

**SUBMISSION TO THE STANDING COMMITTEE
ON SOCIAL POLICY**

**BILL 242, FULL DAY EARLY LEARNING STATUTE LAW
AMENDMENT ACT, 2010**

PREPARED BY:

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DATE: March 22, 2010

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INTRODUCTION

This submission is made by the College of Early Childhood Educators. The College of Early Childhood Educators (College or CECE) is the regulatory body for early childhood educators in Ontario. Our mandate is to serve and protect the public interest through self-regulation of the profession of early childhood education. Since 2008, the College has registered more than 26,000 early childhood educators (Registered Early Childhood Educators or RECEs). The members of the College plan and deliver inclusive play-based learning and care programs for the children of Ontario in order to promote their well-being and holistic development.

The College supports the legislative changes to the *Education Act*, *Early Childhood Educators Act* and other statutes proposed by Bill 242. The College believes that the proposed amendments establish the framework necessary for the implementation of full-day learning for four and five-year olds. The College also believes that Bill 242 recognizes the new and unique role that early childhood educators are intended to play in the full-day learning classroom, both during the regular school day and when they lead the before - and after - school programs. The College makes some recommendations which the College believes will strengthen the Bill in accomplishing its objectives and some technical amendments to support the College in meeting certain requirements under the *Education Act*. Set out in Appendix A is a list of the recommendations.

BACKGROUND

A. Regulatory Role of College of Early Childhood Educators

The College of Early Childhood Educators is the regulatory College for the practice of early childhood education in Ontario. It has been established and is governed by the *Early Childhood Educators Act, 2007* (the *ECE Act*). The College has more than 26,000 members registered in the profession of early childhood education.

The primary duty of the College, in carrying out its objects, is to serve and protect the public interest. The objects of the College include:

- to regulate the practice of early childhood education and to govern its members;
- to develop, establish and maintain qualifications for membership in the College;
- to issue certificates of registration to members of the College;
- to establish and enforce professional standards and ethical standards that are applicable to members of the College and that demonstrate a respect for diversity and a sensitivity to the multicultural character of the Province;
- to receive and investigate complaints against members of the College and to deal with issues of discipline, professional misconduct, incompetency and incapacity; and
- to promote high standards and quality assurance with respect to early childhood educators.

Under the *ECE Act*, there is a registration process for determining whether an applicant meets the qualifications for membership in the College in accordance with the requirements of the *ECE Act* and regulations made under the *ECE Act*. There is a process for complaints and mandatory reports to be filed with the College. There is a Complaints Committee whose responsibility it is to consider and investigate complaints regarding the conduct or actions of members of the College. Matters may be referred to the Discipline Committee for a hearing to determine any allegation of professional misconduct or incompetence on the part of a member of the College. Matters may be referred to the Fitness to Practise Committee for a hearing to determine any allegation of incapacity on the part of a member of the College. A regulation has been made under the *ECE Act* which defines the conduct which is considered to be professional misconduct. The College is in the process of developing a code of ethics and standards of practice for members of the College to which members of the College will be expected to adhere. There is a register of members available on the College's website that provides information to the public about the members, their registration status, any terms, conditions and limitations imposed on a certificate of registration, any notations of revocation or suspension of a member's certificate of registration, and information directed to be added to the register by one of the committees of the College.

B. Practice of Early Childhood Education

The practice of early childhood education, as set out in the *ECE Act*, is the planning and delivery of inclusive play-based learning and care programs for children in order to promote their well-being and holistic development, and includes:

- the delivery of programs to pre-school children and school aged children, including children with special needs;
- the assessment of the programs and of the progress of children in the programs;
- communication with the parents or persons with legal custody of the children in the programs in order to improve the development of the children; and
- such other services or activities as may be prescribed by the regulations.

Early childhood educators work in a variety of settings including, but not limited to: infant, toddler and preschool (including child care and nursery school) programs; before- and after- school programs; kindergarten and primary grade classrooms; special education and intervention programs; Ontario Early Years Centres; Head Start programs; family supports; home child care programs; parent/child/caregiver drop-in programs; paediatric playrooms and health care settings.

