

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 child care facilities. Order M326, the Child Care Order, further defines the role of boards of education with respect to the provision of childcare programs.

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 child care 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 child care 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”, “child care program”, “educational activities” and “licensee” have the meanings given to those terms in the *School Act*.

“Direct and indirect costs” include:

- a. Utilities;
- b. Maintenance and repair;
- c. A reasonable allowance for the cost of providing custodial services;
- d. A reasonable allowance for time School District Administrators and other staff spend on matters relating to the use of Board property by licensed child care providers.

Guiding Principles

The Board will, 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. Engagement with stakeholders may include respective Parents’ Advisory Councils (PAC), District Parents’ Advisory Council (DPAC), local unions, Principals and Vice Principals (PVPA), local First Nations.

If child care programs are to be provided on Board property, the Board will consider, on an ongoing basis, whether those programs are best provided by licensees other than the Board, the Board, or a combination of both.

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

Fees for the use of Board property by licensees other than the Board will not exceed the direct and indirect costs the Board incurs in making Board property available for the child care program.

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 225 \(Child Care Services in District Facilities\)](#).

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

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

- a. 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*: (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 shall be appropriately reflected in education"; and
- b. is inclusive and consistent with the principles of non-discrimination set out in the British Columbia *Human Rights Code*.

Any contract with a licensee other than the Board, to provide a child care program on Board property must be in writing and subject to review no less than every year (Spring). The contract 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 all other applicable policies/administrative procedures;
- c. a provision describing how the agreement can be terminated by the Board or the licensee;
- d. adequate insurance is in place to protect the interests of the Board (see [Administrative Procedure 550, Appendix A, Facility Use and Fees and Charges](#) section 2.3);
- 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; and
- g. a requirement that the licensee must at all times maintain the required license to operate a child care facility.

Prior to entering into or renewing a contract with a licensee other than the Board to provide a child care program on Board property, the Board will consider:

- a. whether it is preferable for the Board to become a licensee and operate a child care program directly;
- b. the availability of School District staff to provide before and after school care;
- c. whether, with respect to 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 child care program and one that promotes Indigenous reconciliation in child care;
- d. the utilization of the British Columbia Early Learning Framework to guide and support learning experiences in childcare settings.

*Reference: Bill 8 Education Statutes Amendment Act – Sections 85.1, 85.2, 85.3, 85.4;
Order M326 – Child Care Order*

SD No. 40 (New Westminister)

Adopted: February 23, 2021

Modification to this document is not permitted without prior written consent from SD No. 40 (New Westminister)