DATE: March 6, 2014

MEMORANDUM TO: Private School Owners

FROM: George Zegarac
Deputy Minister
Ministry of Education

SUBJECT: Private Schools in Ontario Serving Children under Junior Kindergarten (JK) Age - Policy Requirement for All Private Schools to be Licensed under the Day Nurseries Act

Summary:
This memorandum reissues and fully implements the Government of Ontario’s policy, effective as of June 30, 1993 (see attached), regarding the application of the licensing requirements under the Day Nurseries Act (DNA) to private schools serving children under JK age (3 years, 8 months).

1993 Policy
In 1993, the government clarified that the DNA applied to private schools serving children under JK age and, as such, on a go-forward basis, the following private schools required a DNA licence:

- New private schools serving children under JK age on or after June 30, 1993; and
- Existing private schools expanding their programs on or after June 30, 1993 to begin serving children under JK age.

The requirement for a DNA licence was not applied to private schools serving children under JK age before June 30, 1993.

Reissued 2014 Policy
This memorandum reissues the original policy under the DNA. The effect of this fully implemented policy is that ALL private schools, regardless of when they began serving children under JK age, will require a licence under the DNA for programs that serve more than five children under JK age:
• Private schools and branch campuses of private schools which began serving children under JK age before June 30, 1993 (i.e., were not subject to the 1993 policy) will have until **July 1, 2015** to obtain a DNA licence.

• Where a private school (or its branch campus) began serving children under JK age on or after June 30, 1993 (i.e., subject to the 1993 policy) and operates a program with more than five children under JK age, a DNA licence is already required.

**Context**

As you are aware, in 1993, the Ministry of Education and Training (MET) and the Ministry of Community and Social Services (MCSS) jointly issued a policy to clarify and provide direction on the interpretation of the DNA with respect to private schools. The policy required private schools beginning to serve children under JK age on or after June 30, 1993 to be licensed under the DNA. The policy did not apply to private schools serving children under JK age before June 30, 1993.

Over the past several years, we have learned a great deal from academic research about the kinds of standards and experiences that are required to support the safety and well-being of young children. Further, in June 2012, the government released a discussion paper *Modernizing Child Care in Ontario: Sharing Conversations, Strengthening Partnerships, Working Together*. This paper, which was shared with a range of partners including all private schools in Ontario, referenced the different licensing requirements for private schools in Ontario. The government received feedback on this issue, indicating that consistent requirements should be applied across all private school settings.

Additionally, the annual report of the Office of the Auditor General of Ontario, released in December 2013, recommended that the Ministry of Education ensures that all private schools serving children under JK age are licensed under the DNA.

All of these factors contribute to the government’s direction to expand the application of the original policy to all private schools “to provide consistency for programs serving preschool children, and to ensure the health and safety of children in attendance.”

**Expanded Policy Requirement for Private Schools Related to DNA Licensing**

To ensure consistency across the province, in support of the safety and well-being of young children, all new and existing private schools which serve more than five children under JK age, including any and all branch campuses affiliated with the primary or “home” private school location, must be licensed under the DNA regardless of when they began serving such children.

This means that the requirement for private schools serving children under JK age to be licensed under the DNA is **now extended to those programs which began serving children under JK age before June 30, 1993**.

**Existing Requirement for Private Schools Related to DNA Licensing**

As a reminder of current policy, private schools (and branch campuses) which began serving children under JK age on or after June 30, 1993 are **already required to hold a licence** under the DNA for such programs if more than five children under JK age are in a program.
Consistent with current practice, where a private school (or its branch campus) began serving children under JK age on or after June 30, 1993 and operates a program with more than five children under JK age without a DNA licence, the Ministry will continue to instruct the private school to immediately reduce the number of children under JK age to no more than five. This is the maximum number of children that may be cared for without a licence under the DNA. Once a DNA licence is obtained, the private school would be permitted to serve the ages and numbers of children under JK age provided for in the approved licence.

**Legislative Context**

This policy memorandum is being reissued under the existing DNA.

As part of its agenda to modernize child care in Ontario, on December 3, 2013, the government introduced the *Child Care Modernization Act 2013*, new legislation that, if passed, would repeal and replace the DNA with the *Child Care and Early Years Act* – a new, modernized legislative framework that would govern the provision of child care and early years programs and services in the province. If passed, the new Act would include provisions setting out that private schools serving children under JK age will require a licence should they wish to serve more than five children.