The duties and responsibilities of an early childhood educator include:

- assessing children's developmental needs and stages in all developmental domains;
- designing curriculum to address children's identified needs, stages of development and interests;
- planning programs and environments for play and activities that help children make developmental progress;
- maintaining healthy emotional and social learning contexts for children; and

- reporting to parents and supervisors on children's developmental progress within healthy, safe, nurturing, and challenging play environments.

Early childhood education developed as a profession in part to ensure that full day, group-based learning environments for young children are aligned with young children's developmental needs. The distinct body of professional knowledge in early childhood education reflects the unique characteristics of learning and development during early childhood. Early childhood educators understand how these characteristics influence development and learning, especially from birth to age six. Unique characteristics of early childhood include a greater level of plasticity, more rapid rate of development, different ways of relating to knowledge, and a greater need for socially nurturing bonds. Professional practices of early childhood education are based on scientifically derived theories and findings for how to best meet children's developmental needs, including by working across all developmental domains (social-emotional, cognitive, and physical) and through developmentally appropriate practices that respect the primary role of a child's caregivers and family in supporting early childhood development. Developmentally appropriate practices are both age appropriate and individually appropriate. This means that practices must be aligned with how young children actually learn (age appropriate) and must meet the developmental needs of each individual child in any given program (individually appropriate).

Development in early childhood differs from development in middle and late childhood. As a result, early childhood educators specialize in applying best practices for how to meet the developmental needs of young children across educational settings. This specialized knowledge is derived from scientific findings on young children's learning and development and is based on observations of young children's learning across settings. The educational program

which results is based on features necessary for the program to be suitable for both the age and developmental level of the children in the program and setting of the program itself. The educational programs are designed at all levels to meet children's developmental needs, including how curriculum is organized and presented, and basic pedagogical approaches practiced by the early childhood educator. These practices are tightly integrated across all aspects of programming, including the environment, materials, activities, and the practice of inclusive, developmentally appropriate and family-centred approaches.

COMMENTS ON BILL 242 AND PROPOSED AMENDMENTS TO
EDUCATION ACT AND EARLY CHILDHOOD EDUCATORS ACT

(a) General Comments on Proposed Amendments to *Education Act*

The College supports the legislative changes to the *Education Act*, *ECE Act* and other statutes proposed by Bill 242. The College believes that the proposed amendments establish the framework necessary for the implementation of full-day learning for four - and five-year olds. The College also believes that Bill 242 recognizes the new and unique role that early childhood educators are intended to play in the full-day learning classroom, both during the regular school day and when they lead the before - and after- school programs.

The College also recognizes that there is a need for regulations, policies and guidelines to be made to further implement and define full-day learning for four - and five-year olds. The College believes that the regulations, policies and guidelines will be critical to ensuring that the full-day learning program provides high quality and effective play-based education for children. The College also believes that these regulations, policies and guidelines

will need to ensure that early childhood educators – professionals who are qualified to deliver high quality education and care to children and who are regulated by the College in the public interest – are employed by school boards as intended by Bill 242 and that early childhood educators are permitted to practise in the full-day learning program to the full extent of the scope of practice of early childhood education, as set out in the *ECE Act*. We look forward to working with the government during these next critical stages.

RECOMMENDATION NO. 1

That, in light of the critical role that the regulations, policies and guidelines will play in the implementation of the full-day learning program, the government continue to consult with stakeholders, including the College, as the regulations, policies and guidelines are being developed.

(b) Designated Early Childhood Educators

Bill 242 defines "designated early childhood educator" as an early childhood educator who is appointed by a board to a position in junior kindergarten, kindergarten or extended day programs that is designated by the board as requiring an early childhood educator. Bill 242 defines "early childhood educator" as a member of the College of Early Childhood Educators.¹ Bill 242 requires school boards to designate at least one position in each junior kindergarten and kindergarten class in each school of the board as requiring an early childhood educator and to appoint an early childhood educator to each position so designated.² Bill 242 provides that an early childhood educator appointed to such position must be in addition to the

¹ Subsection 1(1) of Bill 242, which amends subsection 1(1) of the *Education Act*.

