

Policy Brief No.4: Response to proposed regulations and changes to the Child Care and Early Years Act 2014 (March 2016)

The Inclusive Early Childhood Service System Project (IECSS)

The Inclusive Early Childhood Service System project is a partnership between the County of Wellington and Ryerson University, working in conjunction with a number of academic, municipal and community partners who have expertise in social policy, disability studies, nursing, social work, and early childhood studies. (a full list is available online www.InclusiveEarlychildhood.ca).

The project is informed by extensive consultation and ongoing collaboration for the purpose of identifying research questions, designing the study, recruiting project staff and participants, analyzing data, and disseminating findings.

The purpose of the project is to better understand experiences of disability in early childhood and to understand how services are delivered in varied geographic and cultural contexts. Our aim is to build theoretical understanding that may inform social policy for the purpose of having more respectful and responsive supports that recognize the value of disability identities, and the need for universally designed services. The work presented in this brief is informed by the consultation, partnerships, and year one findings. This policy brief is one outcome of the partnership.

The partnership includes representatives from childcare, early intervention, social service planning, and research, as well as organizations that practice in these domains using Indigenous values. This brief does not represent the viewpoint of any partner organizations but an analysis from the project perspective.

This is the fourth in a series of policy briefs that are prepared as part of the IECSS Project. To view the other briefs in this series please visit our website.

The Child Care and Early Years Act, 2014

The current Child Care and Early Years Act (2014) came into force on August 31, 2015. Under the new Act, Regulation 137/15 makes several references to children with “special needs”. This brief presents and analysis of the current regulations for children with special needs and makes recommendations for new regulations.

Definitions and Principles

O. reg. 137/15 defines “child with special needs” as “a child whose cognitive, physical, social, emotional or communicative needs, or whose needs relating to overall development, are of such a nature that additional supports are required for the child”. This definition defines individual children by their service “needs”. The manner in which

these “needs” will be defined is not clear. In our research we are finding that the institutional defining of needs is limited to those services that are available. In this way, it is the interests of the institution that are used to define children. This principle appears to be understood in the Ministry document, *How Does Learning Happen?*, where it says, “to support inclusion, focus on each child’s capabilities rather than focusing solely on his or her needs and deficiencies”. The definition of special needs is at the centre of promoting the principles of equity, diversity, and inclusiveness.

One of the principles of O. reg. 137/51 is that, “It is a matter of provincial interest that there be a system of child care and early years programs and services that, [...] (f) respects equity, inclusiveness and diversity in communities and the particular qualities of, (i) Aboriginal, First Nations, Métis and Inuit communities, (ii) children with disabilities; (iii) Francophone communities, and (iv) urban, rural, remote and northern communities” (49. (1)). This principle is consistent with references to “Inclusive learning environments”; “Inclusive approaches”; “Inclusive practices”, described in *How Does Learning Happen?* The definition of special needs the current Child Care and Early Years Act (2014) is not consistent with this principle.

First, the limitations of the definition need to be understood: 1) many children experience disability without formal diagnosis of a health condition; 2) many children experience disability, but do not think of it as a “disability” or recognise the language of “special needs”; 3) many children experience disability but do not have fixed “needs” as defined by the system. The child’s needs are as much a function of the way in which the service is delivered, as they are of the characteristics of the child themselves. For this reason, it is critical that the principles of “equity, inclusiveness, and diversity” are embedded in the organisational arrangement of services.

- Ratios must acknowledge the diversity of children attending all programs and the reality that every childcare classroom has children with diverse developmental trajectories and disabilities, whether they are identified or not.
- Quality of care is connected to the recognition of children’s capabilities through ongoing interaction with caregivers. Early Childhood Educators are taught that high quality inclusive programs are created through universal design as well as individualised interactions for all children. This can only be done when they have time, resources, and ratios that support these practices.

Service Implications

The Child Care and Early Years Act, 2014 recognises the service implications of diversity in ability amongst children in two ways: it sets out a separate schedule of ratios for centres specifically licensed for children with special needs, and it defines the role of resource teachers. The Act states that, “Every licensee of an integrated child care centre or home child care agency shall employ one resource teacher to plan and implement individual and small group experiences for every four children with special needs who receive child care in the child care centre or at a premises where the

licensee oversees the provision of home child care, and in respect of whom funds are provided under the Act, unless otherwise approved by a director.” (10, 1).

Defining ratios based on the number of children in a category called “special needs” is not consistent with inclusion theory. While it is very important to ensure that children experiencing disability are considered in ratios, the system also needs to be designed to respond to all children as individuals. The legislation must ensure that sufficient resources are available within the system, so that educators can be responsive. All child care centres, regardless of a special licensing category, must comply with the Ontario Human Rights Code, and, therefore, have a duty to accommodate. In order to meet this requirement, all child care centres must have staff who are knowledgeable and who engage in ongoing training about inclusive practice. The implementation of “individual and small group experiences” presumes that this is what is needed for children with special needs (which it may or may not be.) Small group activities should be one approach that is available to educators in order to design a responsive system for all children.

Our emerging research findings indicate that one of the most critical functions of Early Childhood Educators and other professionals working with families who are experiencing disability is the capacity to listen, provide information, and to reduce the number of times a family has to engage in processes to access care or health services. The ability for staff to have this level of engagement with families can only be achieved if family support, coordination, navigation, and interprofessional practice are designed into the role of child care staff.

- Any provisions to create inclusive programs for children with special needs should be a requirement in all centres.
- Program strategies, such as small group interactions, should be available to all children.

Phase 2 Feedback

The current posting for feedback on Phase 2 implementation of regulations related to the Act is now open. Drawing on the emerging findings from the IECSS project, the following feedback is offered.

- The proposed changes to age–range and group size for toddler and preschool rooms are inadequate to support the diversity of children in child care. The reality is that all classrooms have children with diverse developmental trajectories and disabilities. Classroom composition must honour the commitment to equity, inclusiveness, and diversity for all children.
- The proposed changes do not address any requirements to ensure that staff, policy and child care practice are designed with the needs of all children being considered throughout the child care system. While increasing the minimum qualifications of staff may improve the capacity of staff to design more inclusive

programs, the system must be designed to value them as central to the special needs strategy.

- The qualities of child care that are known to support inclusiveness include the broader activities of family support, and inter-professional practice. The proposed changes to group size and age-range would undermine the capacity for programs to carry out these activities.
- The proposed changes to age-range and group size for toddler and preschool rooms does not consider the reality of identification of developmental concerns and referrals and the ages at which this is most likely to happen. Our research indicates that from 18 months to 36 months is a critical time for families as they are referred to services, and work to establish a support network for themselves and their children.
- If these recommendations are to be effectively implemented, the definition of “special needs” must be aligned with the values of inclusion.