



PLEASE NOTE

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For more information concerning the history of these regulations, please see the [Table of Regulations](#).

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CHAPTER C-5
CHILD CARE FACILITIES ACT
REGULATIONS

Pursuant to section 8 of the *Child Care Facilities Act* R.S.P.E.I. 1988, Cap. C-5, Council made the following regulations:

1. In these regulations

- | | Definitions |
|--|------------------------|
| (a) “Act” means the <i>Child Care Facilities Act</i> R.S.P.E.I. 1988, Cap. C-5; | Act |
| (b) “day care home” means a facility in a private residence whose primary objective, in the judgment of the Board, is to provide relatively informal care emphasizing family oriented activities for children; | day care home |
| (c) “early childhood centre” means a facility whose primary objective, in the judgment of the Board, is to provide an early childhood developmental program emphasizing age appropriate activities; | early childhood centre |
| (d) “extension unit” means a one semester university course in early childhood development, a community college course or an equivalent course from an agency or institution approved by the Board, for the purpose of qualifying for certification; | extension unit |
| (e) “group size” means the number of children with whom a child may be engaged in an activity at one time in a child care facility; | group size |
| (f) “occasional centre” means a facility which, in the judgment of the Board, provides child care to individual children on a one time only or irregular basis regardless of its hours of operation, and focuses primarily on supervision; | occasional centre |
| (g) “program staff” means a staff person engaged in the care, supervision or developmental aspects of the operation of a facility; | program staff |
| (h) “program volunteer” means a person who volunteers to assist at a facility and works under the direction of a qualified person; | program volunteer |
| (i) “public health officer” means a person appointed as a health officer under the <i>Public Health Act</i> R.S.P.E.I. 1988, Cap. P-30; | public health officer |

qualified	(j) “qualified” means a person who has satisfied the requirements for and received a staff certificate or a supervisor's certificate from the Board;
school age child care centre	(k) “school age child care centre” means a facility that operates outside of school hours and, in the judgment of the Board, provides a relatively unstructured program emphasizing supervision and recreation for school age children;
staff certificate	(l) “staff certificate” means a certificate issued under section 35;
supervisor	(m) “supervisor” means a person who is responsible for directing the care offered by a facility;
supervisor's certificate	(n) “supervisor's certificate” means a certificate issued under section 35;
unit of continuing education	(o) “unit of continuing education” means a one semester university course in early childhood development, a community college course, 30 hours of training in other programs or any other combination of courses or seminars as approved by the Board;
year of experience	(p) “year of experience” means 800 hours of work in a licensed facility recognized by the Board. (EC475/87)

PART I LICENSE

Application for license	<p>2. An applicant for a license shall on initial application</p> <p>(a) complete an application in the form set out in Schedule A;</p> <p>(b) furnish such additional information or explanation as the Board may require;</p> <p>(c) on request, provide evidence, in the form of copies of certificates, permits or reports issued by the appropriate provincial authorities, of compliance with the prescribed standards for fire safety and hygiene and of adequate coverage for liability insurance extending to both indoor and outdoor activities conducted by the facility; and</p> <p>(d) pay a licensing fee of twenty-five dollars. (EC475/87; 123/92)</p>
Types of facilities	<p>3. The Board may grant a license to the following types of facilities, based on the Board's judgment of the character of the facility's operation:</p> <p>(a) Type I - early childhood centre;</p> <p>(b) Type II - day care home, occasional centre, school age child care centre. (EC475/87)</p>
Details of license	<p>4. (1) A license shall be signed by the chairman of the Board and shall show the name and location of the facility, the name of the supervisor,</p>

the maximum number of children allowed, the type of facility, any conditions attached to the license, the serial number of the license and the date of expiry.

