

Response to proposed regulations and changes to the Child Care and Early Years Act 2014 ^[1]

Policy Brief No. 4

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Source: Inclusive Early Childhood Service System

Format: Report

Publication Date: 28 Mar 2016

AVAILABILITY

Full brief PDF in English ^[2]

Full brief PDF in French ^[2]

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.

Definition 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.

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.

Region: Ontario [3]

Tags: special needs [4]

legislation and regulation [5]

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