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# Changes in child care

Coming into effect February 1, 2021 under the new  
*Early Learning and Child Care Act and Regulation*

FEBRUARY 2021

Alberta

Parents and families across Alberta rely on child care providers every day to support the growth and development of their children. Licensed child care providers and certified early childhood educators help children build skills that support their growth and overall health.

Child care providers play an essential role in Alberta's economy. When parents and caregivers go to work or school, they need to know their children are safe and are provided with the resources they need to grow and thrive. The new legislation and regulations will give operators and educators the tools and flexibility to do what they do best, meet the needs of families in their communities.

The *Early Learning and Child Care Act* and Regulation improve the standard for quality and safety in licensed programs, provide more information and transparency for parents and caregivers, streamline and modernize licensing processes, and give licensed providers more time to support children.

These changes are based on feedback from over 10,000 Albertans who participated in the first child care consultation since 2008, as well as feedback received from the sector over the last decade.

“We’ve worked with child care operators and educators to improve the standard of care for children and create a more modern and flexible approach to child care programs. For operators, this means less time on paperwork and more time with kids and families. And for parents and caregivers, it means peace of mind.”

Rebecca Schulz, Minister of Children's Services

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## Quality in child care

The updated Act embeds principles of quality and matters to be considered into the law, which means that licensed child care programs must reflect these in their operations and daily programming.

### Principles

The *Early Learning and Child Care Act* identifies the following three principles to guide its interpretation and application in all areas relating to the licensing of child care programs:

- 1 The safety, security, well being and development of the child is to be supported and preserved.
- 2 Flexibility in child care supports choice and accessibility for families.
- 3 Engagement of parents and community members in the provision of child care supports the child's optimal development.



## Quality in child care

### **Matters to be considered by providers of child care programs**

The Act gives direction on a number of matters that must be taken into consideration by providers of child care programs and operationalized in the program plan:

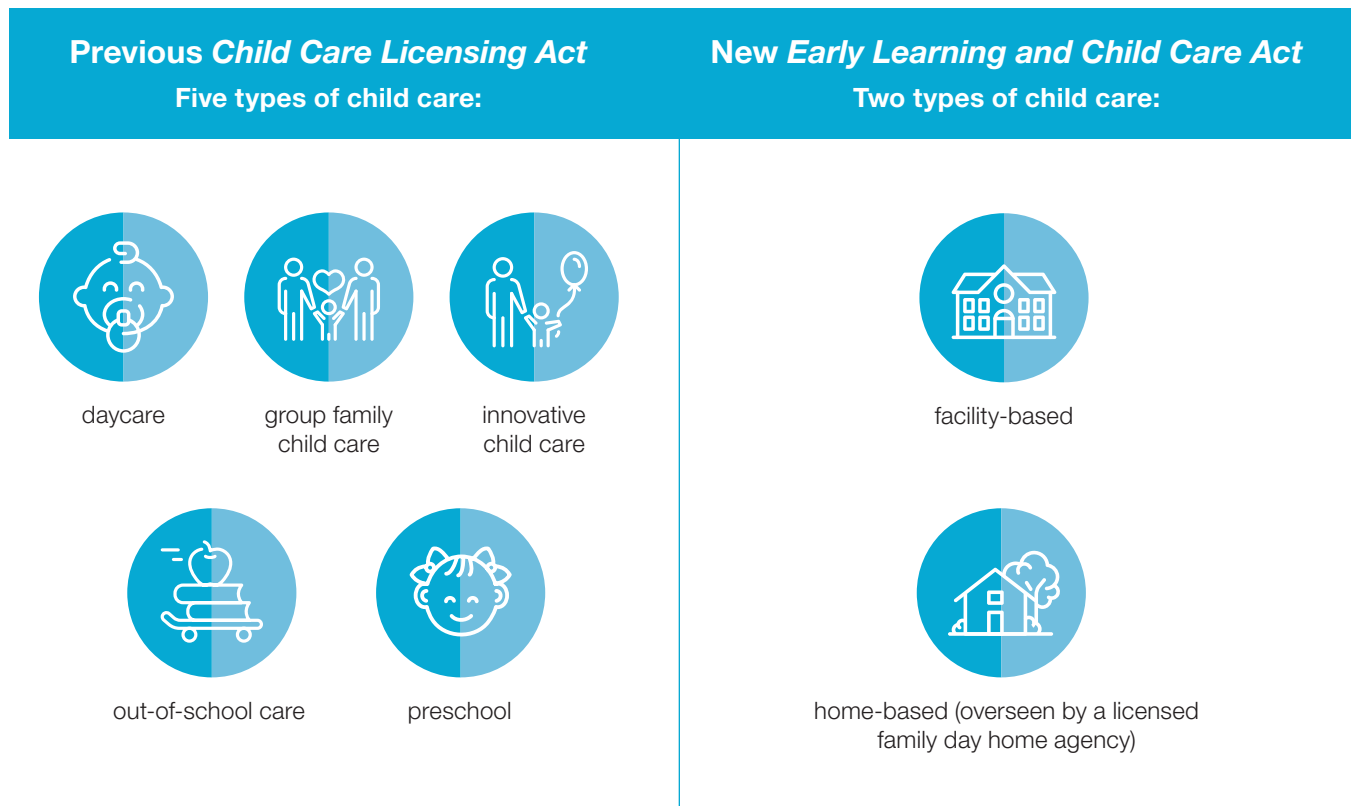
- (a) children should be encouraged in having care and play experiences that support their development and learning;
- (b) the child is to be protected from all forms of physical punishment, physical and verbal abuse and emotional deprivation;
- (c) diversity in
  - (i) the background and circumstances of children in the program and their families, including those who may be experiencing social or economic vulnerability, and
  - (ii) the abilities of the children in the program is to be respected and valued;
- (d) the child's familial and Indigenous or other cultural, social, linguistic and spiritual heritage are central to the child's safety, well being and development;
- (e) care of the child must be appropriate to the child's mental, emotional, spiritual and physical needs and stage of development;
- (f) involvement and engagement of parents supports accountability of child care program providers, monitoring of child care programs and maintenance of good quality child care programs.



