles of quality care into child care legislation', making them legislated requirements as compared to 'optional standards'.

As a preface to specific comments on the current legislation and regulation, the Muttart Foundation offers the following observations relating to the Ministry of Children's Services' stated objectives and intent in respect to the legislation and regulation review.

First, the stated objective of 'reducing red tape' requires careful consideration in respect to child care legislation and regulation. The government included a broad commitment to reduce red tape and the regulatory burden for business in its election platform. It argued that these changes would encourage economic growth and job creation. Since its election, the government has created an Associate Minister with responsibility for this commitment and struck industry specific task forces to advance the work. To date, however, the nature of what red tape reduction means in respect to the legislative oversight and regulation of early learning and child care services, a field that involves work with very young and vulnerable children, remains unclear.

The Foundation respectfully draws the Ministry's attention to *The Report to the Minister of Justice and Solicitor General Public Fatality Inquiry* issued by Judge Hawkes in 2018, in response to the tragic death of 22-month-old Mackenzy Woolfsmith in private unlicensed care. Judge Hawkes makes specific

recommendations in respect to the legislative framework and its subsequent review regarding risk and the appropriate oversight and management of risk through regulation. Given the vulnerable nature of very young children, it is the Foundation's position, that, consistent with the recommendations of Judge Hawkes, the government's commitment to reduce red tape and the regulatory burden on businesses must not lessen or weaken the Ministry of Children's Services' capacity to oversee and regulate child care programs and services in ways which protect and ensure the health, safety and well-being of all children and their families.¹

Second, the Ministry's stated intent to 'embed principles of quality care into child care legislation' is an important step forward in recognizing and advancing quality early learning and child care in Alberta. Summarizing the findings from the large bodies of research on early learning and child care, quality in early learning and child care matters. High-quality early learning and child care can provide a range of benefits for young children and their families.² Conversely, poor or low-quality services can have negative or detrimental effects on child and family well-being, especially for those children and their families who are the most vulnerable or disadvantaged.

Supporting and advancing quality in early learning and care, however, requires actions beyond embedding principles of quality in legislation and regulation. It requires complementary and additional public investments in what the Organization for Economic Cooperation and Development (OECD) calls 'policy levers'. These policy levers move beyond the setting of quality goals or standards in regulations to include the design and implementation of curricular resources and higher standards; improvements in staff qualifications, educational preparation and working conditions; the engagement of families and communities; and investments in data collection, research and monitoring.

The Ministry of Children's Services' discontinuation of the voluntary accreditation process, and accompanying accreditation standards, effective April 1, 2020, has created a void in the provision of supports to develop, assess and advance quality in early learning and child care programs and services. The Ministry of Children's Services should now seek to fill this void with new provincial infrastructure, investments and resources if the anticipated quality standards 'embedded' in regulation are to result in measurable increases in the quality of early learning and child care.

In conjunction with the Edmonton Council on Early Learning and Care, the Muttart Foundation has commissioned a study that examines how jurisdictions can support and advance quality in early learning and child care provision. This study will be complete towards the end of the summer or early fall and will then be shared with early learning and care stakeholders for their review and consideration. In conjunction with members of the Edmonton Council on Early Learning and Care, the Muttart Foundation would be pleased to discuss the findings of this study with Ministry staff when it is complete.

¹ Hawkes, J. B. (2018, November). *Report to the Minister of Justice and Solicitor General, Public Fatality Inquiry*. Retrieved from <https://open.alberta.ca/publications/publications-fatality-inquiry-woolfsmith-2018-11-26>.

² See the OECD *Starting Strong* reports 2001, 2006, 2012, 2015, 2017 and 2018.

Specific Recommendations for Changes to the *Child Care Licensing Act* and Regulation

Alberta's *Child Care Licensing Act* and Regulation share similarities with the parallel legislation and regulation in other provinces and territories. The legislation, which has not undergone a comprehensive review or significant amendment since its passage in 2008, designates the licensing of specific types of child care programs, details the licensing process and requirements and sets out the powers of inspection.