**Timeline for Compliance Related to DNA Licensing**

To ensure a smooth transition, minimize disruption to private schools and families, and support private schools, the Ministry is providing for a substantial implementation period for those private schools which began serving children under JK age before June 30, 1993.

**Effective Date**

All private schools (and branch campuses) in Ontario which serve more than five children under JK age must be licensed by the Ministry under the DNA. Private schools and branch campuses of private schools which began serving children under JK age before June 30, 1993 will have until July 1, 2015 to obtain a DNA licence.

**Continued Application of Requirements under the Education Act for Private Schools**

The current requirement set out in the *Education Act* for private schools to provide the Ministry with a *Notice of Intention to Operate a Private School* (NOI) by September 1 of each school year is not affected by the reissuance of the policy regarding the requirement for all private schools serving more than five children under JK age to be licensed under the DNA, regardless of when they began serving such children.

Private schools are also subject to any and all applicable federal and provincial legislation and municipal by-laws.

**Information and Orientation Webinar**

To help support the reissuance of this policy, the Ministry will hold a webinar for private schools and other interested stakeholders in the near future. The webinar will be offered simultaneously in English and French.
The webinar will provide an opportunity to have questions answered and to learn about:
- the reissued policy;
- requirements related to DNA licensing for private schools; and
- the DNA licensing application process.

Once planning for the webinar is finalized, the Ministry will forward additional information on how to participate.

On December 11, 2013, the Ministry of Education launched the Child Care Licensing System (CCLS), a web-based system for child care licensing. Prospective applicants can submit an application for a licence in the system after viewing an orientation video on child care licensing in Ontario.


The Orientation Package for Prospective Child Care Operators provides a summary of the licensing requirements for child care centres.

**Contact Information**

As always, we are committed to working collaboratively with all of our partners so that children and their families in the province benefit from safe, high-quality programs and services.

Ministry of Education staff are available to answer any questions about this reissued policy and to support private schools with the transition to, and the operation of, DNA licensed programs.

Please contact your local Child Care Quality Assurance and Licensing Office for inquiries related to the licensing process, regulatory requirements, and other operational matters. Contact information for the six regional offices is attached in Appendix 2 and is also available here: http://www.edu.gov.on.ca/childcare/offices.html.

Please continue to stay engaged with news about child care in the province by visiting www.ontario.ca/childcare.

Sincerely,

*Original Signed By*

George Zegarac  
Deputy Minister  
Ministry of Education
c: Jim Grieve, Assistant Deputy Minister, Early Years Division
Karen Chan, Assistant Deputy Minister, Unregulated Child Care Realignment
Janine Griffore, Assistant Deputy Minister, French-Language, Aboriginal Learning & Research
Jill Vienneau, Director, Child Care Quality Assurance and Licensing Branch
Darlene Chandon, Manager, Child Care Quality Assurance and Licensing Branch
Licensing and Compliance Managers, Child Care Quality Assurance and Licensing Branch
Rupert Gordon, Director, Early Years Policy and Program Branch
Julia Danos, Manager, Early Years Policy and Program Branch
Kathy Verduyn, Director, Field Services Branch
Mercedes Gagnon, Manager, Field Services Branch
Consolidated Municipal Service Managers
District Social Services Administration Boards

Attachments:

- Appendix 1 - Resources
- Appendix 2 - Ministry of Education Child Care and Quality Assurance Regional Office Contact Information
- Appendix 3 - MCSS/MET Memorandum Regarding Policy Requirement Effective as of June 30, 1993: Application of the DNA to Private Schools
APPENDIX 1

Resources

Ministry of Education: www.edu.gov.on.ca

*Bill 143, the Child Care Modernization Act:*

*Day Nurseries Act:*
http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90d02_e.htm

*Day Nurseries Act - Regulation 262:*

Early Years Portal:
http://www.earlyyears.edu.gov.on.ca/EYPortal

*Education Act:*
http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90e02_e.htm#BK20

Modernizing Child Care in Ontario: Sharing Conversations, Strengthening Partnerships, Working Together (Released June 2012):
http://www.edu.gov.on.ca/childcare/Modernizing_Child_Care.pdf

Ontario Early Years Policy Framework (Released January 2013):
http://www.edu.gov.on.ca/childcare/index.html