## Simplifying child care licensing

If you were licensed or approved under the previous Act and Regulation, you now fall into one of two categories: licensed facility or home-based program. Facility-based licences include daycares, preschools and out-of-school care programs. Licensed home-based programs will include family day home program educators operating under licensed family day home agencies.

Group family care and innovative child care will no longer be categories under the new Act. Existing programs in these categories will carry on indefinitely under the CCLA and will not be impacted.



## Staff-to-child ratios under the ELCC Act

Ratios for daycare programs will change slightly for older children. Previously, there was a specified staff-to-child ratio for age ranges 3-4.5 years (1:8 ratio); and 4.5 years and older (1:10 ratio).

Under the new Regulation, there will be new categories for age range 3 years to less than 4 years (1:8 ratio); and 4 years and older (1:10 ratio). This will allow greater flexibility for daycare programs to operate, while maintaining the safety of younger children.

Daycares and out-of-school care programs are now able to mix children of different age groups (older than 19 months) throughout the day. The staff-to-child ratio is calculated based on the age of the majority of the children.

### Daycare programs Staff-to-child ratios



Age of child	Primary staff-to-child ratio	Max number of children per group
Infants less than 12 months	<b>1:3</b>	6
Infants 12 months to less than 19 months	<b>1:4</b>	8
19 months to less than 3 years	<b>1:6</b>	12
3 years to less than 4 years	<b>1:8</b>	16
4 years and older	<b>1:10</b>	20

Blue denotes that mixed-age groups are permitted throughout the day between the hours of 8:30 a.m. and 4:30 p.m. Ratios for mixed-age groups should be determined based on the age of the majority of children in the group.

### Daycare programs during rest periods Staff-to-child ratios



Age of child	Primary staff-to-child ratio
Infants less than 12 months	<b>1:6</b>
Infants 12 months to less than 19 months	<b>1:8</b>
19 months to less than 3 years	<b>1:12</b>
3 years to less than 4 years	<b>1:16</b>
4 years and older	<b>1:20</b>

Rest period means any period when a child is lying down, including on or in a mat, bed, crib, cradle or bassinet, for the purpose of sleeping or resting.

