

**Ministry of Education
Early Learning Division**

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**Ministère de l'Éducation
Division de l'apprentissage
des jeunes enfants**

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2011: EL4

school program at the relevant school (whether or not this was a FDK school); or

- The board made reasonable efforts to find a not-for-profit or municipal operator that complied with the legislative and regulatory requirements but was unable to do so.

- The operator must be eligible to receive fee subsidy payments for children enrolled in the program;

- The content of the third party program must be the same content that a board is required to include in a board-operated extended day program; and

- The operator must ensure that when its empl

2. OPERATIONAL FRAMEWORK FOR EXTENDED DAY AND THIRD PARTY

Program Content

The program content for extended day programs is the Ministry's *Extended Day Program* document, which is available online at: www.edu.gov.on.ca/eng/curriculum/elementary/kinderProgram2010.pdf. The requirement that boards use this document has been confirmed in the binding policy guideline "Extended Day Program Content", which was issued on June 7, 2011. Under O. Reg. 221/11, this is the same content that must be used in third party programs.

As O. Reg. 221/11 requires FDK third party operators to use the same program content that boards are required to use for extended day programs, the *Extended Day Program* document is also the program content required for third party programs.

Extended Day Base Fee Determination

For the 2012-13 school year and beyond, all boards must determine their extended day base fees and non-instructional day fees by the first school day in January of the preceding school year (e.g., for a program operating in the 2012-13 school year, fees must be determined by the first school day in January in 2012).

Even if a board has entered into a third party agreement for the upcoming school year, it is still required to determine its extended day base fees as a risk management measure. Base fees will enable the timely implementation of an extended day program in the event that a third party agreement is terminated.

- Intends to enter into a third party agreement in the upcoming school year but has not yet been advised by the third party with respect to the fee that would be charged for the program.

A board will post the fee for a FDK third party program where it has entered into an agreement with a third party that has advised the board as to its fees.

When posting fees, boards must note that the proposed fees are subject to change. Additionally, boards are required to clearly state that extended day programs or third party programs may not operate in the upcoming school year if they are non-viable (i.e. notice that program operation is subject to sufficient demand).

Collection of Information

For the 2012-13 school year and beyond, all boards must begin collecting information from the prescribed groups of parents pertaining to their interest and preferences with respect to extended day and/or third party programs by the first school day in January of the preceding school year (see 2010: EL12 for further detail). Under O. Reg. 221/11, this information is used to determine the viability of both extended day and third party programs.

Viability Determination

The viability threshold has been simplified from the previous regulatory provision. Under O. Reg. 221/11, an extended day or FDK third party program is not viable where: (a) the projected enrolment in the program is less than 20 pupils; and (b) a projected enrolment of 20 pupils cannot be reached by including up to 5 pupils who will be enrolled in Grade 1 or 2 in the school in the upcoming school year. (The use of older pupils to support viability is still only required where a school does not have an onsite third party operating a before- and/or after-school program for pupils in Grades 1 and 2).

For the 2012-13 school year and beyond, all boards must determine the viability of their extended day and/or third party programs by the day before the last school day in April of the preceding school year (see the 2010: EL12 memorandum for further detail).

For the 2011-12 school year, boards must submit to the Minister a list of the schools where extended day and/or third party programs are not viable, the information on which these conclusions were based and an affirmation the c

and communicate this information in writing to the relevant parents, by the last school day of the 2010-11 school year (see 2010: EL12 memorandum for further detail):

- Which of the board's schools will have extended day and/or third party programs in the upcoming school year;
- Which schools will not have extended day and/or third party programs in the upcoming school year because the board has determined such programs are not viable;
- The operating hours of extended day and/or third party programs;
- The times of day that the before and/or after school portions of the extended day and/or third party program will operate;
- The non-instructional days on which the extended day and/or third party programs will operate;
- The actual fees for extended day and/or third party programs and non-instructional day fees (where applicable);
- Whether the extended day and/or third party programs will include older pupils (e.g. grades 1 to 6);
- Information regarding how to apply for fee subsidies for extended day and/or third party programs; and
- Any other information that the board considers relevant.

Please note that for the 2012-13 school year and beyond, the above information must be posted by the day before the last day of April of the preceding school year.

B. Requirements for Extended Day Programs

For the 2011-12 school year, all boards are required to submit the following information pertaining to 2011-12 extended day programs by July 15, 2011:

- A list of the schools in which the board will operate extended day programs; and
- The calculations for extended day actual fees and actual non-instructional day fees (where applicable);

Please note that for the 2012-13 school year and beyond, the above information must be submitted by May 15 of the preceding school year.