² Subsection 6(2) of Bill 242, which repeals paragraph 12 of subsection 170(1) of the *Education Act* and substitutes, *inter alia*, paragraphs 12.0.1 and 12.0.2

teacher assigned or appointed to teach the junior kindergarten or kindergarten class.³ Bill 242 also requires school boards to designate at least one position in each extended day program class in each school of the board as requiring an early childhood educator to lead the class and to appoint an early childhood educator to each position so designated.⁴ Lastly, Bill 242 provides that, except as otherwise provided in connection with letters of permission granted by the Minister of Education, no person shall be employed by a board in a position designated by the board as requiring an early childhood educator, and no person shall be employed by a board to perform any duty for which membership in the College of Early Childhood Educators is required unless the person is a member of the College.⁵

The College supports all of these provisions. The College believes that these provisions, if passed, recognize and respect that the titles protected by the *Early Childhood Educators Act* – "early childhood educator" and "registered early childhood educator" – are restricted to members of the College. The College also believes that these proposed amendments to the *Education Act* will have the effect of creating a new professional classification for early childhood educators within school boards that recognizes the important role that early childhood educators are intended to play in the delivery of the early learning program, both during the school day, working side by side in teams with teachers, and before and after school to lead the class in the extended day program.

The College appreciates that there will be regulations, policies and guidelines which will further shape the legislative framework for the early learning program. However, the

³ Subsection 6(4) of Bill 242, which repeals subsection 170(2) of the *Education Act* and substitutes, *inter alia*, subsection (2.1)

⁴ Section 10 of Bill 242, which adds Part IX.1 Extended Day Programs to the *Education Act*, including section 260 of Part IX.1

⁵ Section 14 of Bill 242, which adds section 262.1 to the *Education Act*

College is aware that there already appears to be confusion developing about the meaning of "designated early childhood educators", whether "designated early childhood educators" is a new category of registration of early childhood educators in the College (which is not the case) and the method by which boards will designate positions as requiring early childhood educators. The College believes that a critical element for the successful implementation of the early learning program will be broadly-based communications with school boards, registered early childhood educators and other stakeholders. The College suggests that the government clarify these and other matters regarding the early learning program through broadly-based communications with school boards, registered early childhood educators and other stakeholders.

RECOMMENDATION NO. 2

- (a) That the government proceed with the proposed amendments to the *Education Act* related to the definitions of "designated early childhood educator" and "early childhood educator", the requirements for school boards to designate at least one position in junior kindergarten, kindergarten and the extended day program class as requiring an early childhood educator, the requirements for school boards to appoint an early childhood educator to each designated position, the requirement that an early childhood educator must be in addition to the teacher assigned to the junior kindergarten or kindergarten class and the requirement for membership in the College of Early Childhood Educators.
- (b) That, through broadly-based communications with school boards, registered early childhood educators and other stakeholders, the government communicate about these important provisions and the requirements they impose on school boards to

hire Registered Early Childhood Educators and clarify any confusion regarding the term "designated early childhood educator" and other matters.

(c) Letters of Permission

Bill 242 amends the powers of the Minister by adding a power to grant a letter of permission to a board authorizing the board to appoint a person who is not an early childhood educator to a position designated by the board as requiring an early childhood educator if the Minister is satisfied that no early childhood educator is available. This provision states that a letter of permission shall be effective only for the period, not exceeding one year, that the Minister may specify.⁶

The *Education Act* provides authority for regulations to be made governing the granting to a board of a letter of permission and a temporary letter of approval and providing for the withdrawal of such letters.⁷

The requirement for a board to designate at least one position in each junior kindergarten and kindergarten class in each school of the board as requiring an early childhood educator and to appoint an early childhood educator to each position so designated is subject to the authority of the Minister to grant a letter of permission to a board authorizing the board to appoint a person who is not an early childhood educator to a position designated by the board as requiring an early childhood educator.⁸

⁶ Subsection 2(2) of Bill 242, which amends subsection 8(1) of the *Education Act* by adding paragraph 10.1.

⁷ Paragraph 13 of subsection 11(1) of the *Education Act*.

⁸ Subsection 6(2) of Bill 242, which repeals paragraph 12 of subsection 170(1) of the *Education Act* and substitutes, *inter alia*, paragraphs 12.0.1 and 12.0.2.

The College recognizes that it is necessary for there to be flexibility built into the legislative framework so that if the Minister of Education is satisfied that no early childhood educator is available to fill a position which is designated as requiring an early childhood educator, it is possible for a school board to employ an individual who is not a member of the College of Early Childhood Educators. The College also recognizes that the criteria governing the granting of a letter of permission, as well as the application requirements and process, will be set out in regulation.