Out-of-school ratios will be streamlined to provide clarity for operators. Previously, there was a staff-to-child ratio for kindergarten-aged children (1:10 ratio), and another for children grade 1 and older (1:15 ratio).

The proposed amendment will create one ratio for kindergarten and older (1:15 ratio). The maximum group size will be 30 children.

**Out-of-school care programs  
Staff-to-child ratios**



Age of child	Primary staff-to-child ratio	Max number of children per group
Kindergarten children and school-aged children	<b>1:15</b>	30

Blue denotes that mixed-age groups are permitted throughout the day between the hours of 8:30 a.m. and 4:30 p.m. Ratios for mixed-age groups should be determined based on the age of the majority of children in the group.

**Preschool programs  
Staff-to-child ratios**



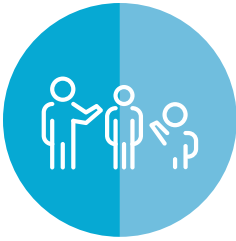
Age of child	Primary staff-to-child ratio
19 months to less than 3 years	<b>1:6</b>
3 years and older	<b>1:12</b>

Parent volunteers will be allowed to act as staff members in the staff-to-child ratio.

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## More flexibility for licensed providers

The *Early Learning and Child Care Act and Regulation* gives licensed providers more flexibility with:



### Mixed-age groups

Daycares and out-of-school care programs are now able to mix children of different age groups (older than 19 months) throughout the day.

The staff-to-child ratio is calculated based on the majority age of the children.



### Supervisor in-ratio

Program supervisors are now permitted to be included in the staff to child ratio in times of need (when opening or when an early childhood educator is sick).



### Access to outdoor spaces

Daycares can now request an exemption to access public outdoor spaces such as parks, trails, fields, or other areas that are within safe walking distance from the building. For daycare spaces that are not fenced, programs will be required to outline how they will address safety and supervision of children.

The square footage requirements for outdoor play space have not changed.





### **Overnight care**

Programs are now permitted to provide overnight care to better meet the needs of families in their communities.

Staff-to-child ratios for overnight care will align with the “rest” period ratio chart.

Programs looking to provide overnight care should contact their licensing officer for more information about how to apply the Regulation.

Overnight care is considered the provision of child care spanning the hours between 12:01 a.m. and 5:00 a.m.



### **Parent consent forms**

Programs can now get one parent consent form signed for regular off-site activities (for example, taking children to an outdoor area within safe walking distance) that will be valid for one year.

Programs will still be required to get parent consent forms signed for less frequently occurring off-site activities.



### **Digital record keeping**

Programs can now keep paper or digital administrative records.



### **Initial licences can be provided for up to 3 years, instead of 1 year**

Changes to the Act allow initial licences to be provided for up to three years, instead of one year. This will result in fewer administrative tasks required to complete an initial and a subsequent renewal inspection.

Once a program renews their initial licence, the term of the licence will no longer have an expiry date. This will significantly reduce red-tape and administrative burden on programs, who were required to renew their licence every three years under the previous Act.

## Overview of all changes

Here is an overview of all the changes coming into effect on February 1, 2021 under the *Early Learning and Child Care Act*, the *Early Learning and Child Care Regulation*, and child care policy. For more details on these changes, please refer to the *Child Care Licensing Handbook*, or the *Act*, *Regulation* or *policy* documents available on the [Alberta government website](#).