Private Schools Policy and Procedures Manual:
# APPENDIX 2

**Ministry of Education**

**Child Care Quality Assurance and Licensing Offices**

<table>
<thead>
<tr>
<th>Region</th>
<th>Address</th>
<th>City</th>
<th>Province</th>
<th>Phone</th>
<th>Toll Free</th>
<th>Fax</th>
<th>Email</th>
</tr>
</thead>
<tbody>
<tr>
<td>Toronto Region (Central)</td>
<td>393 University Avenue, 3rd Floor</td>
<td>Toronto</td>
<td>Ontario</td>
<td>(416) 325-0652</td>
<td>1-888-996-3886</td>
<td>(647) 724-0942</td>
<td><a href="mailto:Childcare_Toronto-Central@ontario.ca">Childcare_Toronto-Central@ontario.ca</a></td>
</tr>
<tr>
<td>Ottawa Region</td>
<td>347 Preston Street, 3rd Floor</td>
<td>Ottawa</td>
<td>Ontario</td>
<td>(613) 787-5279</td>
<td>1-800-267-5111 ext 5279</td>
<td>(613) 686-6317 / 1-855-471-0531</td>
<td><a href="mailto:Childcare_OTTawa@ontario.ca">Childcare_OTTawa@ontario.ca</a></td>
</tr>
<tr>
<td>Toronto Region (West)</td>
<td>4 Robert Speck Parkway, 14th Floor</td>
<td>Mississauga</td>
<td>Ontario</td>
<td>(905) 897-5333</td>
<td>1-877-510-5333</td>
<td>(647) 724-0944 / 1-888-996-3885</td>
<td><a href="mailto:Childcare_Toronto-West@ontario.ca">Childcare_Toronto-West@ontario.ca</a></td>
</tr>
<tr>
<td>North Bay / Sudbury Region and Thunder Bay Region</td>
<td>199 Larch Street, 6th Floor, Suite 601</td>
<td>Sudbury</td>
<td>Ontario</td>
<td>(705) 564-8153 ext 3308</td>
<td>1-800-265-1222 ext 3308</td>
<td>(705) 479-6298 / 1-855-823-3335</td>
<td><a href="mailto:Childcare_Sudbury_Tbay@ontario.ca">Childcare_Sudbury_Tbay@ontario.ca</a></td>
</tr>
<tr>
<td>Barrie Region</td>
<td>1091 Gorham Street, Suite # 211</td>
<td>Newmarket</td>
<td>Ontario</td>
<td>(905) 895-1989</td>
<td>1-855-521-7840</td>
<td>705-812-5396</td>
<td><a href="mailto:Childcare_Barrie@ontario.ca">Childcare_Barrie@ontario.ca</a></td>
</tr>
<tr>
<td>London Region</td>
<td>217 York Street, 2nd Floor, Suite 205</td>
<td>Newmarket</td>
<td>Ontario</td>
<td>(519) 675-1039</td>
<td>1-855 241-5600</td>
<td>(519) 488-1957 / 1-888-566-8466</td>
<td><a href="mailto:Childcare_London@ontario.ca">Childcare_London@ontario.ca</a></td>
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MEMORANDUM TO: Private School Operators  
Childcare Operators  

RE: Day Nurseries Act (DNA): Licensing of Day Nurseries in Private Schools for Children Under Junior Kindergarten Age  

DATE: June 7, 1994

This letter is to inform you of a recent policy change the Ministry of Community and Social Services and the Ministry of Education and Training have made regarding the care of children who are under junior kindergarten age (3 years 8 months) in settings that are listed as private schools under the Education Act.

Private Schools listed with the Ministry of Education and Training have, to date, enrolled children below junior kindergarten age, but have not been required to comply with the licensing requirements of the Day Nurseries Act (DNA). In order to provide consistency for programs serving preschool children, and to ensure the health and safety of children in attendance, the following policy changes will be effective as of June 30, 1993:

- All new private schools serving children under junior kindergarten age will require a licence under the Day Nurseries Act for this age group; and

- If an existing private school begins to serve children under junior kindergarten age, it will be required to be licensed under the Day Nurseries Act for this age group.

Private school operators in either of the two categories above, must be listed with the Ministry of Education and Training and in addition, must make an application for a licence through the local area office of the Ministry of Community and Social Services prior to starting a program. The area office will outline the process to acquire a licence under the Day Nurseries Act.

...cont’d.
These changes do not affect existing private schools which currently provide services for this age group, but do apply to private schools which plan to begin serving children below 3 years 8 months as of June 30, 1993.

For further information or clarification of this policy please contact Patricia Baynham, Ministry of Community and Social Services (327-4867) or Gary Diamond, Ministry of Education and Training (325-2224).

(origin signed by)
Charles Pascal
Deputy Minister
Ministry of Education and Training

(origin signed by)
Rosemary Proctor
Deputy Minister
Ministry of Community and Social Services