Nonetheless, the College is very concerned that the conditions of the regulation will not be sufficiently rigorous, and will have the effect of permitting boards to hire individuals who are not early childhood educators in large numbers and on an ongoing basis. The College believes that such a result would undermine the objectives the government wishes to meet in the delivery of the early learning program; that is, delivery of the program by qualified professionals who are regulated in the public interest in order to achieve the best outcomes for children.

The College recommends that, when the government makes regulations with respect to the criteria governing the granting of a letter of permission, careful consideration be given to the conditions that are prescribed for such purpose. The College suggests that the conditions that are set out in the current regulation (O. Regulation 142/08) related to letters of permission for hiring individuals who are not teachers to teach in a school may not be adequate in the context of permitting boards to hire individuals who are not early childhood educators for positions requiring early childhood educators.

The College proposes the following be included in a regulation related to letters of permission for hiring individuals who are not early childhood educators, in addition to the types of conditions set out in O. Regulation 142/08:

- (1) with respect to advertising positions for early childhood educators, there be an increased number of times of required advertising of positions, increased time periods for such required advertising and an increased variety of methods of required publication compared to the advertising provisions set out in O. Regulation 142/08;
- (2) the following restrictions be set out in order for an individual to be eligible to be granted a letter of permission:
 - (i) if an individual was previously granted a letter of permission, the individual must demonstrate, within a two year period, that he or she is taking or has taken measures to obtain a diploma in early childhood education from an Ontario College of Arts and Technology and to become a member of the College; and
 - (ii) no letter of permission may be granted to the same individual more than three times.
- (3) with respect to the number of letters of permission, there be restrictions on the aggregate number of letters of permission to be granted to a board with respect to a particular school year, an obligation for boards to report annually on the aggregate number of letters of permission granted to the board with respect to a

particular school year and an obligation for boards to make these reports publicly available.

The College also suggests that, especially in the first number of years of implementation of the early learning program, the Minister maintain direct oversight and control regarding the granting of letters of permission and not delegate the authority to grant letters of permission to regional managers of the regional offices of the Ministry.

The College would welcome the opportunity to collaborate with the government with respect to the development of the regulation regarding letters of permission.

RECOMMENDATION NO. 3

That, when the government makes regulations with respect to the criteria governing the granting of a letter of permission, careful consideration be given to the conditions prescribed for such purpose and that different and additional conditions from the ones that are set out in the current regulation related to letters of permission for individuals who are not teachers to teach in school be considered. Specifically, the College proposes the following be included in such regulation, in addition to the types of conditions set out in O. Regulation 142/08:

- (1) with respect to advertising positions for early childhood educators, there be an increased number of times of required advertising of positions, increased time periods for such required advertising and an increased variety of methods of required publication compared to the advertising provisions set out in O. Regulation 142/08;

- (2) the following restrictions be set out in order for an individual to be eligible to be granted a letter of permission:
 - (i) if an individual was previously granted a letter of permission, the individual must demonstrate, within a two year period, that he or she is taking or has taken measures to obtain a diploma in early childhood education from an Ontario College of Arts and Technology and to become a member of the College; and
 - (ii) no letter of permission may be granted to the same individual more than three times.

- (3) with respect to the number of letters of permission, there be restrictions on the aggregate number of letters of permission to be granted to a board with respect to a particular school year, an obligation for boards to report annually on the aggregate number of letters of permission granted to the board with respect to a particular school year and an obligation for boards to make these reports publicly available.

The College also suggests that, especially in the first number of years of implementation of the early learning program, the Minister maintain direct oversight and control regarding the granting of letters of permission and not delegate the authority to grant letters of permission to regional managers of the regional offices of the Ministry.

The College would welcome the opportunity to collaborate with the government with respect to the development of the regulation regarding letters of permission.