CHANGE	WHAT THIS MEANS
<b>Changing name of Act to <i>Early Learning and Child Care Act</i>.</b>	The name change removes a narrow focus on technical aspects of licensing and reflects a transformation towards a broader, modern approach to child care in Alberta. Emphasizes that high-quality child care programs foster critical learning and development for children.
<b>Embedding quality in legislation through Principles and Matters to be Considered</b>	These principles will emphasize the importance of quality in child care, and entrench important factors of safety, well-being, inclusion, and child development. These principles and matters to be considered were adapted from the previous accreditation standards – enshrining these in legislation underscores government's commitment in these key areas, but reduces the administrative burden on operators.
<b>Streamlining the licensing process</b>	<p>Changes to the Act allow initial licences for already established operators to be provided for up to three years, instead of one year. This will result in fewer administrative tasks required to complete an initial and a subsequent renewal inspection.</p> <p>Once a program renews their initial licence, the term of the licence will no longer have an expiry date. This will significantly reduce red-tape and administrative burden on programs, who were required to renew their licence every three years under the previous Act.</p>
<b>Increasing transparency for parents</b>	Under the new Act, licensed facilities are required to directly inform parents if there is an action against their licence that was required to be posted on the premises. This will provide parents with more information and support their decision-making.
<b>Strengthening licensed home-based child care options</b>	<p>Under the new Act, the Alberta government will license, rather than approve, family day home agencies. This will provide consistency and alignment of accountability, as well as clarity for parents looking for licensed child care options. In practice, this will not change current contractual relationships with family day home agencies; existing family day homes will continue to operate under their agencies, which will now be licensed.</p> <p>The new Act will allow family day homes under licensed agencies to care for 6 children not including their own – previously, this number included their own children. This aligns the maximum number of children between family day home providers and unlicensed child care providers. The limitations of two children under two years and three children under three years will remain for family day homes under licensed agencies.</p> <p>The family day home standards will be updated to reflect the new legislation.</p>

CHANGE	WHAT THIS MEANS
<b>Providing more options prior to entering the formal appeal processes</b>	Changes under the new Act allow for a variety of concern resolution options for child care providers. Amendments also allow for an alternative dispute resolution process and an administrative review process.
<b>Implementing progressive accountability for operators</b>	<p>The previous Act had specific sections dedicated to outlining actions against a licence holder, such as imposing conditions on licence, orders to remedy non-compliance, or suspending a licence. However, these actions can be too strong for low risk administrative infractions.</p> <p>Changes under the new Act will broaden and expand potential actions against licence holders to permit a progressive model of accountability and enforcement. This would allow the Statutory Director to start with more minor actions, such as issuing notice of non-compliance.</p>
<b>Modernizing language to align with current and best practices</b>	<p>Through the child care consultation process, licensing staff and child care educators indicated that simpler language and clearer definitions in legislation would provide more consistency and support child care providers to better understand certain criteria. The proposed changes will address these concerns, and will align with what we have heard through engagement.</p> <p>A few examples of this include updating the definition of child discipline to child guidance, clarifying terms and expectations in incident reporting, revising regulations to explicitly allow for digital record keeping, renaming staff certification levels to 1, 2, and 3 (instead of child development assistant, worker and supervisor), providing more clarity regarding sleeping equipment to include cribs, cradles and bassinets, and defining the role of the Statutory Director in all regulations.</p>
<b>Reducing schedules</b>	<p>Changes will reduce the schedules down to one for facility-based programs. This will allow programs offering daycare, out-of-school care, and preschools to follow one set of standards.</p> <p>Operators that previously required multiple licences for different types of care, will now be able to run different types of care under a single licence.</p>
<b>Streamlining the child care licence application process</b>	<p>The previous child care Regulation contains a lengthy list of regulated requirements that must accompany a licence application. The changes will remove the specifics of what is required in the program plan from Regulations to reduce red tape and add flexibility for amending requirements in the future.</p> <p>The program plan requirements will still be present on the plan template (e.g. child care philosophy; how program will meet developmental needs of children; utilization of premise; emergency procedures; parental involvement; staffing plan, etc.). This also allows for additional information to be added to the program plan, such as operationalizing principles and matters to be considered from the Act.</p>
<b>Removing fee schedules from Regulation</b>	The previous fee schedule for licence applications and renewals will be removed from Regulation and placed in policy. A fee will still apply for applications, but the fee and amount will be addressed and set through policy.

