Province of Alberta

EARLY LEARNING AND CHILD CARE ACT

EARLY LEARNING AND CHILD CARE REGULATION

Alberta Regulation 143/2008

With amendments up to and including Alberta Regulation 299/2020

Current as of February 1, 2021

Office Consolidation

© Published by Alberta King's Printer

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Edmonton, AB T5K 2P7
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(Consolidated up to 299/2020)

ALBERTA REGULATION 143/2008

Early Learning and Child Care Act

EARLY LEARNING AND CHILD CARE REGULATION

Table of Contents

1 Interpretation

Part 1
Facility-based Programs

2 Information to accompany application for initial licence
3 Information to accompany renewal application
3.1 Licence holder's duty to provide updated information
5 Conditions precedent to issuing facility-based licence
6 Compliance with program plan
6.1 Operation of facility-based program

Part 2
Family Day Home Agencies

6.2 Family day home agency standards
6.3 Statutory director's discretion

Part 3
Child Care Certification

13 Definition
13.1 Levels of certification
14 Application for certification
14.1 Cancellation, suspension or imposition of terms on certification

Part 4
Appeals

19.1 Decisions appealable by licence holders
19.2 Decisions appealable by other persons
19.3 Notice of appeal

Part 5
Transitional Provisions, Repeal, Expiry and Coming into Force

19.4 Child development supervisors, workers and assistants - transitional
20 Repeal
21 Expiry
22 Coming into force

Schedules

Interpretation

1(1) In this Regulation,

(a) "Act" means the *Early Learning and Child Care Act*;

(b) "licence holder" means

(i) except in Part 4, a person who holds a facility-based licence;

(ii) in Part 4, a person who holds a facility-based licence or a family day home agency licence.

(2) In Schedule 1 to this Regulation, "this Regulation" means the sections that precede Schedule 1.

AR 143/2008 s1;10/2019;81/2019;299/2020

Part 1
Facility-based Programs

Information to accompany application for initial licence

2 An application under section 4(1) of the Act for an initial facility-based licence must contain the following:

(a) a plan of the applicant's proposed child care program that is in a form satisfactory to the statutory director and includes the information requested by the statutory director;

(b) the results of a criminal record check, including a vulnerable sector search, dated not earlier than 6 months prior to the date of the application, with respect to

(i) the applicant, if the applicant is an individual, or

(ii) every director and officer of the corporation, if the applicant is a corporation;

(c) evidence of the applicant's corporate status, if the applicant is a corporation;

(d) any other information the statutory director considers necessary to enable the statutory director to assess the capability of the applicant to provide the proposed child care program or the suitability of any person associated with the proposed program to provide child care.

AR 143/2008 s2;299/2020

Information to accompany renewal application

3 An application for the renewal of a facility-based licence must be accompanied with the following:

(a) if there has been a change in any of the information referred to in section 2(a) or (c) since that information was last provided by the applicant, a description of the changes;

(b) if a criminal record check referred to in section 2(b) was carried out more than 3 years prior to the date of the renewal application, the results of a new criminal record check, including a vulnerable sector search, with respect to the relevant persons listed in section 2(b);

(c) any other information the statutory director considers necessary to enable the statutory director to assess the capability of the applicant to continue to provide the child care program or the suitability of any person associated with the program to provide child care.

AR 143/2008 s3;299/2020

Licence holder's duty to provide updated information

3.1 Where, at any time after the issuance or renewal of a facility-based licence, there is a change in any of the information that the licence holder provided or was required to provide under section 2 or 3, the licence holder must inform the statutory director in writing forthwith.

AR 299/2020 s6

4 Repealed AR 299/2020 s7.

Conditions precedent to issuing facility-based licence

5 Before issuing or renewing a facility-based licence, the statutory director may

(a) examine or cause to be examined the premises in which the applicant proposes to provide the facility-based program,

(b) require the applicant to make changes to the program plan referred to in section 2(a),

(c) require the applicant to provide evidence that satisfies the statutory director that the premises in which the applicant proposes to provide the child care program are in compliance with applicable zoning, health and safety legislation,

(d) require the applicant to provide evidence of general liability insurance coverage for staff, volunteers and children, and

(e) require the applicant to attend an information session, provided by the statutory director, with respect to the provision of a facility-based program.

