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2010: EL10

**MEMORANDUM TO:** Directors of Education

**FROM:** Jim Grieve  
Assistant Deputy Minister

**DATE:** August 18, 2010

**SUBJECT:** **Regulations and Regulatory Changes to Support Full- Day  
Early Learning Kindergarten – Letters of Permission for Early  
Childhood Educators and Delegation of Principals' Duties in  
Extended Day**

**ATTACHMENTS:** O. Reg 323/10 – Amending O. Reg. 224/10 - Full Day Junior  
Kindergarten and Kindergarten  
O. Reg 321/10 – Amending O. Reg. 225/10 - Extended Day  
Programs  
O. Reg 322/10 – Letters of Permission - Early Childhood  
Educators  
Comparison Chart – Teacher LOPs and Early Childhood Educator  
LOPs  
Policy/Program Memorandum 154 – Applications for Letters of  
Permission for Positions Requiring a Registered Early Childhood  
Educator

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As you know, the first full-day kindergarten programs will begin in designated Ontario schools next month. You will recall that the *Full Day Early Learning Statute Law Amendment Act, 2010* was passed by the legislature in April. In June, most of the Act was proclaimed and two key regulations on full-day kindergarten and extended day programs were filed. Outstanding legislative amendments under the Act have been proclaimed and came into force on August 16, 2010. In addition, further regulatory provisions have been filed. These provisions address:

- 1) Urgent appointments to early childhood educator positions in JK/K and extended day programs;
- 2) Delegation of principals' duties in extended day programs; and
- 3) Early childhood educator letters of permission (LOPs.)

These measures are part of the legal framework that governs the implementation of Ontario's full-day kindergarten program and I am writing to provide greater detail on these recent developments.

The regulations are available on e-Laws and the attached Program/Policy Memorandum provides further direction on LOPs for early childhood educator designated positions.

I would like to thank the many stakeholders who continue to provide input to us. It is a critical resource for the ministry as we prepare policy, regulations and implementation measures to support the full-day kindergarten program.

## **I. PROCLAMATION**

The *Full Day Early Learning Statute Law Amendment Act, 2010* was proclaimed on June 3, 2010, with the exception of section 21 which addresses performance appraisals and reporting obligations regarding early childhood educators.

Section 21, "Part X.3: Designated Early Childhood Educators – Induction, Performance Appraisal and Reporting Obligations", has been proclaimed and came into force on August 16, 2010.

As a result, boards must report to the College of Early Childhood Educators in the same way that they report to the Ontario College of Teachers with regard to professional misconduct by early childhood educators and investigations, as described below.

Section 21 also provides authority for the government to make regulations governing early childhood educator performance appraisal and induction programs. However, these regulations are pending the development of a provincial performance appraisal and induction framework. Until this framework is developed, and regulations to support it are made, boards may carry out their own early childhood educator induction and performance appraisal programs as a regular employment matter. The ministry will continue to consult with boards and other key stakeholders on these issues moving forward.

### **Reporting Obligations between Boards and the College of Early Childhood Educators**

To track and monitor issues related to professional misconduct, terminations and investigations, section 21 establishes reporting requirements between boards and the College of Early Childhood Educators.

#### ***Board Reports***

A board is required to file a written report with the Registrar of the College of Early Childhood Educators within 30 days if:

- A board has terminated an early childhood educator's employment or imposed restrictions on his/her duties for reasons of professional misconduct;

- A board had intended to terminate the employment of an early childhood educator or to impose restrictions on his/her duties but did not do so because the early childhood educator resigned; or
- An early childhood educator resigned while subject to an investigation by the board for alleged professional misconduct.

### ***College of Early Childhood Educators Reports***

The Registrar of the College of Early Childhood Educators shall provide the board with a written report on any action related to the any of the above board reports and with copies of documents or orders related to discipline or fitness to practice under the *Early Childhood Educators Act, 2007*.

## **II. REGULATORY CHANGES**

Regulatory amendments address three issues: 1) Urgent appointments to early childhood educator positions, 2) Delegation of principals' duties under the extended day, and 3) Early childhood educator letters of permission.

### **1) Urgent Appointments to Early Childhood Educator Positions – Amendment to the JK/K and Extended Day Programs Regulations (O. Reg 224/10 and O. Reg 225/10)**

A provision relating to urgent early childhood educator appointments has been added to O. Reg. 224/10 (*Full Day Junior Kindergarten and Kindergarten*) and O. Reg. 225/10 (*Extended Day Programs*) to authorize boards to appoint non-registered early childhood educators to early childhood educator-designated positions for up to 10 days in urgent situations. When making urgent appointments of this nature, boards must ensure that:

- There is no registered early childhood educator available; and
- The appointed individual is at least 18 years old and holds an OSSD, a secondary school graduation diploma or equivalent.