(d) Duty to Co-Ordinate and to Co-Operate

Bill 242 imposes a duty on teachers, temporary teachers, designated early childhood educators and persons who, under the authority of a letter of permission, are appointed by a board to positions designated by the board as requiring an early childhood educator. The Bill imposes a duty on those persons to co-ordinate the matters specified below and to co-operate with each other with respect to those matters. The matters specified in Bill 242 are:

- (i) Planning for and providing education to pupils in junior kindergarten and kindergarten.
- (ii) Observing, monitoring and assessing the development of pupils in junior kindergarten, kindergarten and extended day programs.
- (iii) Maintaining a healthy physical, emotional and social learning environment.
- (iv) Communicating with families;
- (v) Performing all duties assigned to them by the principal with respect to junior kindergarten, kindergarten and extended day programs.⁹

We understand that the purpose of this section is to establish the framework for the requirement for collaboration among teachers and early childhood educators to provide high quality and effective play-based education to support enhanced learning and cognitive, emotional and social development for children, as expressed in the preamble to Bill 242. We also

⁹ Section 16 of Bill 242, which adds section 264.1 to the *Education Act*.

understand that the matters specified in subsection 264.1(2) of Bill 242 are intended to describe the spheres of activities which teachers and early childhood educators will share.

The College supports the requirement for collaboration among teachers and early childhood educators and the duty for teachers and early childhood educators to co-ordinate and co-operate with each other regarding the matters set out in Bill 242. The College appreciates that there will be a need to further delineate the roles to be played by teachers and early childhood educators and believes that this delineation can be currently best achieved through more flexible instruments such as regulations, policies and guidelines.

However, the College believes that the language of the matters described in subsection 264.1(2) could be clarified and strengthened. The College believes that, for young children, it is important to emphasize that the education is "play-based". The College also believes that the manner in which extended day programs are referred to may lead to confusion regarding the extended day program. Accordingly, the College suggests that the government consider:

- (1) amending paragraph 1 by referring to the education as "play-based" education;
- (2) amending paragraph 2 by removing the reference to "extended day programs"; and
- (3) adding a new paragraph 2.1 that relates to providing for a smooth and supportive transition of pupils from junior kindergarten and kindergarten to extended day programs.

The College also believes that the legislative intent of the duty of teachers and early childhood educators to co-ordinate and co-operate is to establish a professional team of teachers and early childhood educators, working side by side, on equal footing. The College suggests that this intention could be strengthened by adding a new provision to section 264.1 to the effect that, for greater certainty, it is intended that the responsibility for the matters referred to in subsection 264.1(2) be shared equally by teachers and early childhood educators.

RECOMMENDATION NO. 4

That the government consider:

- (a) amending paragraph 1 of subsection 264.1(2) by referring to the education as "play-based" education.
- (b) amending paragraph 2 to subsection 264.1(2) by removing the reference to "extended day programs".
- (c) adding a new paragraph 2.1 that relates to providing for a smooth and supportive transition of pupils from junior kindergarten and kindergarten to extended day programs.
- (d) adding a new provision to section 264.1 to the effect that, for greater certainty, it is intended that the responsibility for the matters referred to in subsection 264.1(2) be shared equally by teachers and early childhood educators.

(e) Minimum Ratio of Qualified Professional Staff to Children in Junior Kindergarten, Kindergarten and Extended Day Programs

Bill 242 provides authority for regulations, policies and guidelines to be made governing the size of extended day program classes.¹⁰ The *Education Act* currently provides authority for regulations to be made governing class size in schools of a board.¹¹

While regulating class size is important in order to achieve high quality and effective education, the College believes that, especially when one is providing education and care to young children, regulation of the ratio of children to the qualified professional staff (teachers and early childhood educators in junior kindergarten and kindergarten, and early childhood educators in extended day programs) is important in achieving these goals.

The College recommends that, in order to ensure high quality education and care is delivered through the early learning program, Bill 242 be amended in order to add specific authority to the *Education Act* for regulations, policies and guidelines to be made regarding the minimum ratio of qualified professional staff (teachers and early childhood educators) to children in junior kindergarten and kindergarten and a minimum ratio of early childhood educators to children in extended day programs.

RECOMMENDATION NO. 5

That Bill 242 be amended in order to add specific authority to the *Education Act* for regulations, policies and guidelines to be made regarding a minimum ratio of qualified professional staff (teachers and early childhood educators) to children in junior kindergarten and

¹⁰ Section 10 of Bill 242 which adds Part IX.1 Extended Day Programs to the *Education Act*, including sections 260.5 and 260.6 of Part IX.1.

¹¹ Section 170.1 of *Education Act*

kindergarten and a minimum ratio of early childhood educators to children in extended day programs.