AR 143/2008 s5;299/2020

Compliance with program plan

6 A licence holder

(a) must comply with the program plan referred to in section 2(a), including any changes made under section 5(b), and

(b) must not make changes to the program plan without the prior approval of the statutory director.

AR 143/2008 s6;299/2020

Operation of facility-based program

6.1 A facility-based program must be operated in accordance with the requirements of Schedule 1.

AR 299/2020 s8

Part 2
Family Day Home Agencies

Family day home agency standards

6.2 The statutory director may set standards for licensed family day home agencies, including standards that the agencies must follow in overseeing and monitoring family day home programs.

AR 299/2020 s9

Statutory director's discretion

6.3 Despite section 18.3 of the Act, the statutory director may, in the statutory director's discretion, decline to consider applications for a family day home agency licence that are or may be made under section 18.2 of the Act.

AR 299/2020 s9

Part 3
Child Care Certification

Definition

13 In this Part, "standards" means the standards set by the Minister under section 24.1 of the Act.

AR 143/2008 s13;299/2020

Levels of certification

13.1(1) The following levels of child care certification are established:

(a) Level 3 early childhood educator;

(b) Level 2 early childhood educator;

(c) Level 1 early childhood educator.

(2) The statutory director may certify an applicant at a level of child care certification set out in subsection (1)(a), (b) or (c) if the statutory director is satisfied that the applicant meets the applicable standards for that level.

AR 299/2020 s10

Application for certification

14(1) An application for child care certification at a level set out in section 13.1(1)(a), (b) or (c) must be made to the statutory director in a form and manner satisfactory to the statutory director.

(2) On considering an application under subsection (1), the statutory director may

(a) certify the applicant, on any terms and conditions the statutory director considers appropriate, if the statutory director is satisfied that the applicant meets the standards for that level of child care certification, or

(b) refuse to certify the applicant.

(3) Where the statutory director certifies an applicant under subsection (2)(a), the statutory director shall issue a written certification to the applicant that sets out the terms and conditions, if any, of the certification.

(4) Where the statutory director refuses to certify an applicant under subsection (2)(b), the statutory director shall notify the applicant in writing of the refusal and the reasons for it.

AR 143/2008 s14;299/2020

Cancellation, suspension or imposition of terms on certification

14.1(1) Where at any time after issuing a certification to an individual under section 14 the statutory director is satisfied that the certification was issued based on false or inaccurate information, or that the applicant does not meet the standards applicable to the level of child care certification that was issued, the statutory director may

(a) impose terms and conditions on the certification,

(b) suspend the certification for a specified period, or

(c) cancel the certification.

(2) Where the statutory director takes an action under subsection (1), the statutory director shall notify the following persons, in writing, of the action that was taken, the reasons for it and the date on which the action was taken:

(a) the individual;

(b) the licence holder for any facility-based program in which the individual is employed or is a volunteer.

(3) Where the statutory director has reason to believe that an individual is employed in a program and is providing child care at a level for which the individual is not certified, the statutory director shall notify the licence holder.

(4) Nothing in this section prevents an individual whose certification is cancelled from applying for a new certification.

AR 299/2020 s10

15 to 18 Repealed AR 299/2020 s11.

Part 4
Appeals

Decisions appealable by licence holders

19.1(1) For the purposes of section 21(1) of the Act, the following decisions are prescribed as being appealable by a licence holder, a person who applied for a licence or a person who applied for the renewal of a licence, as the case may be:

(a) a decision under section 5(1)(a) or 18.3(1)(a) of the Act to issue or renew a licence subject to conditions;

(b) a decision under section 5(1)(b) or 18.3(1)(b) of the Act to refuse to issue or renew a licence;

(c) a decision under section 6(2) or 18.4(2) of the Act to refuse to vary a provision of a licence;

(d) a decision under section 12 or 18.9(a) of the Act to vary a provision of a licence;

(e) a decision under section 13 or 18.9(b) of the Act to impose conditions on a licence;

(f) a decision under section 14 or 18.9(c) of the Act to issue an order;

(g) a decision under section 15(1) of the Act to suspend a facility-based licence and issue a probationary licence;

(h) a decision under section 15(5) of the Act to refuse to reinstate a facility-based licence that has been suspended;

(i) a decision under section 16 or 18.91 of the Act to cancel a licence.

