

## **New Requirements under the *Child Care and Early Years Act, 2014***

O. Reg 137/15 under the *Child Care and Early Years Act, 2014* (CCEYA) has been amended to provide a regulatory framework for the Canada-Wide Early Learning and Child Care System (CWELCC) in Ontario.

The **new requirements include an immediate freeze on all parent fees for an eligible child** that remains in effect until a licensee or applicant notifies parents and their local service system manager that they are not enrolling in the CWELCC system OR the licensee completes the CWELCC system enrolment process.

Supplementary documents: *Licensee Pathway to the Canada-Wide Early Learning and Child Care System* and *Applicant Pathway to the Canada-Wide Early Learning and Child Care System*

This document provides an overview of the new regulatory requirements under the CCEYA. In the event of a conflict between this document and the regulation, the regulation prevails.

### **Actions Required:** Immediately

For licences issued on or before March 27, 2022:

- Licensees and home child care providers must ensure that parents of an eligible child are not charged a fee higher than the amount charged on March 27, 2022, unless the fee increase had already been communicated to parents.

For newly licensed rooms (revisions processed after March 27, 2022) and new licences (issued after March 27, 2022):

- Licensees and applicants shall ensure that parents are not charged a fee higher than the amount set out in the applicable Table under O.Reg.137/15, unless the parent fees had already been communicated to parents.

### Before September 1, 2022

- Licensees must provide communication to families (see Communication to Families – before September 1, 2022 below) and staff/providers if they are not enrolling in the CWELCC system and
- Upon advising the local service system manager and parents that it is not enrolling, a licensee is no longer permitted to enrol in 2022 and may charge a higher fee.

**REQUIREMENTS FOR ALL LICENSEES**

	<b>Regulatory Requirement</b>	<b>Notes – Additional Information</b>
Communication to Families – before September 1, 2022	<p>Licensees who were licensed on or before March 27, 2022 must ensure that a parent of every eligible child in a child care centre or home child care premises (including privately placed children and in-home services) are provided written notice as to:</p> <ul style="list-style-type: none"> <li>• Whether or not the licensee will apply to the CWELCC System</li> <li>• The anticipated date of application; and</li> <li>• That if the licensee is not enrolling or their application was unsuccessful, that the parent may withdraw their child with 30 days notice (or shorter if discharge policy allows), without penalty, within 30 days after being notified.</li> </ul>	<p>Eligible child means:</p> <ul style="list-style-type: none"> <li>• any child under 6 years old; and</li> <li>• up until June 30 any child who turns 6 years old between Jan 1 and June 30 and is enrolled in a licensed infant, toddler, preschool or kindergarten age group, family age group or home child care</li> </ul>
Communication to Staff/Providers – before September 1, 2022	<p>Licensees who were licensed on or before March 27, 2022 must ensure that every staff and home child care provider of a child care centre or home child care agency are provided written notice as to:</p> <ul style="list-style-type: none"> <li>• Whether or not the licensee will apply to the CWELCC System</li> <li>• The anticipated date of application</li> </ul>	
Parent Handbook	<p>Licensees must update their parent handbook to include:</p> <ul style="list-style-type: none"> <li>• Their base fees and non-base fees (actual fee amounts) as defined under the CCEYA</li> <li>• Whether or not they are enrolled in the CWELCC system</li> </ul>	<p>Existing licensees are not required to update their parent handbook until September 1, 2022. However, licensees must continue to comply with the requirement to include information about fees in the parent handbook.</p> <p>Base fee means: Everything considered to be mandatory charge to a parent for providing child care, including everything a licensee is required to provide under the CCEYA.</p> <p>Non-base fee means: fees charged for optional services (e.g. field trips, transportation) or any fees where a parent fails to meet agreement terms (e.g. fees for late pick up)</p>

**REQUIREMENTS FOR LICENSEES APPLYING OR HAS APPLIED TO ENROL IN CWELCC SYSTEM:**

Application to CWELCC System	Licensees must apply to the local system manager for enrolment in accordance to the established process of the local service system manager and provide any documents requested by the local service system manager.	The local service system manager must enrol an applicant in the CWELCC unless: <ul style="list-style-type: none"> <li>• There are reasons to believe the centre or agency is not financially viable or will use funding for improper purposes</li> </ul>
Communication to Families – Within 14 days of application results	Licensees that applied to enrol in the CWELCC System must notify parents of eligible children of the results (i.e. successful enrolment or not) and include information about: <ul style="list-style-type: none"> <li>• Refunds – the parent of an eligible child will receive a refund for fees over paid</li> <li>• Parental right to withdraw – 30 days to withdraw without penalty, within 30 days of being notified</li> </ul>	Eligible child means: <ul style="list-style-type: none"> <li>• any child under 6 years old; and</li> <li>• up until June 30 any child who turns 6 years old between Jan 1 and June 30 and is enrolled in a licensed infant, toddler, preschool or kindergarten age group, family age group or home child care</li> </ul>
Communication to Staff/Providers Within 14 days of application results	Licensees that applied to enrol in the CWELCC System must notify staff/providers of the results (i.e. successful enrolment or not)	

**REQUIREMENTS FOR LICENSEES ENROLLED IN CWELCC SYSTEM:**

Comply with Terms of Agreement	Licensees must comply with the terms of any agreement it enters into with the local service system manager, including terms about the use of the funding and wage requirements	The requirements under O. Reg 137/15 shall be followed if there is a conflict between the agreement and O. Reg 137/15  Sale of Shares: The licensee remains enrolled and must comply with the agreement.  Sale of Assets: The purchaser may apply for enrolment and set out fees based on the applicable table.
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Keep a Copy of Agreement	Licensees must keep a copy of any agreement it enters into with the local service system manager at the child care centre or home child care agency	Record must be retained for 3 years from the date the agreement is made and made available for inspection.
Base Fee	<p>Licensees or home child care provider must ensure that fees for an eligible child are reduced by 25% (to a minimum of \$12 per day), retroactive to April 1, 2022 or the date the licensee's licence was issued.</p> <p>Licensees have 31 days from the enrolment date to reduce fees to the base fee</p> <p>Licensees must refund parents within 60 days, including those who have since withdrawn, who paid over the maximum base fee for an eligible child.</p>	This requirement is not applicable where fees for an eligible child was less than \$12 on or before March 28, 2022

**Enforcement**

Licensee are subject to an administrative penalty for the following:

- charging fees above the fee cap
- charging fees higher than the applicable base fee