These amendments parallel the provisions in Ontario Regulation 298 regarding emergency appointments to teaching positions. Additionally:

- Boards are required to report annually to the ministry on appointments made using this provision.
- The ministry will use this information to inform decision-making going forward, and will share results with employers, employee groups, the College of Early Childhood Educators and other stakeholders annually.

### **2) Delegation of Principals' Duties – Amendment to the Extended Day Programs Regulation (O. Reg 225/10)**

Given that extended day programs will operate outside of normal school hours, it is important that principals have the ability to delegate their duties regarding the extended day, as necessary. Section 260.2 of the *Education Act* permits a principal to delegate his

or her extended day duties to a vice-principal, or to another person, if this person is approved by the board in accordance with regulations.

O. Reg. 225/10 has been amended to include a provision governing board approvals of persons to whom principals may delegate. New section 12 of the regulation authorizes boards to:

- Approve principals' delegation of extended day duties to registered early childhood educators and persons designated to supervise these positions.
- Approve principals' temporary delegation of extended day duties to other persons where an emergency situation warrants immediate action, and where no vice-principal, registered early childhood educator, or early childhood educator supervisor, is available.
- Establish guidelines governing these delegations.

### *Terms of Delegation*

Boards are required to ensure that principals document in writing the scope and conditions of the duties being delegated (some flexibility would be allowed for emergency delegations). Board approvals under section 12 shall be made by board resolution.

### **3) Early Childhood Educator Letters of Permission – Regulation (O. Reg. 322/10)**

As with teachers, the *Education Act* provides the Minister of Education with the authority to issue a letter of permission (LOP) authorizing a board to appoint a person who is not a member of the College of Early Childhood Educators (i.e. not a registered early childhood educator) in a position designated as requiring a registered early childhood educator.<sup>1</sup>

O. Reg. 322/10 is a new regulation that governs the application and qualification for, and issuance of, LOPs for boards to appoint non-early childhood educators to early childhood educator designated positions. Requirements under the early childhood educator LOP regulation largely parallel O. Reg. 142/08 governing teacher LOPs, with some additional requirements. These additional requirements (listed below) support an increase in the early childhood educator labour supply and encourage the use of registered early childhood educators first. Boards must ensure that:

- i) Commencing in the 2011-12 school year, early childhood educator designated positions are advertised in additional locations (i.e. ministry approved websites of post-secondary institutions offering early child education diploma or degree programs). (Note: the College of Early Childhood Educators and Association of Early Childhood Educators Ontario have agreed to place job postings and/or links to sites containing job postings for early childhood educators on their

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<sup>1</sup> A member of the College of Early Childhood Educators is referred to as 'Registered Early Childhood Educator' or simply 'Early Childhood Educator'.

websites to facilitate awareness of the postings within the early childhood educator sector.)

- ii) Individuals are employed under the authority of an early childhood educator LOP no more than 4 years.
- iii) Individuals being considered for subsequent (second or successive) appointments under the authority of an early childhood educator LOP are working toward qualifying as a registered early childhood educator, i.e. becoming a member of the College of Early Childhood Educators (subject to exemptions relating to medical leaves, maternity/parental leaves, etc.).

A chart outlining early childhood educator LOP regulatory provisions and providing a comparison against teacher LOP provisions is attached.

The ministry will monitor the use of the early childhood educator LOP provision and will work with the Ministry of Training, Colleges and Universities, and with key stakeholders in the sector, to develop a long-term approach to early childhood educator supply/demand issues.

The attached Program/Policy Memorandum details the early childhood educator LOP application process. School boards wishing to apply for an early childhood educator LOP should contact their regional ministry representative. Note that applications must be submitted by the director of education or secretary of the board, or in the case of school authorities, the supervisory officer. The applications must include a declaration stating that the requirements of the regulation have been met and that no registered early childhood educator applied for the position for which the LOP is being requested, or, if a registered early childhood educator did apply, he or she did not accept the position.

We thank you for your commitment to the full-day early learning kindergarten program and we look forward to an exciting and productive year of learning ahead.



Jim Grieve  
Assistant Deputy Minister

- cc. Consolidated Municipal Service Managers/District Social Services Administration  
Boards Chief Administrative Officers  
Early Learning Implementation Advisory Group  
College of Early Childhood Educators  
Ministry of Children and Youth Services  
Nancy Matthews, Assistant Deputy Minister, Service Delivery, Ministry of Children and Youth Services