- (2) Any advertising of the facility shall cite the serial number of its license. Advertising of facility
- (3) The supervisor shall display the license and make available all policies of the facility relating to service charges, hours of operation, programs and other matters concerning the facility of interest to parents. (EC475/87) Display of license
- 5.** The Board may issue to an applicant a provisional license that shall expire not later than six months from the date of issue in order to enable a facility to operate on a conditional basis. (EC475/87) Provisional license
- 6.** (1) An applicant seeking renewal of a license shall, at least 30 days prior to its expiry, apply to the Board outlining any alteration in the information given under section 2. Renewal of license
- (2) The Board, if it is satisfied that the prescribed standards are met, shall, upon payment of a fee of twenty-five dollars, renew the license. *Idem*
- (3) A license which is in effect at the time of the coming into force of these regulations shall be valid until the expiry date stated thereon. (EC475/87; 147/92) Transition period
- 7.** (1) The license of a facility is not transferable; a new license shall be required in case of sale, transfer of ownership, change of supervisor, change of location or any other significant alteration in the operation of the facility. License, not transferable
- (2) The holder of a license shall notify the Board in writing prior to any of the changes described in subsection (1). (EC475/87) Notice of change
- 8.** (1) Where the Board intends to refuse to issue or renew, to suspend, revoke or impose a restrictive condition on a license, it shall in writing inform the applicant or licensee, as the case may be, of the proposed decision and the reasons therefor, and shall offer the applicant or licensee an opportunity to appear before it to challenge the proposed decision. Refusal of license
- (2) Following the hearing provided for in subsection (1) or when the affected applicant or supervisor has declined or failed without reasonable excuse to attend the hearing, the Board shall formally make its decision regarding the license and shall so inform the applicant or licensee in writing. Decision of Board

Advice to Minister	(3) Where the said decision is to refuse to issue or renew, to suspend, revoke or impose a restrictive condition on the license, the Board shall in writing inform the Minister and recommend whatever action it believes should be taken. (EC475/87)
Appeal of decision	9. (1) A person wishing to appeal a decision made by the Board with respect to a license shall, within 10 days of receiving notice of the decision, notify the Minister in writing of his intent to appeal.
Establishment of Appeal Panel	(2) Within ten days of receiving a notice of appeal, the Minister shall arrange for the establishment of an Appeal Panel, comprising a nominee of the appellant, a nominee of the Board, and a third person as chairman who shall be chosen jointly by the two nominees or, that failing, appointed by the Minister.
Appeal inquiry	(3) The Appeal Panel shall conduct such inquiry as it sees fit, ensuring that each party has an opportunity to be heard in person or by legal counsel.
Decision of Appeal Panel	(4) The Appeal Panel shall render a decision, consistent with the Act and regulations within 30 days of receipt by the Minister of the notice of appeal, and shall so inform the Minister, Board and appellant. (EC475/87)
Authorization updated	10. (1) The licensee shall be responsible for keeping all required authorizations, including fire safety and hygiene, up to date.
Inspector's report	(2) An inspector shall, following an inspection of a facility, make the findings, recommendations and directions known to the applicant or licensee and to the Board. (EC475/87)

PART II PHYSICAL FACILITIES

Activity space, clean	11. The Board shall ensure that all space used in connection with any activity of a facility is clean, safe and readily accessible to the children. (EC475/87)
Indoor and outdoor space	12. A facility shall provide a minimum of 3/1/2 square metres of indoor space and a minimum of 7 square metres of outdoor space for each child enrolled in the facility. (EC475/87)
<i>Idem</i>	13. Where there is no outdoor space immediately adjacent to the facility, nearby parks or other open space, which in the Board's judgment is appropriate to the nature of the program activities offered, may be used. (EC475/87)

- 14.** Every supervisor shall provide and maintain in safe condition equipment for the use of children which is Equipment
- (a) relevant to the developmental capabilities of children enrolled;
 - (b) in compliance with the requirements of the *Hazardous Products Act* (Canada) R.S.C. 1985, Chap. H-3; and
 - (c) located in areas accessible for independent selection by children. (EC475/87)