(2) For greater certainty, there is no right of appeal from any decision of the statutory director under section 6.3.

AR 299/2020 s13

Decisions appealable by other persons

19.2 For the purposes of section 21(1.1) of the Act, the following decisions are prescribed as being appealable by a person to whom the decision pertains:

(a) a decision under section 14.1(1)(a) to impose terms and conditions on the person's child care certification;

(b) a decision under section 14.1(1)(b) to suspend the person's child care certification;

(c) a decision under section 14.1(1)(c) to cancel the person's child care certification.

AR 299/2020 s13

Notice of appeal

19.3 A notice of appeal under section 21 of the Act must be in writing and must include the following information:

(a) the name, address and telephone number of the appellant;

(b) in the case of an appeal by the holder of a facility-based licence, the name of the facility-based program and the licence number;

(c) in the case of an appeal by the holder of a family day home agency licence, the name of the agency and the licence number;

(d) a description of the decision being appealed;

(e) the date the appellant received the statutory director's decision;

(f) a copy of the statutory director's written decision;

(g) the reasons for the appeal;

(h) the signature of the appellant and the date on which the appellant signed.

AR 299/2020 s13

Part 5
Transitional Provisions, Repeal, Expiry and Coming into Force

Child development supervisors, workers and assistants — transitional

19.4(1) In this section, "former regulation" means this Regulation as it read immediately before the coming into force of this section.

(2) An individual who, immediately before the coming into force of this subsection, held a certification under the former regulation as a child development supervisor is deemed, on the coming into force of this subsection, to be certified as a Level 3 early childhood educator.

(3) An individual who, immediately before the coming into force of this subsection, held a certification under the former regulation as a child development worker is deemed, on the coming into force

of this subsection, to be certified as a Level 2 early childhood educator.

(4) An individual who, immediately before the coming into force of this subsection, held a certification under the former regulation as a child development assistant is deemed, on the coming into force of this subsection, to be certified as a Level 1 early childhood educator.

AR 299/2020 s13

Repeal

20 The *Child Care Regulation* (AR 180/2000) is repealed.

Expiry

21 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on October 31, 2025.

AR 143/2008 s21;152/2016;299/2020

Coming into force

22 This Regulation comes into force on the coming into force of the *Child Care Licensing Act*.

Schedule 1

Facility-based Program

Definitions

1 In this Schedule,

(a) "day care" means child care provided by a facility-based program to infants, pre-school children and kindergarten children for 4 or more consecutive hours in each day the program is provided;

(b) "infant" means a child who is under 19 months of age;

(c) "kindergarten child" means a child who is 4 years of age or older and is attending an early childhood services program as defined in the *Education Act*;

(d) "licensed capacity" means

(i) in respect of day care, the maximum number of children who, pursuant to the terms of a

facility-based licence, may receive day care in the program;

(ii) in respect of pre-school care, the maximum number of children who, pursuant to the terms of a facility-based licence, may receive pre-school care in the program;

(iii) in respect of out of school care, the maximum number of children who, pursuant to the terms of a facility-based licence, may receive out of school care in the program;

(e) "out of school care" means child care provided by a facility-based program to kindergarten children and school-aged children in any or all of the following periods:

(i) before and after school;

(ii) during the lunch hour;

(iii) when schools are closed;

(f) "parent" means, in respect of a child, the child's parent or guardian;

(g) "pre-school care" means child care provided by a facility-based program to pre-school children and kindergarten children for less than 4 hours per child in each day the program is provided;

(h) "pre-school child" means a child who is

(i) 19 months of age or older, and

(ii) not a student as defined in the *Education Act*;

(i) "primary staff member" means a staff member of a facility-based program whose primary duty is child care and who is actively engaged in the supervision of children in the program;

(j) "program" means a licensed facility-based program;

(k) "program premises" means

(i) in respect of an application for a facility-based licence, the location, as indicated on the application, where the applicant proposes to provide the program, or

(ii) in respect of a program, the location, as indicated on the licence, where the program is authorized to be provided;

(l) "program supervisor" means a staff member of a facility-based program whose duty is to supervise the provision of child care to children in the program;

(m) "rest period" means any period during which a child receiving child care is lying down, including on a mat or bed or in a crib, cradle or bassinet, for the purpose of sleeping or resting;

(n) "school-aged child" means a child who is a student as defined in the *Education Act*, but does not include a kindergarten child.