The supporting regulation comprises 22 general sections with five accompanying schedules relating to specific types of programs: day care, out-of-school care, group family child care, innovative child care and pre-school. These schedules are similar with the exception of the innovative child care schedule. The schedules specify requirements relating to discipline; emergency procedures; supervision and medication for sick children; nutrition, meals and feeding; space, furnishings and equipment; and staffing requirements including educational preparation, child-staff ratios and group sizes.

Alberta's current legislation and the accompanying regulations are shorter or briefer than comparable legislation and regulation in other provinces including Ontario and British Columbia. Further, the direction set out in specific regulations relating to staff education and certification, program requirements, physical space requirements and staffing requirements is either below or on a par with that set out in other provinces and territories, and considerably below the higher requirements commonly set out in international standards.

Considering specific sections or requirements within the Alberta *Child Care Licensing Act* and Regulation, the following require amendment to provide a starting point both for the effective delivery of high-quality early learning and child care for children and their families and the government's appropriate oversight of these services. These identified sections or requirements are consistent with those previously identified in the Association of Early Childhood Educators of Alberta's comprehensive review of the legislation and regulation (*'Getting It Right'*) submitted to the Ministry in February. They further align with the recommended changes outlined in the Edmonton Council on Early Learning and Care's submission. More broadly, they reflect the research findings from Canadian and international studies on those factors which contribute to the delivery of high-quality early learning and care as well as the results from previous consultations supported by the Muttart Foundation in partnership with other stakeholders including the Government of Alberta.³

1. Educational Preparation and Ongoing Professional Learning of Early Childhood Educators

Researchers, policy makers and practitioners agree on the critical role well-educated and appropriately supported early childhood educators play in the delivery of high-quality early

³ Muttart Foundation. 2015. *Advancing the Educational Preparation and Professional Development of Alberta's Early Learning and Care Workforce. Alberta Consultation Transcription Reports*; Muttart Foundation. 2013. *Toward a Provincial Framework for Early Learning and Care in Alberta. What We Heard: a Report on Fall 2012 Consultations with Early Learning and Care Stakeholders.*

learning and child care.⁴ The educational preparation early childhood educators complete before they enter the field and the professional learning they participate in while working matters. Early childhood educators with formal, specialized education are more likely to foster and engage in the sustained interactions with young children that supports their learning and development. In short, better qualified staff are more likely to support the high-quality pedagogical practice that contributes to improved outcomes for children and their families than are staff with more modest or no formal educational preparation.

At present, staff who work in licensed day care, out-of-school care and pre-school programs in Alberta have one of three levels of educational preparation or an equivalency assessed by the Alberta Child Care Staff Certification Office. There are no formal educational requirements for approved family child care providers. Further, there is no requirement for certified staff or family child care providers to meet any ongoing professional learning requirements.

Consistent with international and Canadian trends to increase the educational qualifications of early childhood educators, four provinces (Newfoundland and Labrador, Prince Edward Island, Nova Scotia, Manitoba) now recognize four-year degrees in their certification qualifications. In addition, six provinces (Newfoundland and Labrador, Prince Edward Island, Nova Scotia, Ontario, Manitoba, British Columbia) have continuing professional development requirements linked to staff certification.

Consistent with the need to increase the educational qualifications and professional learning for early learning and child care staff, the Muttart Foundation makes the following recommendations.

Early Childhood Educator Certification

- i) That the Child Care Licensing Act regulation establish the following levels of child care certification over an agreed period of time.***
 - a) Early Childhood Education (ECE) Director***
 - b) Early Childhood Education (ECE) Supervisor***
 - c) Early Childhood Education (ECE) Worker***

The educational requirements for an Early Childhood Education Director would be completion of a bachelor's degree qualification, from a public university in early childhood education (or an equivalent degree from a public university with a major in early learning and child care studies).

The educational requirements for an ECE Supervisor would remain as a diploma qualification; and the educational requirements for an ECE Worker would remain as a certificate qualification.

⁴ OECD. 2018. *Engaging Young Children: Lessons From Research About Quality in Early Childhood Education and Care*; Muttart Foundation. 2014. *Advancing the Educational Preparation and Professional Development of Alberta's Early Learning and Care Workforce*.