PART III PUBLIC HEALTH

- 15.** (1) A facility shall be inspected for initial licensure and at least annually thereafter by a public health officer. Public health inspection
- (2) A facility shall be in a state of good repair and sanitation and, in general, safe and reasonably comfortable for the children, according to any requirements under the *Public Health Act* subject to the standards prescribed in the regulations and to such interpretative policy direction as may be given by the Board. Meet *Public Health Act* requirements
- (3) The supervisor shall comply with a public health officer's direction to remedy any unsatisfactory or unsafe condition. (EC475/87) Compliance
- 16.** (1) A facility shall have toilet and washing areas which are satisfactory in the judgment of the public health officer for the maximum number of children permitted in the license for the facility. Washrooms
- (2) A facility shall, if it provides a food service for the children, have a sanitary food preparation area and follow practices to the satisfaction of the public health officer. (EC475/87) Food preparation
- 17.** (1) The supervisor shall ensure that staff on duty are free of communicable disease that is of such nature as to pose a significant risk to the children. Communicable disease
- (2) If required by a public health officer, the staff of a facility shall submit to a medical examination and such other directions as may be required for the protection of the children. Medical examination
- (3) The supervisor shall comply with the directions of a public health officer or inspector with respect to excluding children from attendance or other precautions in cases of children infected with a communicable disease. (EC475/87) Direction of public health officer, communicable disease
- 18.** (1) Animals may be kept in a facility according to written guidelines from a public health officer. Animals

- Smoking (2) Smoking shall be prohibited in the presence of any child in a facility.
- Hot beverages (3) Hot beverages shall not be consumed in the proximity of children. (EC475/87)

PART IV
FIRE, EMERGENCY AND SAFETY

- Fire inspection **19.** (1) A facility shall be inspected for initial licensure and at least annually thereafter by a fire inspector empowered under the *Fire Prevention Act* R.S.P.E.I. 1988, Cap. F-11.
- Compliance with *Fire Prevention Act* (2) The supervisor shall ensure that a facility complies with the said Act, the regulations made and standards established thereunder, and with directions of a fire inspector so as to prevent or remedy any unsafe condition with respect to protecting children against fire. (EC475/87)
- Emergency procedures **20.** (1) The supervisor shall establish, and keep posted in a prominent place, procedures for dealing with emergencies.
- Staff training in emergency procedures (2) The supervisor shall ensure that all staff are properly trained in carrying out the emergency procedures and shall require staff to practice emergency evacuation procedures at least once a month.
- Telephone (3) Every supervisor shall provide a telephone in working order within the premises of the facility.
- Telephone numbers (4) A list of the following telephone numbers shall be posted near the telephone:
 (a) fire department;
 (b) police;
 (c) hospital;
 (d) physician;
 (e) poison control centre;
 (f) ambulance; and
 (g) emergency replacement staff. (EC475/87)
- First aid kit **21.** (1) The supervisor shall provide and maintain a first aid kit, of a kind approved by the Board, which is accessible to staff at all times.
- First aid training (2) The supervisor shall ensure that at least one staff person with certified first aid training, of a kind approved by the Board, which has been updated within the past 3 years, is in the facility at all times during the hours of operation.
- Replacement staff in emergency (3) Where only one staff member is present at the facility, the licensee shall ensure that a person is quickly available to replace that staff

member should the latter need to be absent for an emergency.
(EC475/87)

PART V NUTRITION

22. (1) The supervisor shall ensure that all meals and snacks that are served meet the nutritional requirements of children in accordance with Canada's Food Guide. Nutritional requirement

(2) Where meals or snacks are supplied by the facility, menus shall be posted in a prominent location for the information of parents and kept on file for a period of 30 days. Posting of menus

(3) A child attending for 3 hours or more shall, if present, be provided with Meals or snacks

- (a) a mid-morning snack;
- (b) a mid-afternoon snack;
- (c) a noontime meal;
- (d) an early evening meal or breakfast if required. (EC475/87)

PART VI ADMINISTRATION

23. The supervisor shall keep daily attendance reports of children at the facility and keep them on file for 1 year. (EC475/87) Attendance records

24. The supervisor shall keep current personnel records for the facility, including at least the following information: Personnel records

- (a) numbers and types of staff; and
- (b) each individual's qualifications at time of employment and subsequently acquired. (EC475/87)