Part 1
Program Requirements

Transportation

2 Where the licence holder provides transportation for a child between the child's home and the program premises, the periods of transportation must not, for the purposes of the Act, this Regulation or this Schedule, be considered as part of the program.

Child guidance

3(1) A licence holder must ensure that

(a) child guidance methods utilized in the program are communicated to

(i) parents,

(ii) staff, and

(iii) children, where developmentally appropriate,

and

(b) any child guidance provided is reasonable in the circumstances.

(2) A licence holder must not, with respect to a child in the program,

(a) inflict or cause to be inflicted any form of physical punishment, verbal or physical degradation or emotional deprivation,

(b) deny or threaten to deny any basic necessity, or

(c) use or permit the use of any form of physical restraint, confinement or isolation.

Off-site activity and emergency evacuation

4(1) A licence holder may take a child to an activity off the program premises only where

(a) the child's parent has been advised of the activity, including the transportation, contact information and supervision arrangements with respect to the activity, and

(b) the child's parent has previously consented in writing to the child's participation in the activity and the consent has not been retracted.

(2) A licence holder must ensure that in the case of an activity off the program premises or an emergency evacuation a staff member takes the portable record referred to in section 24 of this Schedule in respect of each child to be taken off the program premises.

Emergency and safety contacts and procedures

5(1) A licence holder must ensure that the following telephone numbers are posted on the program premises and are readily accessible:

(a) emergency 911 service;

(b), (c), (d) repealed AR 299/2020 s15;

(e) poison control centre;

(f) repealed AR 299/2020 s15;

(g) child abuse hotline.

(2) A licence holder must ensure that the emergency evacuation procedures and the telephone number for an after-hours emergency program contact are posted on the program premises in a prominent place that is clearly visible from the outside of the program premises.

(3) A licence holder must ensure that emergency evacuation procedures are made known to all staff, and to children where developmentally appropriate.

Accident or illness

6 In the case of an accident or serious illness involving a child, the licence holder must forthwith ensure that

(a) the child's parent is notified, and

(b) the child receives medical attention if necessary.

Incident reporting

7(1) In this section, "incident" means

(a) a serious illness of or injury to a child that occurs while the child is attending a program, and

(b) any other incident that occurs while a child is attending a program that may seriously affect the health or safety of the child.

(2) A licence holder must report each incident to the statutory director forthwith in the manner required by the statutory director.

Potential health risk

8(1) Subject to subsection (3), where a staff member knows or has reason to believe that a child is exhibiting signs or symptoms of illness as set out in subsection (2), the licence holder must ensure

(a) that the child's parent arranges for the immediate removal of the child from the program premises, and

(b) that the child does not return to the program premises until the licence holder is satisfied that the child no longer poses a health risk to persons on the program premises.

(2) Signs or symptoms of illness exhibited by a child include the child

(a) vomiting, having a fever, diarrhea or a new or unexplained rash or cough,

(b) requiring greater care and attention than can be provided without compromising the care of the other children in the program, or

(c) having or displaying any other illness or symptom the staff member knows or believes may indicate that the child poses a health risk to persons on the program premises.

(3) Subsection (1) does not apply if the child's parent provides written notice from a physician indicating the child does not pose a health risk to persons on the program premises.

Supervised care for sick children

9 A licence holder must ensure that a sick child is

(a) kept as far away as is practicable from the other children, and

(b) directly supervised by a primary staff member if the child is under the age of 6 or has a disability that requires direct care.

Medication and health care

10(1) A licence holder may administer or allow the administration of medication or other health care to a child only where

(a) the written consent of the child's parent has been obtained, and

(b) in the case of medication,

(i) the medication is in the original labelled container, and

(ii) the medication is administered according to the labelled directions.

(2) Where medication is administered to a child, the licence holder must 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.