## Overview of all changes

CHANGE	WHAT THIS MEANS
<b>Updating and streamlining child care forms</b>	Child care forms will be enhanced, updated, and streamlined to make it easier for operators and applicants to use these forms.
<b>Clarifying who will require criminal record checks</b>	<p>To increase safety in child care, the regulations will clarify who will require a criminal record check. Changes will specify that every staff member who will be in contact with children in the child care program will require a criminal record check. Additionally, criminal record checks will be expanded to include the director and officers of corporations, to support safety of children.</p> <p>Requiring criminal record checks for all staff members and volunteers will help increase child care program accountability and children's safety and well-being. All volunteers will now require a criminal record check, including parent volunteers in preschools.</p>
<b>Providing the ability to cancel staff certification</b>	<p>This new provision will allow the Statutory Director to cancel, suspend or impose terms and conditions on a certification if it is determined that the staff member is unfit to provide child care.</p> <p>Additional appeals processes have also been proposed which will allow staff to appeal cancellations, suspensions, or terms and conditions on certification.</p>
<b>Moving staff educational requirements to policy</b>	Previously, the Regulation contained educational requirements for child development assistants, child development workers and child development supervisors. This will now be outlined in policy so further work can be done in the future.
<b>Changing certification names for child care staff</b>	Changes will remove references to child care worker, assistant and supervisor, and replace them with early childhood educators level 1, 2, and 3.
<b>Permitting overnight child care</b>	<p>Previously, the Regulation did not permit child care providers to offer overnight care. Changes will permit overnight child care.</p> <p>This will promote flexibility of care options for parents who work outside regular program hours, in rural areas, or areas with a major employer involved in primary or secondary industries.</p>
<b>Clarifying approaches to child discipline</b>	Changes revise older terminology of "discipline" with modern terminology aligned to current practices around "child guidance".

CHANGE	WHAT THIS MEANS
<p><b>Streamlining consent for off-site activities</b></p>	<p>Previously, any time a child care program had an off-site activity, the parent had to be advised and provide consent. This placed administrative burdens on child care programs, especially when off-site activities occurred regularly at frequently-visited locations.</p> <p>Programs will be allowed to get one-time consent (annually) for regularly occurring off-site activities and would not be required to be renewed for each activity, unless the parent withdraws consent, or any aspect of the off-site activity changes (i.e. location change).</p> <p>Under these changes, programs would be required to post in a prominent location that is accessible to parents indicating where the children are and how to contact the program. If the off-site activity is an exception to their frequent visits (e.g. the program is attending a museum for a field trip), formal parent consent will still be required.</p>
<p><b>Streamlining and updating emergency information</b></p>	<p>Emergency contact and procedures will be streamlined by removing requirements to have phone numbers for ambulance, fire, police and emergency medical facilities. Instead, licence holders will now be required to have the number for 911 posted on the premises.</p>
<p><b>Clarifying regulations for providing medication and health care</b></p>	<p>Changes will allow children access to certain emergency medication, such as puffers and epi-pens. Both the program operator and parents of the child will be required to agree to the child accessing emergency medication.</p>
<p><b>Modernizing smoking policies</b></p>	<p>This change to smoking policies addresses modern trends in smoking and vaping, and is expanded to include “any substance” in addition to tobacco (e.g. for example, vaping related products).</p>
<p><b>Updating nutritional guidelines and posting of menus</b></p>	<p>Previous requirements restricted licence holders to the Canada Food Guide only. Changes will add the Alberta Nutrition Guidelines as an alternative option.</p>
<p><b>Removing references to items covered by health inspectors</b></p>	<p>Changes will repeal two sections within the Regulation. Both Sections 16 (layout of program premises) and 17 (diapering) are covered under other regulations and legislation in Alberta related to health inspections.</p>
<p><b>Indoor and outdoor square footage</b></p>	<p>Previous square footage requirements are maintained, but now align all programs under a single schedule and one licence.</p> <p>Daycare: minimum net floor area of at least 3 square metres of primary play space multiplied by the licensed capacity for day care</p> <p>Preschool: minimum net floor area of at least 2.5 square metres of primary play space multiplied by the licensed capacity for pre-school care</p> <p>Out-of-school care: 2.5 square metres of primary play space multiplied by the licensed capacity for out of school care.</p>