25. Each facility shall keep current records of child and family information for each child enrolled, including at least the following: Children's records

- (a) child's name and home address;
- (b) name, address and telephone number of the child's parent or guardian;
- (c) name, address and telephone number of a parent designate who may be contacted in the event of an emergency if the parent is not available;
- (d) names of individuals to whom the child may be released;
- (e) any medical, physical or developmental conditions relevant to the care of the child; and

(f) name, address and telephone number of the child's physician, the child's social insurance number and hospital insurance number. (EC475/87)

Behaviour
management
policies

26. (1) The supervisor shall develop and post for the information of parents behaviour management policies which indicate a positive approach to discipline and in particular prohibit any form of physical punishment, verbal or emotional abuse or denial of necessities.

Instruction of staff

(2) The supervisor shall instruct all staff and program volunteers as to the behaviour management policies in effect at the facility. (EC475/87)

Program schedule

27. Every supervisor shall provide a daily program schedule which includes but is not limited to the following:

- (a) group and individual activities;
- (b) activities designed to enhance emotional, social, cognitive and gross and fine motor development; and
- (c) active and quiet play. (EC475/87)

PART VII STAFFING

Supervision

28. (1) No child in attendance in a facility shall be left alone at any time without staff supervision.

Ratios

(2) The supervisor of a facility shall ensure that it is staffed to the satisfaction of the Board, so as to provide for the safety and appropriate care of the children and shall provide for staff to child ratios which are not of a lower standard than the following:

Age of Child	Ratio
0 - 2	1:3
2 - 3	1:5
3 - 5	1:10
5 - 7	1:12
7 & over	1:15

Capacity

(3) The maximum licensed capacity of

- (a) a day care home shall be 7 children; and
- (b) an early childhood centre, occasional centre and school age child care centre shall be 50 children.

Group size

(4) The supervisor of a facility shall ensure that the maximum group size for children under 2 years of age shall be 6.

Age of staff

(5) For the purpose of determining staff to child ratios, any supervisor, program staff or program volunteer must be at least 18 years of age. (EC475/87)

29. (1) The supervisor of a Type I facility shall hold a valid supervisor's certificate issued under section 35.

Supervisor's
certificate - Type I
Transition period

(2) Subsection (1) does not apply in the case of a person who was operating a Type I facility licensed by the Board as of the coming into force of these regulations or during the year prior to that date.

(3) Subsection (2) expires on January 1, 1991.

Expiry

(4) Where the Board is satisfied that an applicant for licensing has made every reasonable effort to engage a qualified supervisor as required by subsection (1) and has been unable to do so, the Board may authorize the engagement of an unqualified supervisor provided that the unqualified supervisor commences, within six months of the date of employment, to acquire the necessary qualifications.

Engagement of
unqualified
supervisor

(5) An unqualified supervisor engaged pursuant to subsection (4) must attain the appropriate qualifications within three years of the date of employment. (EC475/87)

Attainment of
qualifications

30. (1) The supervisor of a Type II facility shall

- (a) have successfully completed one unit of continuing education and provide two personal references from members of the community; or
- (b) hold a valid supervisor's certificate issued under section 35.

Supervisor's
certificate - Type II

(2) Subsection (1) does not apply in the case of a person who was operating a Type I or Type II facility licensed by the Board as of the coming into force of these regulations or during the year prior to that date.

Transition period

(3) Subsection (2) expires on January 1, 1988.

Expiry

(4) Where the Board is satisfied that an applicant for licensing has made every reasonable effort to engage a qualified supervisor as required by subsection (1) and has been unable to do so, the Board may authorize the engagement of an unqualified supervisor provided that the unqualified supervisor commences, within six months of the date of employment, to acquire the necessary qualifications.

