



Position Paper for the Review of Alberta's Licensing Act and Regulation



12 June 2020

The Edmonton Council for Early Learning and Care is pleased to submit suggestions for the review of the Child Care Licensing Act and Regulation. The Council recognizes the important contribution good legislation can make toward ensuring the wellbeing of children and their families, and we highlight four areas of the Licensing Act and Regulation that are especially in need of improvement. We also recognize, however, that progress toward building an excellent system of early learning and care will require more than legislative changes, and so we point to some of the additional steps that will need to be taken to ensure that Alberta's families will have early learning and care choices that are high in quality, affordable, and accessible.

Who We Are

EndPovertyEdmonton recognizes high-quality, affordable early learning and care as a "game changer" that must be pursued as a critical part of any serious effort to end poverty. As one of its initiatives, EndPovertyEdmonton created the Edmonton Council for Early Learning and Care. The purpose of the Council is to build on existing capacities and provide leadership in managing, planning, and supporting the development of a system of high-quality early learning and care services in Edmonton, with an emphasis on meeting the needs of low-income and vulnerable families. The Council comprises nearly 20 public, not-for-profit, and for-profit organizations with extensive experience and expertise in all aspects of early learning and care. The Council has begun to identify what is needed to develop a system of early learning and care that will be effective for a wide range of children and families, including Indigenous and newcomer families, and that will be guided by the best available data.¹ The Council is a civil society response to issues linked to early learning and care, such as poverty, the wellbeing of children and families, women's participation in the workforce, and the nature of recovery after COVID.

¹ Reports on these issues are available at <https://www.endpovertyedmonton.ca/news/edmonton-council-forearly-learning-and-care-calls-for-more-culture-in-child-care>.



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Recommendations

We assume that the revised Licensing Act and Regulation will include provisions covering the licensing process, administration, emergency procedures, health, hygiene and nutrition, staffing, and the physical environment, as well as aspects of child care environments that are often referred to as “structural” elements of quality, including staff-to-child ratios, group size, staff education, and area per child. We also assume that the Ministry will compare its current regulations to those elsewhere in Canada and will ensure that Alberta matches or exceeds the highest standard in each case. Certainly Albertans will expect the highest standards for the benefit of their children, families, and early childhood educators.

The Council highlights four areas of the Licensing Act and Regulation that are especially in need of improvement.

1. **Curriculum framework.** Given the complexities of how young children learn, the variations among children of different ages and from differing cultural backgrounds, and the range of expectations parents have for their children's learning and development, the work of an early childhood educator can be overwhelming. A curriculum framework is essential. A well designed, evidence-based, and culturally sensitive curriculum framework can guide the work of early childhood educators, can help to inform parents about child development and best practices in child care, can help parents understand the importance of activities that take place in a child care program, and can help to focus the professional development of early childhood educators. An important characteristic shared among high-quality centres is adoption of a curriculum framework. Flight is a made-in-Alberta curriculum framework, developed with funds from the Ministries of Children's Services and Education, that checks all the boxes.² Programs could, of course, use curricula in conjunction with the Flight framework that address their particular needs. **We recommend that the revised Licensing Act and Regulation adopt *Flight* as the required curriculum framework for all approved early learning and care programs.**

² Information on *Flight* is available at <https://flightframework.ca/>



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2. **Educational requirements for early childhood educators.** Over the past several decades we have gained a much deeper understanding of how children learn and how important early experiences are in shaping long-term outcomes for children. This greater knowledge has led to demand for higher quality environments for young children, environments that stimulate social and cognitive development and that help prepare young children for life in their future schools and communities. A high-quality curriculum framework is critical for enabling early learning and care programs to provide such environments. Implementing such a curriculum framework requires considerable knowledge and skill on the part of early childhood educator, much as a teacher or health care professional requires advanced knowledge to be effective.

The educational preparation of early childhood educators has been consistently identified as among the most important characteristics of high-quality early learning and care outside the home. Formal education and continuing professional development are essential for understanding how children learn, play, and interact with others, as well as what kinds of practices are best suited for helping children to develop socially, emotionally, and intellectually. As with school-aged education (and teachers and health care professionals), early childhood educators need additional instruction as new knowledge about children and child care accumulates. Alberta currently has three levels of qualification, from a simple course of instruction (or equivalent) at the lowest level to a two-year diploma at the highest level. Alberta has no requirement for continuing professional development. Four provinces (Newfoundland and Labrador, Prince Edward Island, Nova Scotia, Manitoba) now recognize special roles for four-year degrees in their certification qualifications. Six provinces (Newfoundland and Labrador, Prince Edward Island, Nova Scotia, Ontario, Manitoba, British Columbia) have continuing professional development requirements. The trend is toward increasing levels of education and professional development. If the intent is for Alberta's revised Child Care Licensing Act and Regulation to be relevant in the coming years, the present standards for education and professional development will not be sufficient.

The Council recommends that the Licensing Act and Regulation be restructured (a) to recognize a fourth level of educational qualification (a four-year degree), (b) to establish the entry level as requiring one year of postsecondary education and as being transitional to a new minimum requirement of two years of postsecondary education,



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(c) to adjust staffing requirements to ensure more engagement by staff with higher qualifications, and (d) to require continuing professional development on a regular basis. These changes, which should apply to early learning and care centres and to family day homes and which could include teaching quality standards, would have to be implemented over a reasonable time period, and educational pathways would have to be created and supported.³

- Unlicensed child care.** A substantial number of children in Alberta are cared for on a regular basis by unlicensed, unregulated child care providers. Legislation for such providers is ambiguous and inconsistent. For example, legislation currently allows more children to be cared for in the homes of unlicensed child care providers than in family day homes, where the providers operate under contract to approved agencies and comply with provincial regulations for health and safety. The lack of appropriate legislation for unlicensed settings—legislation that attends to the safety and quality of child care environments—and the lack of oversight processes create conditions that can result in tragedy, as in the case of the 22-month-old Mackenzy Woolfsmith in 2012. **We recommend that the Licensing Act and Regulation be revised in ways consistent with the Woolfsmith fatality inquiry⁴ and the related recommendations of the Association of Early Childhood Educators of Alberta.⁵**
- Preamble.** The purpose of a preamble is to provide the reasons for the legislation in the document. Given that the context of early learning and care has changed over the past two decades and is likely to continue to change, it would make sense to revise the preamble accordingly. Many useful changes have been suggested elsewhere.⁶ We highlight two.