C. Requirements for Third Party Programs

Provision of Additional Program Information

For the 2011-12 school year, by the day before the last day of the 2010-11 school year a board

must post on its website and communicate in writing to relevant parents that, if a planned third

profit third party to operate a program at the relevant school.

In either case, a board is required to affirm to the Minister each year that an agreement with the for-profit operator has been in place since it was initially established. Should the for-profit operator cease to operate at that location, the board would be required to follow the applicable steps above in order to secure a not-for-profit operator, or to demonstrate that no qualifying not-for-profit operator could be found.

Submission of Information to the Minister

For the 2011-12 school year, all boards are required to submit the following information by July 15, 2011:

- A list of the schools in which the board will ensure the operation of a third party program in the upcoming school year;
- The name of the operator of the third party program at each school;
- The daily fees and non-instructional day fees (where applicable) that a third party has advised a board that it will charge;
- Affirmation that a third party program meets the requirements under the *Education Act*; and
- Affirmation that, if a board has entered into an agreement with a for-profit operator, it did so in compliance with the requirements set out in O. Reg. 221/11.

The above information can be entered in the Extended Day Fees Excel Workbook and the Confirmations, Declarations and Affirmations Form Required Under O.Reg 221/11.

Please note that for the 2012-13 school year and beyond, the above information is to be submitted by May 15 of the preceding school year.

3. SAFE SCHOOLS AND FDK

To align FDK with the safe schools provisions under Part XIII (Behaviour, Discipline and Safety) of the *Education Act*, the following provision has been added:

Principals' Delegation of Authority with respect to Board-Operated Extended Day Programs

Principals can now delegate their authority under Part XIII of the *Education Act*, in specified circumstances, to ECEs working in board-operated extended day programs and their supervisors. This ensures alignment and consistency between a principal's authority to delegate to ECEs in extended day programs and to other persons in the board during the regular school day and reflects the approach for the delegation of a principal's duties under s. 260.2 of the *Education Act*.

- Committing robbery;
- Giving alcohol to a minor; and
- Any other activities identified in school board policy (ask the principal to explain what they are).

These activities can lead to suspension or expulsion even if they do not occur on the school premises. If these activities happen on the way to and from school, going to and from school related activities, or in situations where the activity will have a negative impact on school climate, they must be reported.

How do I report?

- Tell the principal about the incident, as soon as reasonably possible.
- Confirm all reports to the principal in writing using the Safe Schools Incident Reporting Form – Part I (provided to you by the principal or your employer).

What happens when I report an incident to the principal?

- The principal will provide a written acknowledgement (Safe Schools Incident Reporting form – Part II) that your report was received and whether he or she has taken any action regarding the incident you reported.

Who else has to report?

- Vice principals
- Teachers and educational assistants
- All non-teaching staff, such as those involved in social work, child and youth work, psychology and other related disciplines
- Administrative and custodial staff
- Bus drivers

Who do I contact if I have questions?

- The school principal
- Your employer

Appendix B: Timelines

Timelines for the 2011-12 School Year

June – by the last day of the 2010-11 school year, boards must:

- Determine the viability of its extended day and/or third party programs;
- Determine actual extended day fees, where a board intended to operate extended day programs;
- Post the following information on its website and provide the information in writing to parents:
 - Which of the board's schools will have extended day and/or third party programs

- Affirmation that any third party programs meet the requirements under the *Education Act*; and
- Affirmation that, if a board has entered into an agreement with a for-profit operator, it did so in compliance with the requirements set out in O. Reg. 221/11.

Timelines for the 2012-13 School Year and Beyond

January – by the first school day in January of the preceding school year, a board must:

- Determine its extended day base fees;
- Post extended day base fees and/or proposed third party fees on its website and communicate fees to parents;
- Post on its website and communicate in writing to the relevant parents that the proposed

Minister:

- A list of the schools in which the board will operate extended day programs in the upcoming school year and the calculations for extended day actual fees and actual non-instructional day fees (where applicable);
- A list of the schools in which the board will ensure the operation of a third party program in the upcoming school year, the name of the third party operating at the school, and the fees that the third party has advised the board it will charge;
- A list of the schools where the board has determined that extended day and/or third party programs are not viable, as well as the information on which this conclusion was based and an affirmation that this conclusion was reached in good faith.
- Affirmation that any third party programs meet the requirements under the *Education Act*;
- Affirmation that, if a board has entered into an agreement with a for-profit operator, it did so in compliance with the requirements set out in O. Reg. 221/11.

Appendix D: Early Learning and Child Care Implementation Branch Child Care Advisors

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*Regulatory Amendments for Full-Day Junior Kindergarten and Kindergarten and
Extended Day and Third Party Programs*

Memorandum 2011: EL4 from Jim Grieve

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