(3) A licence holder must ensure that

(a) all medication, other than medication referred to in clause (b), is stored in a locked container that is inaccessible to children, and

(b) medication required to be used by a particular child as needed to prevent a medical emergency is handled in accordance with a plan that

(i) ensures the medication is accessible by staff and the child but is not accessible by other children in the program, and

(ii) has been agreed on by the licence holder and the child's parent.

11 Repealed AR 299/2020 s15.

Smoking, vaping

12(1) A licence holder must ensure that no person smokes or vapes any substance on the program premises or at any time or place where child care is being provided.

(2) No staff member or volunteer shall smoke or vape any substance on the program premises or at any other location where child care is being provided to the children in the program.

(3) No staff member or volunteer shall leave any substance or material related to smoking or vaping in a place on the program premises that is accessible to children or at any other location where child care is being provided to the children in the program.

Nutrition

13 A licence holder must

(a) provide or require parents to provide meals and snacks for children in the program,

(b) where the licence holder provides meals and snacks, ensure that the meals and snacks are provided to children

(i) at appropriate times and in sufficient quantities in accordance with the needs of each child, and

(ii) in accordance with a food guide recognized by Health Canada or Alberta Health,

and

(c) ensure that infant nutrition provided by parents is clearly labelled with the infant's name.

Menus

14 If a licence holder provides meals or snacks for children in the program, the licence holder must ensure that menus for all meals and snacks are posted in a prominent place on the program premises.

Manner of feeding

15 A licence holder must ensure that

(a) the manner in which children are fed is appropriate to their age and level of development,

(b) children are seated while eating and seated or standing still while drinking, and

(c) no beverages are provided to children during their rest periods.

Part 2
Physical Space Requirements

16,17 Repealed AR 299/2020 s15

Net floor area

18(1) A licence holder must provide

(a) for day care, if the licence holder provides day care, a minimum net floor area of at least 3 square metres of primary play space multiplied by the licensed capacity for day care,

(b) for pre-school care, if the licence holder provides pre-school care, a minimum net floor area of at least 2.5 square metres of primary play space multiplied by the licensed capacity for pre-school care, and

(c) for out of school care, if the licence holder provides out of school care, 2.5 square metres of primary play space multiplied by the licensed capacity for out of school care.

(2) For the purposes of subsection (1), the primary play space may include all space that the statutory director is satisfied is available as usable play space.

Outdoor play space for day care

19(1) A licence holder that provides day care must provide outdoor play space for children in day care that is on, adjacent to or

within easy and safe walking distance from the program premises and accommodates at least 50% of the licensed capacity at a level of not less than 2 square metres for each infant receiving day care and not less than 4.5 square metres for each child receiving day care who is 19 months of age or over.

(2) Subject to subsection (3), a licence holder that provides day care must ensure that

(a) the outdoor play space used for day care is securely enclosed on all sides, and

(b) all entrances to and exits from the outdoor play space that do not lead into the interior of the program premises are kept closed at all times while children receiving day care are using the outdoor play space.

(3) The statutory director may exempt a licence holder from any requirement of subsection (2) in respect of program premises that are used to provide day care if the statutory director is satisfied that

(a) outdoor play space that meets the requirements of subsection (2) is not reasonably available to the children receiving day care, and

(b) the children receiving day care will be adequately supervised and protected in the outdoor play space provided by the licence holder.

(4) The licence holder must ensure that the number of children utilizing the outdoor play space for day care at any given time does not exceed the number that can be accommodated in accordance with subsection (1).

Outdoor play space for out of school care

19.1 A licence holder that provides out of school care must provide outdoor play space for children in out of school care that is, to the satisfaction of the statutory director, within easy and safe walking distance from the program premises.

Furnishings and equipment

20 A licence holder must ensure

(a) that all furnishings, play equipment and play materials, whether used indoors or outdoors, are

(i) safe and maintained in good repair,

(ii) developmentally appropriate for children, and

(iii) of sufficient quantity and variety for children,

(b) if the licence holder provides day care or pre-school care, that books, toys and play equipment that support early learning, literacy development, physical activity and child development are available to children receiving day care or pre-school care, and

(c) if the licence holder provides day care to any infants, that each infant receiving day care is provided with

(i) a separate crib, cradle or bassinet that is used in accordance with the *Canada Consumer Product Safety Act* (Canada) and the regulations under that Act, or

(ii) a bed of a type approved by the statutory director that is used in accordance with the written directions of the manufacturer and any additional written directions of the statutory director.