At the time of the revised regulation coming into force, staff certified at the current Child Development Assistant Level would be granted a period of five (5) years to upgrade their educational qualification to that of a certificate credential.

In consideration of the proposed changes to the levels of staff certification (specifically the elimination of the previous Child Development Assistant level), the Ministry of Children's Services should make financial support available to eligible staff to enable them to upgrade their educational qualifications. This support could be provided through a staff bursary program.

- ii) That the Certification of Early Childhood Educators be subject to renewal on a three-year basis contingent upon a certified educator's completion of mandatory professional development requirements.***

The nature of the mandatory professional development requirements should be determined by the Ministry in consultation with the Association of Early Childhood Educators of Alberta and other relevant stakeholders.

In consideration of the proposed introduction of mandatory professional development requirements, the Ministry of Children's Services should provide financial support to staff to enable them to complete professional development courses and/or education. Such investments would help build the capacity of the workforce to deliver high-quality early learning and child care for all children and their families.

Staffing Requirements

The current regulations include five schedules that outline different staffing requirements by program type (Day care program, Group family child care, Innovative child care program, Out-of-school care program and Pre-school). Recognizing the benefits that flow from well-educated staff working with children, no matter the type of program, and consistent with the Government of Alberta's commitment to streamline current regulations, the Ministry of Children's Services should consolidate staffing requirements across program types.

The Muttart Foundation makes the following recommendations.

- i) That, with respect to the primary staff member ratios specified in regulation, at all times at least one in every three of the primary staff members be certified as an Early Childhood Education Supervisor.***
- ii) That every group of children, where a group is six or more children, must include at least one staff member certified as an Early Childhood Education Supervisor.***
- iii) That every staff member in a child care program (Day care program, Group family child care, Innovative child care program, Out-of-school care program and Pre-school) be required to have first aid certification within three months of starting work.***

The current regulation does not set out formal educational requirements for family child care providers in approved family day homes. This is an oversight given the significant role that family child care providers play in the delivery of early learning and child care in the province.

The Muttart Foundation makes the following recommendation.

- iv) That approved family child care providers be required to be certified at the new Early Childhood Education Worker level having obtained from a public college or private vocational school a certificate credential in early learning and child care.***

At the time of the revised regulation coming into force, family child care providers providing family child care through an approved family day home agency would be granted a period of five (5) years to upgrade their educational qualification to that of a certificate credential.

In consideration of the above change, the Ministry of Children's Services should provide financial support to eligible family child care providers to enable them to upgrade their educational qualifications.

2. Program Requirements

Across Canada, and internationally, the trend is toward the development and implementation of high-quality early learning and care curricular resources in programs and services for young children. A high-quality curriculum framework recognizes and supports, amongst other things, the complementary nature of learning and care, the sustained and shared interactions between children and educators critical to development and learning, and the capacities of children as active and capable learners. In all provinces, curricular resources are now either in place or under development for children below the mandatory school-age.

The Government of Alberta, in partnership with researchers and post-secondary faculty, has provided significant leadership and investments to support the development and implementation of the *Flight* curriculum framework in early learning and care programs across the province. An increasing number of early childhood educators now work with this framework to improve the quality of early learning and care experiences for children and their families in a range of different programs and services.

The Muttart Foundation makes the following recommendations.

- i) That Flight: Alberta's Early Learning and Care Framework be the required curricular resource for use in all licensed early learning and care programs identified within the existing regulation (Day care, Out-of-school care, Group family child care, Innovative child care, and Pre-school).***

- ii) ***That Flight: Alberta’s Early Learning and Care Framework be the required curricular resource for use in all approved family day homes.***

The Ministry of Children’s Services should provide dedicated resources, funded staff non-contact hours and related supports to enable all licensed child care programs and approved family child care providers to effectively implement the Flight curriculum framework.

3. Physical Space Requirements – Outdoor Play Space

The developmental, health and social-emotional benefits of outdoor play for young children are well documented in the research literature.⁵ Unstructured outdoor play is essential for all children and critical for their development.

