

CHILD CARE

Background

Bill 8, the Education Statutes Amendment Act, came into force on March 5, 2020. This amendment of the School Act by the provincial government enacts new provisions related to childcare facilities located on board of education property. It includes a prescriptive order from the Minister of Education with respect to the contents required in board policy to govern the establishment of childcare facilities. Order M326, the Child Care Order, further defines the role of boards of education with respect to the provision of childcare programs.

The Board of Education of School District 71 (Comox Valley) recognizes the value and importance of available childcare and quality early learning programs in the community.

Effective early childhood programming (0-8 years) is an important service a society can offer to ensure that all children have the opportunity to reach their potential. It is critically important that these opportunities are offered at the earliest stages of a child's life when formative lifelong skills and abilities are being developed. Investment in quality programming during early childhood reaps significant long-term benefits for children, their families, and the community. If child care programs are operated by a licensee other than the Board, the Board will require the licensee to agree to comply with this Policy and Administrative Procedure 553 – Child Care and Before & After School Programs.

Purpose

The purpose of this policy is to provide guidance with respect to how the Board will promote the use of board property for the provision of childcare programs between the hours of 7:00 a.m. and 6:00 p.m. on business days by either the Board or third-party licensees.

The use of board property by licensed childcare providers must not disrupt or otherwise interfere with the provision of educational activities including early learning programs and extracurricular school activities.

Definitions

In this policy, the terms “board property”, “business day”, “childcare program”, “educational activities” and “licensee” have meanings given to those terms in the School Act.

“Direct and indirect costs” include:

- a. Utilities;
- b. Maintenance and repair;
- c. Insurance;
- d. A reasonable allowance for the cost of custodial services;
- e. A reasonable allowance for time school administrators and other staff spending on matters relating to the use of board property by licensed childcare providers;
- f. Capital replacement costs.

Guiding Principles

The district will, on an ongoing basis, assess community need for childcare programs on board property, through a process of engagement with employee groups, parents and guardians, Indigenous community representatives, Indigenous rightsholders, Indigenous service providers, and existing childcare operators. The process for engagement will be reviewed on an ongoing basis and shall be conducted in a manner acceptable to the Board.

Prior to entering into or renewing a contract with a licensee other than the Board to provide childcare programming on board property, the Board will consider:

- a) Whether it is preferable for the Board to become a licensee and operate the childcare program directly;
- b) The availability of school district staff to provide before and after school care;
- c) Whether, with respect to a licensee seeking renewal or extension of a contract, the licensee has performed its obligations under this policy and its contract with the Board, with specific regard to performance in respect of providing an inclusive childcare program and one that promotes Indigenous reconciliation in childcare.

If the Board decides to operate a childcare program, the Board will ensure that it is operated in a manner that:

- a) Fosters Indigenous reconciliation in childcare. In particular, the childcare program will be operated consistently with the following principles of the BC *Declaration on the Rights of Indigenous Peoples Act*: (i) Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including in the area of education; and (ii) "Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations which will be appropriately reflected in education"; and
- b) Is inclusive and consistent with the principles of non-discrimination set out in the BC *Human Rights Code*.
- c) Is inclusive and consistent with the Early Childhood Educators of BC Code of Ethics.

Childcare programs, if operated by the Board, will be operated for a fee no greater than the direct costs the Board incurs in providing the childcare program.

In selecting licensees other than the Board to operate a childcare program, district staff will give special consideration to the candidates' proposals to: (a) provide inclusive childcare; and (b) foster principles of Indigenous reconciliation in childcare.

Fees for the use of board property by licensees to third-party operated programs will not exceed the direct and indirect costs the Board incurs in making board property available for the childcare program, as provided for in the School Act and set by the Secretary-Treasurer.

Any contract with a licensee other than the Board, to provide a childcare program on board property must be in writing and subject to review annually. The contract, which will be in the form of a Licensee to Occupy Agreement must contain:

- a) A description of the direct and indirect costs for which the licensee is responsible;
- b) An agreement by the licensee to comply with this Policy and its Administrative Procedures, and all other applicable policies of the Board;
- c) A provision describing how the agreement can be terminated by the Board and the licensee;
- d) An allocation of responsibility to ensure adequate insurance is in place to protect the interests of the district;
- e) A statement that the agreement can only be amended in writing, signed by the Board and the licensee;
- f) A requirement for the licensee to maintain appropriate standards of performance;
- g) A requirement that the licensee must at all times maintain the required license to operate a childcare facility;
- h) A requirement that the licensee must ensure that children have at all times immediate access to an employee who:
 - i. Holds a valid first aid and CPR certificate, provided on completion of a course that meets the requirements of Schedule C,

- ii. Is knowledgeable respecting each child's medical condition, if any, and
 - iii. Is capable of effectively communicating with emergency personnel.
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- i) A requirement that the licensee must have first aid kits that are readily accessible to all employees, including while care is provided off the childcare facility premises.
 - j) An understanding that the licensee will work in cooperation with the Early Learning staff on professional development and in-service, as well as engage in information sharing opportunities that support children's successful participation in the program and at school as they arise.

Where the Board decides to change the use of board property that is being used for providing a childcare program, the Board must, without delay, provide the Minister with written notification of the decision in a form and with information specified by the Ministry.

Adopted: April 2022