21 Repealed AR 299/2020 s15.

Part 3
Records Requirements

Children's records

22(1) A licence holder must, in respect of each child, maintain on the program premises an up-to-date record containing the following information:

(a) the child's name and date of birth;

(b) a completed enrolment form;

(c) the parent's name and telephone number;

(d) the name and telephone number of a person who can be contacted in case of an emergency, if the child's parent cannot be contacted;

(e) if medication is administered,

(i) the written consent of the parent required under section 10(1) of this Schedule, and

(ii) the information required under section 10(2) of this Schedule;

(f) the particulars of any health care provided to the child, including the written consent of the child's parent required under section 10 of this Schedule;

(g) any other relevant health information about the child provided by the child's parent, including the child's immunizations and allergies, if any.

(2) A licence holder must ensure that a record referred to in subsection (1) is available for inspection

(a) by the statutory director at all times, and

(b) by the child's parent at reasonable times.

Administrative records

23(1) A licence holder must maintain on the program premises up-to-date administrative records containing the following information:

(a) particulars of the daily attendance of each child, including arrival and departure times;

(b) particulars of the daily attendance of each primary staff member, including

(i) arrival and departure times, and

(ii) hours spent providing child care;

(c) with respect to the program supervisor and each primary staff member,

(i) evidence of the supervisor's or member's child care certification, and

(ii) a current first aid certificate, where applicable;

(d) with respect to each staff member and each volunteer referred to in section 25(1)(a) of this Schedule, verification that a current criminal record check required under that section has been provided to the licence holder.

(2) A licence holder must ensure that

(a) the records referred to in subsection (1) are available for inspection by the statutory director at all times,

(b) the information referred to in subsection (1)(a) is available for inspection by the child's parent at reasonable times, and

(c) the information referred to in subsection (1)(a) and (b) is retained for a minimum period of 2 years.

(3) Records referred to in this section may be in either physical or electronic form.

Portable record

24 A licence holder must maintain a portable record of emergency information, including the following:

(a) in respect of each child, the information referred to in section 22(1)(a), (c), (d) and (g) of this Schedule;

(b) the telephone numbers of the local emergency response service and poison control centre.

Part 4
Staffing Requirements

Core requirements

25(1) A licence holder must ensure that

(a) each staff member and each volunteer who has unsupervised access to children

(i) is an adult, and

(ii) provides to the licence holder a criminal record check, including a vulnerable sector search, dated not earlier than 6 months prior to the date of commencement with the program and every 3 years after that date,

and

(b) a minimum of one in every 2 of the primary staff members has first aid certification acceptable to the statutory director.

(2) A new staff member or volunteer

(a) must provide the criminal record check referred to in subsection (1)(a)(ii) within 8 weeks of commencement with the program, and

(b) must not have unsupervised access to children until the criminal record check has been provided.

(2.1) The statutory director may exempt a licence holder from the requirements of subsections (1)(a)(ii) and (2) in respect of any

volunteers who are parents of children receiving pre-school care in the program, but if an exempted volunteer wishes to continue participating in the program after that volunteer no longer has a child receiving pre-school care in the program

(a) subsections (1)(a)(ii) and (2)(b) become applicable to the volunteer immediately, and

(b) the criminal record check referred to in subsection (1)(a)(ii) must be provided within 8 weeks of the volunteer's child ceasing to receive pre-school care in the program.

(3) A licence holder must ensure that at least one staff member with first aid certification acceptable to the statutory director is on duty at all times.

Program supervisor — day care and out of school care

26(1) A licence holder that provides day care must ensure that a program supervisor who is certified as a Level 3 early childhood educator

(a) is employed by the program at all times, and

(b) is on duty at all times when children receiving day care are on the program premises.

