

## AP 3406: Provision of Child Care

The District promotes the use of child care space in schools. Access to quality child care supports a child's well-being and belonging, exploration and creativity, language and literacy development, social responsibility, and honours diversity.

The District will promote the use of Board property for the provision of child care programs between the hours of 7 a.m. and 5 p.m. on business days by either the District or third-party licensees. The use of Board property by licensed child care providers must not disrupt or otherwise interfere with the provision of educational activities including early learning programs and extracurricular school activities.

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 child care facilities located on Board of Education property. [Ministerial Order M326](#), the [Child Care Order](#), further defines the role of Boards of Education with respect to the provision of child care programs.

### Definitions

**“Board property”** in relation to a Board, means land or improvements that are owned or leased by the Board, that are within the Board's school district, and that are, have been or are intended to be used for educational activities.

**“Business day”** means a day other than Saturday, Sunday, or a holiday.

**“Child care”** is a general term that means supervision that is provided to a child under a program described in the Child Care Licensing Regulation and includes Group Child Care (under 36 months), Group Child Care (30 months to School Age) or Group Child Care (School Age).

**“Educational activities”** means the provision of educational programs, early learning programs and extracurricular school activities.

**“Licensee”** in relation to a child care program, means the person licensed under the [Community Care and Assisted Living Act](#) to provide the child care program.

**“Direct and indirect costs”** include utilities, maintenance and repair, a reasonable allowance for the cost of providing custodial services, a reasonable allowance for the time school district administrators and other staff spend on matters relating to the use of Board property by licensed child care providers, and any other incremental costs directly related to the provision of child care services on Board property.

### Procedures

1. The District will, from time to time and on an ongoing basis, assess community need for child care 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 child care operators. The process for engagement will be reviewed on an ongoing basis.

2. When the Board decides to change the use of Board property that is being used for providing a child care program, the district will ensure that the Ministry of Education and Child Care is notified with the required information.
3. If child care programs are to be provided on Board property, the Superintendent will evaluate, on an ongoing basis, whether those programs are best provided by the Board, licensees other than the Board, or a combination of both.
4. District child care programs will be operated for a fee no greater than the direct costs the District incurs in providing the child care program.
5. Fees for the use of Board property by licensees other than the District will not exceed the direct and indirect costs the District incurs in making Board property available for the child care program.
  - a. Licensees who operate child care programs in district facilities may not operate for-profit operations.
6. If child care programs are operated by a licensee other than the District, the District will require the licensee to agree to comply with this administrative procedure.
7. Children attending school age care operated by the District are considered students under the [School Act](#), and the records are considered student records. As with the operation of schools, school age care programs offered by a Board are operated on a secular, non-sectarian basis.
8. If the District decides to operate a child care program it must be operated in a manner that fosters Indigenous reconciliation in child care. In particular, the child care program will be operated consistently with the following principles of the British Columbia [Declaration on the Rights of Indigenous Peoples Act](#):
  - 8.1 Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including in the area of education;
  - 8.2 Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education; and
  - 8.3 Is inclusive and consistent with the principles of anti-racism and non-discrimination set out in the British Columbia [Human Rights Code](#).
9. Any contract with a licensee other than the District to provide a child care program on Board property must be in writing and subject to review no more than annually. The contract must contain:
  - 9.1 A description of the direct and indirect costs for which the licensee is responsible;
  - 9.2 An agreement by the licensee to comply with this administrative procedure and all other applicable policies;
  - 9.3 A provision describing how the agreement can be terminated by the Board or licensee;
  - 9.4 An allocation of responsibility to ensure adequate insurance is in place to protect the interests of the Board;
  - 9.5 A statement that the agreement can only be amended in writing, signed by the Board and the licensee;

- 9.6 A requirement for the licensee to maintain appropriate standards of performance; and
  - 9.7 A requirement that the licensee must at all times maintain the required license to operate a child care facility.
10. The district will consider renewing or initiating a lease for a child care program on board property if:
- 10.1 It is determined it is not appropriate for the District to become a licensee to provide child care;
  - 10.2 Space and staffing capacity are available to offer before and after school child care; or,
  - 10.3 The licensee is able to meet the standards and criteria required through this administrative procedure and any other child care regulations and licensing requirements.
11. Prior to entering into or renewing a contract with a licensee other than the District to provide a child care program on Board property, the Superintendent or designate will evaluate:
- 11.1 Whether it is preferable for the District to become a licensee and operate a child care program directly;
  - 11.2 The availability of District staff to provide before and after school care;
  - 11.3 Whether, with respect to a licensee seeking renewal or extension of a contract, the licensee has performed its obligations under this administrative procedure and its contract with the Board, with specific regard to that performance in respect of providing an inclusive child care program and one that promotes Indigenous reconciliation in child care;
  - 11.4 The use of the [British Columbia Early Learning Framework](#) to guide and support learning experiences in child care settings;
  - 11.5 Commitment to shared principles, including reconciliation, inclusive education, and play as pedagogy; and,
  - 11.6 Expectations for shared professional development and reciprocal and effective communication including information sharing related to a child's educational and social needs.