## Overview of all changes

CHANGE	WHAT THIS MEANS
<p><b>Expanding use of outdoor spaces for daycares</b></p>	<p>The Regulation has been revised to allow daycares to submit an exemption if they cannot fence their outdoor space. They will then be able to access parks, trails, fields, or other public outdoor spaces.</p> <p>Daycare programs will be required to outline how to address safety and supervision of children, demonstrate how the children will be adequately supervised, how safe boundaries will be maintained, and how children will be protected on their way to, from, and while at the outdoor play space.</p>
<p><b>Clarifying requirements for sleeping equipment</b></p>	<p>New requirements will be added to the definitions of “crib” and “infant beds” to support safe infant sleeping furnishings. This includes the need to have infant sleeping furnishings that align to the Canada Consumer Product Safety Act, or have the bed approved by the statutory director.</p>
<p><b>Permitting digital record keeping</b></p>	<p>To modernize the Regulation, and keep up with growing use of technology, a new provision will clarify that administrative records can be kept in either physical or electronic form.</p>
<p><b>Allowing mixed-age groups in child care programs</b></p>	<p>Changes will allow mixed-age groups throughout the day. The ratio for mixed age groups is calculated based on the majority age of the children.</p> <p>Allowing for a mixed-age group category will help reduce red tape and help with smaller sized child care centres and in rural areas; however, infants under 19 months will not be allowed in mixed age groupings during the day, unless approved by the Statutory Director. Mixed-age groupings will not apply to preschool programs.</p>
<p><b>Improving flexibility in primary staff ratios</b></p>	<p>This change will allow program supervisors to be included in the staff to child ratio during times of need. This includes pick up and drop off times, or when staff members are unexpectedly absent.</p>
<p><b>Amending child to staff ratios: Daycare and out-of-school care programs</b></p>	<p>Ratios for daycare programs will change slightly for older children. Previously, there was a specified staff-to-child ratio for age ranges 3-4.5 years (1:8 ratio); and 4.5 years and older (1:10 ratio). Under the new Regulation, there will be new categories for age range 3 years to less than 4 years (1:8 ratio); and 4 years and older (1:10 ratio). This will allow greater flexibility for daycare programs to operate, while maintaining safety of younger children.</p> <p>Out-of-school care ratios will be streamlined to provide clarity for operators. Previously, there was a staff-to-child ratio for kindergarten-aged children (1:10 ratio), and another for children grade 1 and older (1:15 ratio). The proposed amendment will create one ratio for kindergarten and older (1:15 ratio). The maximum group size will be 30 children.</p>
<p><b>Implementing a risk-based licensing approach</b></p>	<p>For child care programs that are consistently in compliance with the current Act, the inspection and documentation processes can be time consuming, onerous and redundant. Under a risk-based approach, high-quality facilities with consistently low infraction rates will have longer intervals between inspections and a simplified inspection process. This will give licensing teams more time to spend with programs requiring additional assistance to support the children and families in their program.</p> <p>Policy and procedures for risk-based licensing are still in development. More information will be shared with child care providers as it becomes available.</p>



CHANGE	WHAT THIS MEANS
<p><b>Clarifying critical incident reporting</b></p>	<p>Previously, there was ambiguity around what is a reportable incident. This will be more clearly defined in policy to ensure programs submit reports only on incidents that are required to be reported. Policy updates will be reviewed for all incident reporting including internal and external processes, forms, and additional clarity on what incidents are considered critical.</p>
<p><b>Allowing for a simpler licensing process for programs in schools, recreational centres, or other similar facilities.</b></p>	<p>Previously, potential child care program operators who planned to locate within a school, recreation centre or other multi-purpose buildings still had to obtain separate health and safety approvals, even if those buildings have already been inspected for those purposes.</p> <p>Under these changes, licensing officers will be able to start working with programs interested in getting a licence when child care programs are to be located in buildings already subject to municipal, health, and fire inspections (e.g. active schools; recreation centres).</p>

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