(2) Despite subsection (1)(b), a program supervisor is not required to be on duty during any period for which the program supervisor or the licence holder has

(a) designated a staff member to assume the responsibilities of the program supervisor during the program supervisor's absence, and

(b) in the case of an absence of one month or longer, obtained the statutory director's approval with respect to the designation under clause (a) of any staff member who is not certified as a Level 3 early childhood educator.

(3) A licence holder that provides out of school care must ensure that a program supervisor

(a) is employed by the program at all times, and

(b) is on duty at all times when children receiving out of school care are on the program premises.

(4) Despite subsection (3)(b), a program supervisor is not required to be on duty during any period for which the program supervisor or the licence holder has designated a staff member to assume the responsibilities of the program supervisor during the program supervisor's absence.

(5) If a licence holder provides both day care and out of school care, a Level 3 early childhood educator who serves as the program supervisor for day care under subsection (1) may serve as the program supervisor for out of school care under subsection (3).

Ratios and maximum group size — day care

27(1) A licence holder that provides day care must ensure that, for children receiving day care, the following requirements are met at all times with respect to

(a) the minimum primary staff member to children ratio, and

(b) the maximum number of children who may be included in a group:

Age of Children	Primary Staff Member to Children Ratio	Maximum Number of Children in a Group
Infants less than 12 months	1:3	6
Infants 12 months to less than 19 months	1:4	8
19 months to less than 3 years	1:6	12
3 years to less than 4 years	1:8	16
4 years and older	1:10	20

(2) Despite subsection (1), a licence holder must ensure that, for children receiving day care, the following requirements are met during all rest periods with respect to the minimum primary staff member to children ratio:

Age of Children	Primary Staff Member to Children Ratio
Infants less than 12 months	1:6
Infants 12 months to less than 19 months	1:8
19 months to less than 3 years	1:12
3 years to less than 4 years	1:16
4 years and older	1:20

(3) Despite subsections (1) and (2), where a group of children receiving day care includes children from 2 or more of the age groups listed in column 1 of the table set out in subsection (1)(b),

(a) the minimum primary staff member to children ratio is

(i) during the children's rest periods, the ratio set out in column 2 of the table in subsection (2) for the row of the table that describes the ages of the majority of the children in the combined group, or

(ii) at all other times, the ratio set out in column 2 of the table in subsection (1)(b) for the row of the table that describes the ages of the majority of the children in the combined group,

and

(b) the following requirements must be met at all times with respect to the maximum number of children who may be included in the combined group:

Age of Majority of Children in the Combined Group	Maximum Number of Children in the Combined Group
Less than 12 months	6
12 months to less than 19 months	8
19 months to less than 3 years	12
3 years to less than 4 years	16
4 years and older	20

(4) Subject to any exemption under subsection (5), a licence holder that provides day care for 3 or more infants must not allow an infant to be included in a combined age group referred to in subsection (3)(a)(i) or (ii) or (b) during the following times:

(a) between the hours of 8:30 a.m. and 4:30 p.m.;

(b) any other times specified by the statutory director.

(5) The statutory director may exempt a licence holder from the application of subsection (4) if the statutory director is satisfied that the developmental needs of the infants will be met.

(6) For the purposes of determining the primary staff member to children ratio under subsection (1), (2) or (3), program supervisors may be considered as primary staff members if the licensed capacity of the program requires less than 7 full-time primary staff members.

(7) For the purposes of determining the primary staff member to children ratio under subsection (1), (2) or (3), program supervisors may be considered as primary staff members during the following times:

(a) times during which the children are being dropped off at or picked up from the program premises;

(b) times during which other staff members are unexpectedly absent;

(c) any other times specified by the statutory director.

Ratios and maximum group size — out of school care

27.1(1) A licence holder that provides out of school care must ensure that, for children receiving out of school care, the following requirements are met at all times with respect to

(a) the minimum primary staff member to children ratio, and

(b) the maximum number of children who may be included in a group:

Age of Children	Primary Staff Member to Children Ratio	Maximum Number of Children in a Group
Kindergarten children and school-aged children	1:15	30

(2) Program supervisors may be considered as primary staff members for the purposes of determining the primary staff member to children ratio under subsection (1).