(f) Reporting by the College of Early Childhood Educators to School Boards

Section 277.50 of Bill 242 sets out the circumstances under which a board is required to make a written report to the Registrar of the College of Early Childhood Educators. These circumstances relate to the termination of employment of or imposition of restrictions on the duties of an early childhood educator for reasons of professional misconduct. These mandatory reporting requirements are similar to the ones which boards are required to make to the Registrar of the Ontario College of Teachers. Section 277.50 of Bill 242 also requires the Registrar of the College of Early Childhood Educators to provide the board with a written report respecting the action, if any, taken by the Registrar in response to the mandatory report filed by the board. The Registrar of the Ontario College of Teachers is also required to provide a board with a written report in similar circumstances.

Section 277.51 of Bill 242 sets out the obligation for the College of Early Childhood Educators to provide boards with information respecting certain decisions and orders made under the *ECE Act*. A board is entitled to receive the information respecting decisions and orders if the board employed the early childhood educator at the time the relevant decision or order is made or the board filed a mandatory report under section 49 of the *ECE Act*, if the subject of the report is related to the decision or order. These requirements for the College of Early Childhood Educators to provide boards with information respecting certain decisions and orders under the *ECE Act* is similar to the requirements for the Ontario College of Teachers to provide information to boards under the *Ontario College of Teachers Act*.

The requirement for the College to provide boards with information respecting decisions and orders is applicable to boards who employ early childhood educators. In order to implement these requirements, it will be important for the College of Early Childhood Educators to be able to obtain information from boards as to the early childhood educators employed by them. The College recommends that, in light of the *Municipal Freedom of Information and Protection of Privacy Act* ("MFIPPA") and the *Freedom of Information and Protection of Privacy Act* ("FIPPA"), a provision be added, either to the *ECE Act* or the *Education Act*, requiring boards to disclose personal information about early childhood educators employed by them in order to authorize a board to provide this information to the College. Without such a provision, the College may not have sufficient information about the board that employs the member at the time the relevant decision or order is made, which would hinder the College from being able to comply with section 277.51 of Bill 242.

The College notes that section 47(1) of the *Ontario College of Teachers Act* provides authority for the Ontario College of Teachers to require the provincial schools authority, a school board or any other person or body designated by the regulations to provide the Ontario College of Teachers with information, including personal information, in respect of members of the College for the purpose of that College carrying out its objects.

The College recommends that a provision be added to Bill 242, as an amendment either to the *Education Act* or the *ECE Act* (similar to section 47(1) of the *Ontario College of Teachers Act*) under which the College may require the Provincial Schools Authority, a school board or any other person or body designated by the regulations to provide the College with information, including personal information within the meaning of MFIPPA or FIPPA, in respect of members of the College for the purpose of the College carrying out its objects.

The College also recommends that Bill 242 amend the immunity provision set out in section 50 of the *ECE Act* by adding a reference to the Education Act to ensure that the immunity provision extends to the requirements regarding reporting by the College under sections 277.50 and 277.51 of the *Education Act*. In the alternative, the College recommends that Bill 242 be amended by adding to the *Education Act* a protection from liability provision similar to section 50 of the *ECE Act* under which no proceeding for damages can be brought against the College and other persons referred to in section 50 of the *ECE Act* for any act done in good faith in the performance or intended performance of a duty or in the exercise or the intended exercise of a power under the *Education Act*, or for any neglect or default in the performance or exercise in good faith of the duty or power.

RECOMMENDATION NO. 6

That Bill 242 be amended as follows:

- (a) that a provision be added, as an amendment to the *Education Act* or the *ECE Act*, under which the College may require the Provincial Schools Authority, a school board or any other person or body designated by the regulations to provide the College with information, including personal information within the meaning of MFIPPA or FIPPA, in respect of members of the College for the purpose of the College carrying out its objects;
- (b) that the immunity provision set out in section 50 of the *ECE Act* be amended by adding a reference to the *Education Act* or that a provision be added to the *Education Act* equivalent to section 50 of the *ECE Act*.

CONCLUSION

The College is committed to the regulation of the profession of early childhood education in the public interest. The College believes that Bill 242 and its proposed changes to the Education Act, Early Childhood Educators Act and other statutes will establish the framework necessary for the implementation of full-day learning for four - and five-year olds. The College also believes that Bill 242 recognizes the new and unique role that early childhood educators are intended to play in the full-day learning program. The College makes some recommendations which the College believes will strengthen the Bill in accomplishing its objectives and some technical amendments to support the College in meeting certain requirements under the *Education Act*.