The requirements for outdoor play space included in the current schedules for Day care programs, Group family child care, Innovative child care, Out-of-school care programs and Pre-schools fall well below that which might be considered best practice. The only schedule which details physical space requirements (for Day care programs) includes provisions lower than those in place in ten of the other twelve provinces and territories.

The Muttart Foundation makes the following recommendation which serves to consolidate the current schedules and streamline regulation.

- i) ***That all licensed child care programs that provide full-time care provide outdoor play space that is adjacent to or within easy and safe walking distance from the program premises and accommodates at least 50 percent of the licensed capacity at a level of not less than 7 square metres for each child.***

Recognizing the importance of the provision of appropriate outdoor play space, the Ministry of Children’s Services should provide capital grant funding to existing licenced child care programs to support improvements and upgrades to outdoor play spaces.

4. Unlicensed Family Child Care

Research findings show that higher-income families often have greater access to licensed or regulated, and higher-quality, early learning and child care than families with more modest

⁵ Wyver S. The Influence of Outdoor Play on Social and Cognitive Development. In: Tremblay RE, Boivin M, Peters RDeV, eds. Brussoni M, topic ed. *Encyclopedia on Early Childhood Development* [online]. <http://www.child-encyclopedia.com/outdoor-play/according-experts/influence-outdoor-play-social-and-cognitive-development>. Published May 2019. Accessed June 22, 2020; Pickles, C. n.d. *Outdoor Play in Child Care Settings. Recommendations for Child Care Licensing in Alberta.*

incomes. Further, centre-based services are generally found to provide higher-quality early learning and care than home child care services.

The high cost of child care combined with the shortage of regulated or licensed/approved early learning and child care spaces in Alberta means that many families have limited child care choices available to them. In this situation, a number of families must either rely on relatives or friends to meet their child care needs or access unlicensed home child care. While there is likely a range of quality in unlicensed home child care settings, there are also examples of very low standards of care and examples of serious injury or death for children attending unlicensed home child care settings. *The Report to the Minister of Justice and Solicitor General Public Fatality Inquiry* prepared by Judge Hawkes in 2018 makes recommendations to the Ministry of Children's Services in respect to changes in the oversight of unlicensed home child care to reduce the likelihood of serious injury and or death of children.

Drawing on the recommendations of Judge Hawkes, as well changes made to parallel legislation in other provinces including Ontario, the Muttart Foundation makes the following recommendations in respect to unlicensed home child care.

- i) That all unlicensed home child care providers be required to register with the Ministry of Children's Services as part of a new Unlicensed Home Child Care Registry established by the Ministry.***
- ii) That the Child Care Licensing Act and supporting regulation limit the number of children (under 13 years of age) that an unlicensed home child care provider can provide care for to five (5), including the care provider's own children under 5 years of age.***
- iii) That the Child Care Licensing Act include new provisions around 'Inspection' enabling the Ministry of Children's Services to inspect unlicensed home child care settings if there are reasonable grounds to believe that the unlicensed provider is providing care that does not meet the health or safety needs of the children receiving care.***
- iv) That unlicensed home child care providers must inform parents in writing that they are unlicensed and keep proof of this disclosure for two years. The disclosure must include the wording: 'This child care service is not licensed or approved by the Ministry of Children's Services, the Government of Alberta.'***
- v) That an unlicensed provider cannot operate in more than one location.***

The Government of Alberta's review of the *Child Care Licensing Act* and regulation provides an important opportunity to ensure that Alberta's children and their families have equitable access to high-quality, affordable early learning and child care. The complex nature of early learning and child care and

the vulnerability of young children demands a strong legislative framework with a comprehensive and evidence-informed set of supporting regulations. The legislation and regulation must serve the best interests of all children and their families while providing an appropriate framework for the effective delivery of services. The Muttart Foundation would be pleased to provide the Ministry of Children's Services with additional information on any or all aspects of the current submission. The Foundation would further be open to discussing with the Ministry additional opportunities that might arise for the Foundation to inform and support the development of a revised set of regulations.