Ratios — pre-school care

27.2(1) A licence holder that provides pre-school care must ensure that, for children receiving pre-school care, the following requirements are met at all times with respect to the minimum staff member to children ratio:

Age of Children	Staff Member to Children Ratio
19 months to less than 3 years	1:6
3 years and older	1:12

(2) Volunteers who are parents of one or more children receiving pre-school care may be considered as staff members for the purposes of determining the staff member to children ratio under subsection (1).

Minimum staffing and general supervision

28(1) At all times when a group of 7 or more children are receiving child care in a program, whether on or off the program premises, the licence holder must ensure that

(a) despite section 27 of this Schedule, a minimum of 2 adult staff members, at least one of whom is a primary staff member, are on duty for any children in the group who are receiving day care,

(b) despite section 27.1 of this Schedule, a minimum of 2 adult staff members, at least one of whom is a primary staff member, are on duty for any children in the group who are receiving out of school care,

(c) despite section 27.2 of this Schedule, a minimum of 2 staff members, at least one of whom is an adult, are on duty for any children in the group who are receiving pre-school care, and

(d) all the children are, at all times, under supervision that is adequate to ensure their safety, well-being and development.

(2) For the purposes of subsection (1)(c), a volunteer who is a parent of a child receiving pre-school care is considered to be an adult staff member.

(3) The statutory director may exempt a licence holder from the application of section 27 or 27.1 of this Schedule and subsection (1)(a) or (b), as the case may be, during times when the children are being transported between the program premises and school.

Primary staff members — day care or out of school care

29(1) A licence holder that provides day care or out of school care must ensure that all primary staff members involved in providing day care or out of school care hold a child care certification under Part 3 of this Regulation.

(2) Despite subsection (1), in the case of a primary staff member who is hired as a Level 1 early childhood educator, the primary staff member

(a) must obtain a child care certification as a Level 1 early childhood educator within 6 months of commencement with the program, and

(b) must not have unsupervised access to children until the primary staff member has obtained a child care certification as a Level 1 early childhood educator.

Staff qualifications — day care

30 A licence holder that provides day care must ensure that, with respect to the primary staff member to children ratios specified in section 27 of this Schedule,

(a) at all times between 8:30 a.m. and 4:30 p.m.,

(i) at least one in every 3 of the primary staff members involved in providing day care is certified at minimum as a Level 2 early childhood educator, and

(ii) the remaining primary staff members involved in providing day care are certified at minimum as Level 1 early childhood educators,

and

(b) at all other times, every primary staff member involved in providing day care is certified at minimum as a Level 1 early childhood educator.

Staff qualifications — out of school care

30.1 A licence holder that provides out of school care must ensure that, with respect to the primary staff member to children ratios specified in section 27.1 of this Schedule,

(a) at least one in every 4 staff members involved in providing out of school care is certified at minimum as a Level 2 early childhood educator, and

(b) the remaining staff members involved in providing out of school care are certified at minimum as Level 1 early childhood educators.

Staff qualifications — pre-school care

30.2(1) A licence holder that provides pre-school care must ensure that

(a) at least one in every 4 staff members involved in providing pre-school care is certified at minimum as a Level 2 early childhood educator, and

(b) the remaining staff members involved in providing pre-school care are certified at minimum as Level 1 early childhood educators.

(2) Despite subsection (1)(b), a staff member who is to be involved in providing pre-school care may be hired before obtaining a child

care certification as a Level 1 early childhood educator, but the staff member

(a) must obtain that certification within 6 months of commencement with the program, and

(b) must not have unsupervised access to children before obtaining that certification.

Exemptions

31(1) The statutory director may exempt a licence holder from a qualification requirement in section 26(1), 30, 30.1 or 30.2 of this Schedule if the statutory director is satisfied that an exemption is appropriate in the circumstances.

(2) An exemption issued under subsection (1) must

(a) be in writing,

(b) be for a specified period of time, and

(c) be accompanied with a plan, provided by the licence holder and approved by the statutory director, addressing how the licence holder will meet the qualification requirement in respect of which the exemption is granted.

(3) A licence holder must ensure that an exemption issued under subsection (1) and the plan referred to in subsection (2)(c) are posted in a prominent place on the program premises.

AR 143/2008 Sched.1;185/2008;154/2011;299/2020

Schedule 2 to 7 Repealed AR 299/2020 s16.

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