³ Association of Early Childhood Educators of Alberta (2020, February). *Getting it Right: Recommendations for Improving Alberta's Child Care Licensing Legislation*, pp. 42-45, 52-56. Retrieved from https://aecea.ca/sites/default/files/FINAL%20AECEA%20Position%20Paper%20on%20Legislative%20Change_0.pdf

⁴ Hawkes, J. B. (2018, November). *Report to the Minister of Justice and Solicitor General, Public Fatality Inquiry*. Retrieved from <https://open.alberta.ca/publications/publications-fatality-inquiry-woolfsmith-2018-11-26>.

⁵ Association of Early Childhood Educators of Alberta (2020, February), pp. 57-61.

⁶ Association of Early Childhood Educators of Alberta (2020, February), pp. 46-51.



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First, the Ministry's business plan emphasizes its commitment to high-quality, affordable, and accessible child care.⁷ Moreover, the provincial government cooperates with the federal government under the Multilateral Early Learning and Child Care Framework, which underscores the fundamental principles of quality, affordability, accessibility, flexibility, and inclusiveness.⁸

Second, early learning and care has increasingly been seen as an area that is highly relevant to children's rights. The United Nations Convention on the Rights of the Child underscores the role of governments in supporting parents in their child-rearing responsibilities by making child care services available (see, for example, Article 18).⁹

We recommend that the preamble to the revised Child Care Licensing Act (a) identify principles that motivate the legislation, including quality, affordability, and others, and (b) recognize that the legislation is intended to be consistent with and support international agreements regarding children's rights.

⁷ Government of Alberta (2020). *Ministry Business Plan: Children's Services (2020-2023)*. Retrieved 6 June 2020 from <https://open.alberta.ca/publications/childrens-services-business-plan>.

⁸ Employment and Social Development Canada (2017). *Multilateral Early Learning and Child Care Framework*. Retrieved from <https://www.canada.ca/en/employment-social-development/programs/early-learning-childcare/reports/2017-multilateral-framework.html>

⁹ *United Nations Convention on the Rights of the Child*. (1989). Retrieved from the website for the Office of the United Nations High Commissioner for Human Rights, <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>.



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Beyond Licensing and Regulation

The Minister has committed to embedding language in the revised Licensing Act and Regulation that will ensure high-quality early learning and care for Alberta's children and families. There are many features that contribute to quality. Legislation is well suited to handle some of the "structural" aspects of quality, such as staff-to-child ratios, group size, staff education, curriculum framework, and area per child. Also important are "process" aspects of quality, which include instructional effectiveness, the nature of parental involvement, how well the curriculum framework is implemented, teaching practices, and the extent to which interactions among children, parents, and educators align to contribute to positive child outcomes, such as strong socio-emotional and cognitive development. Indeed, the emerging consensus is that process quality in early learning and care settings, rather than structural quality, "is the primary driver of gains in children's development."¹⁰

Legislation alone is not generally suited to support process quality. As in health, education, and other areas, methods are required for monitoring and continually improving the process aspects of quality. Doing so will require methods for optimizing the care and instructional environments provided for children, as well as the education and professional development of early childhood educators. If the Ministry is to keep its commitment to quality, legislation that only attends to safety, health, and structural aspects of quality will be widely viewed as insufficient. The Ministry will need to consider other means to ensure that Alberta's children and families receive the level of high-quality early learning and care they deserve.

The Ministry should also think broadly about what elements are necessary to create a high quality overarching early learning and care *system* in Alberta. These elements go well beyond changes to licensing regulations for individual programs. They include, for example, inclusive governance and rational planning, adequate funding for both programs and families, and regular and comprehensive data-gathering that supports research, evaluation, and continuous improvement of both individual programs and the overall early learning and care system in Alberta.¹¹

¹⁰ Garon-Carrier, G. (2019). *Defining and measuring the quality of early learning and child care: A literature review*. Employment and Social Development Canada. Retrieved from <https://www.canada.ca/en/employment-socialdevelopment/programs/early-learning-child-care/reports/2019-defining-measuring-quality.html>

¹¹ Childcare Research and Resource Unit (n.d.). *Elements of a high quality early learning and child care system*. Retrieved from http://www.childcarequality.ca/wdocs/QbD_Elements.pdf.



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We recommend that the Ministry supplement the revised Licensing Act and Regulation with proposals to enhance the quality of early learning and care. The Council has commissioned a national expert on early learning and care to compare quality-enhancing practices in many jurisdictions in and outside of Canada and to provide options worth considering in Alberta. We will be happy to share the forthcoming report with the Ministry.

Conclusion

A number of recommendations will be forthcoming, including the thoughtful, well researched, and comprehensive suggestions from the Association of Early Childhood Educators of Alberta and other organizations that have considerable experience with parents, early childhood educators, operators, and children. We have focused on a few recommendations but would be pleased to discuss a broader array of possibilities with members of the review team. For questions or further discussion, please contact Heather Raymond, Coordinator, Edmonton Council for Early Learning and Care (hraymond@ualberta.ca).