Thank you for the opportunity to make this submission to the Standing Committee and for the Committee's consideration of the College's submission.

APPENDIX A

RECOMMENDATIONS

1. That, in light of the critical role that the regulations, policies and guidelines will play in the implementation of the full-day learning program, the government continue to consult with stakeholders, including the College, as the regulations, policies and guidelines are being developed.

2. (a) That the government proceed with the proposed amendments to the *Education Act* related to the definitions of "designated early childhood educator" and "early childhood educator", the requirements for school boards to designate at least one position in junior kindergarten, kindergarten and the extended day program class as requiring an early childhood educator, the requirements for school boards to appoint an early childhood educator to each designated position, the requirement that an early childhood educator must be in addition to the teacher assigned to the junior kindergarten or kindergarten class and the requirement for membership in the College of Early Childhood Educators.

- (b) That, through broadly-based communications with school boards, registered early childhood educators and other stakeholders, the government communicate about these important provisions and the requirements they impose on school boards to hire Registered Early Childhood Educators and clarify any confusion regarding the term "designated early childhood educator" and other matters.

3. That, when the government makes regulations with respect to the criteria governing the granting of a letter of permission, careful consideration be given to the conditions prescribed for such purpose and that different and additional conditions from the ones that are set out in the current regulation related to letters of permission for individuals who are not teachers to teach in school be considered. Specifically, the College proposes the following be included in such regulation, in addition to the types of conditions set out in O. Regulation 142/08:

- (a) with respect to advertising positions for early childhood educators, there be an increased number of times of required advertising of positions, increased time periods for such required advertising and an increased variety of methods of required publication compared to the advertising provisions set out in O. Regulation 142/08;
- (b) the following restrictions be set out in order for an individual to be eligible to be granted a letter of permission:
 - (i) if an individual was previously granted a letter of permission, the individual must demonstrate, within a two year period, that he or she is taking or has taken measures to obtain a diploma in early childhood education from an Ontario College of Arts and Technology and to become a member of the College; and
 - (ii) no letter of permission may be granted to the same individual more than three times.

- (c) with respect to the number of letters of permission, there be restrictions on the aggregate number of letters of permission to be granted to a board with respect to a particular school year, an obligation for boards to report annually on the aggregate number of letters of permission granted to the board with respect to a particular school year and an obligation for boards to make these reports publicly available.

The College also suggests that, especially in the first number of years of implementation of the early learning program, the Minister maintain direct oversight and control regarding the granting of letters of permission and not delegate the authority to grant letters of permission to regional managers of the regional offices of the Ministry.

The College would welcome the opportunity to collaborate with the government with respect to the development of the regulation regarding letters of permission.

4. That the government consider:

- (a) amending paragraph 1 of subsection 264.1(2) by referring to the education as "play-based" education.
- (b) amending paragraph 2 to subsection 264.1(2) by removing the reference to "extended day programs".
- (c) adding a new paragraph 2.1 that relates to providing for a smooth and supportive transition of pupils from junior kindergarten and kindergarten to extended day programs.

- (d) adding a new provision to section 264.1 to the effect that, for greater certainty, it is intended that the responsibility for the matters referred to in subsection 264.1(2) be shared equally by teachers and early childhood educators.

5. That Bill 242 be amended in order to add specific authority to the *Education Act* for regulations, policies and guidelines to be made regarding a minimum ratio of qualified professional staff (teachers and early childhood educators) to children in junior kindergarten and kindergarten and a minimum ratio of early childhood educators to children in extended day programs.

6. That Bill 242 be amended as follows:

- (a) that a provision be added, as an amendment to the *Education Act* or the *ECE Act*, under which the College may require the Provincial Schools Authority, a school board or any other person or body designated by the regulations to provide the College with information, including personal information within the meaning of MFIPPA or FIPPA, in respect of members of the College for the purpose of the College carrying out its objects;
- (b) that the immunity provision set out in section 50 of the *ECE Act* be amended by adding a reference to the *Education Act* or that a provision be added to the *Education Act* equivalent to section 50 of the *ECE Act*.