Engagement of
unqualified
supervisor

(5) An unqualified supervisor engaged pursuant to subsection (4) must attain the appropriate qualifications within one year of the date of employment. (EC475/87)

Attainment of
qualifications

31. (1) With effect from January 1, 1991, a facility having full time program staff in addition to the supervisor shall have, besides the supervisor, at least one program staff person who

Program staff
requirement

	<p>(a) in the case of Type I facility, holds a valid staff certificate issued under section 35; or</p> <p>(b) in the case of a Type II facility,</p> <p>(i) has successfully completed one unit of continuing education and provides two personal references from members of the community, or</p> <p>(ii) holds a valid staff certificate issued under section 35.</p>
Exemption	(2) Where a supervisor demonstrates to the satisfaction of the Board that he is unable to employ a qualified program staff person as required by subsection (1) despite every reasonable effort to do so, he may engage and continue to employ an unqualified person on condition that the said person begin to work within six months to acquire the necessary qualification, which in any case must be acquired within three years from the date of employment.
Exception, staff for kindergarten	(3) Clause (1)(a) does not apply to an early childhood centre that provides a program expressly designed for children in the year prior to their expected entry into school if fewer than sixteen children are enrolled in the program. (EC475/87; 455/93)
Leave replacement	32. (1) With effect from January 1, 1991, where a qualified supervisor or program staff person will be absent from a facility for more than four consecutive weeks, the supervisor shall ensure that the temporary replacement for the period exceeding four consecutive weeks is comparably qualified, and the supervisor shall notify the Board of the name and qualifications of the replacement.
Waiver	(2) Notwithstanding any provision of these regulations, the Board may waive any of the requirements respecting a supervisor who is a replacement under subsection (1), for a specified period. (EC475/87)
Continuing education required	33. (1) As a condition of renewing the license of a facility, the supervisor and any other program staff person who has been employed in any facility for three years or more shall have successfully completed at least one unit of continuing education during the three year period preceding application for renewal.
<i>Idem</i>	(2) The supervisor shall be responsible for providing evidence of compliance with subsection (1) with the application for license renewal. (EC475/87)
Program volunteer	34. (1) With effect from September 1, 1987, a program volunteer shall, on beginning work, receive orientation as prescribed in subsection (2).
Orientation	(2) A supervisor shall be responsible for presenting an orientation for program volunteers of at least three hours duration and comprising

- (a) a section on familiarization with the facility's program; and
- (b) sections on the stages of child development and on positive behaviour management, which have been approved by the Board as to objectives and content. (EC475/87)

PART VIII CERTIFICATION

35. (1) A person seeking a supervisor's certificate or a staff certificate shall apply to the Board, providing proof of qualification in accordance with the requirements listed in Schedule B or C. Certificates

(2) The Board, having to its satisfaction confirmed the validity of the qualification, shall issue a certificate to the applicant. (EC475/87) *Idem*

36. (1) As a condition of keeping a certificate valid, the holder shall provide proof to the Board of having successfully completed one unit of continuing education during every three year period following issuance of the certificate. Maintenance of certificate

(2) Subsection (1) does not apply to the holder of a certificate during absence from work in a licensed facility for up to five years. Absence from work

(3) The holder of a certificate who has not worked in a licensed facility for a period longer than five years shall, in order to have certificate status renewed, complete a retraining or refresher program acceptable to the Board. (EC475/87) Lapse of certificate

37. The Board shall Registry

- (a) maintain a current registry of all supervisors and program staff who hold certificates; and
- (b) keep a current list of approved training, extension and continuing education programs. (EC475/87)

SCHEDULE A

DEPARTMENT OF SOCIAL SERVICES AND SENIORS

Application For A License To Operate A Child Care Program

This is a
() New application
() Renewal

Name Of Child Care Facility:	FACILITY TELEPHONE NO.
Location Of Child Care Facility	REGION (OFFICE USE ONLY)
Mailing Address Of Child Care Facility	

TYPE OF LICENSE APPLIED FOR: (SEE GUIDE SHEET FOR REFERENCE)

Early Childhood Center Daycare Home Occasional Center School Age Child Care Center

FACILITY WILL BE OPERATED BY: (INDICATE ONE)

<input type="checkbox"/> Private Owner	Name:	
	Address:	
	Legal Status: (See guide sheet)	
<input type="checkbox"/> Community Organization	Organization Name:	
President --	Name:	
	Address:	
	Secretary --	Name:
Address:		
Legal Status: (See guide sheet)		
<input type="checkbox"/> Other group or Organization	Organization Name:	
	Officer (1) --	Name:
		Address:
Officer (2) --	Name:	
	Address:	
Legal Status: (See guide sheet)		

TYPE OF PROGRAM:

Sessions: (Check Appropriate Due)	
<input type="checkbox"/> Full Day	Hours Of Operation:To
<input type="checkbox"/> ½ Day A.M. Only	Days Of Operation (Specify):
<input type="checkbox"/> ½ Day P.M. Only	Months Of Operation (Specify):
<input type="checkbox"/> Full Day With ½ Day Option	Proposed Opening Date Of Facility:
Enrollment:	
Total Number Of Children Supervisor Will Allow Per Session:	
Will You Register Children (Check All That Apply)	
<input type="checkbox"/> Under 1 Yr <input type="checkbox"/> 1 Yr Old <input type="checkbox"/> 2 Yr Old <input type="checkbox"/> 3 Yr Old <input type="checkbox"/> 4 Yr Old <input type="checkbox"/> 5 Yr Old <input type="checkbox"/> 6 Yr Old <input type="checkbox"/> 7-10 Yr Old	

Staff (Please Use Back Of Form If Necessary)

Supervisor:	Name:	Home Address:	Home Telephone:	
Program Staff	Name:	Home Address:	Home Telephone:	[] Full Time [] Part Time
	Name:	Home Address:	Home Telephone:	[] Full Time [] Part Time
	Name:	Home Address:	Home Telephone:	[] Full Time [] Part Time
	Name:	Home Address:	Home Telephone:	[] Full Time [] Part Time
Support Staff	Name:			[] Full Time [] Part Time

Signature Of Applicant	
Address Of Applicant	A \$25.00, Non- Refundable Licensing Fee Must Accompany All Applications. A Cheque Or Money Order Payable To The Provincial Treasurer Is Satisfactory. Please Do Not Send Cash In The Mail. A Receipt Will Be Issued For Such Payment
Phone No. of Applicant	
Date Of Application	

HSS 431 (12-85)
(EC603/05)

SCHEDULE B

The Board shall issue a supervisor's certificate under section 35 to a person having any one of the following sets of basic training, extension and experience qualifications from an institution or agency approved by the Board or, in unusual cases, some other comparable combination of training and experience acceptable to the Board.

	Basic Training	Extension Units	Years of Experience
A	University degree (or equivalent award) in Early Childhood Development or Child Study	-	-
B	Diploma (or equivalent award) in Early Childhood program of at least 2 academic years	-	2
C	Diploma (or equivalent award) in Early Childhood program for at least 1 academic year	-	3
D	University degree (or equivalent award) in a field related to child care or education	2	1
E	Post-secondary diploma (or equivalent) in a field related to child care or education	4	3
F	Credit for 10 university semester courses in a field related to child care or education	4	3
G*	None	4	5

* Applicable only to persons who have been employed in a licensed facility at a time during the 3 years preceding the coming into force of these regulations, and expires on January 1, 1991.

SCHEDULE C

The Board shall issue a staff certificate under section 35 to a person having any one of the following sets of basic training, extension and experience qualifications from an institution or agency approved by the Board or, in unusual cases, some other comparable combination of training and experience acceptable to the Board.

	Basic Training	Extension Units	Years of Experience
A	University degree (or equivalent award) in Early Childhood Development or Child Study	-	-
B	Diploma (or equivalent award) in Early Childhood program of at least 2 academic years	-	-
C	Diploma (or equivalent award) in Early Childhood program for at least 1 academic year	-	-
D	University degree (or equivalent award) in a field related to child care or education	2	-
E	Post-secondary diploma (or equivalent) in a field related to child care or education	4	-
F	Credit for 10 university semester courses in a field related to child care or education	4	-
G*	None	4	3

* Applicable only to persons who have been employed in a licensed facility at a time during the 3 years preceding the coming into force of these regulations, and expires on January 1, 1991.

(EC475/87)