

## Policy 22

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### CHILDCARE

#### Purpose

*Bill 8, the Education Statutes Amendment Act*, was activated on March 5, 2020. This amendment of the *School Act* by the provincial government outlines new provisions related to childcare facilities located on board of education property, including a prescriptive order from the Minister of Education regarding the formal establishment of new board policy to govern the establishment of such facilities. Order M326, the *Child Care Order*, further defines the role of boards of education with respect to the provision of childcare programs.

The purpose of this Policy is to provide guidance with respect to how the Board of Education of School District 37 (Delta) will promote the use of board property for the provision of childcare programs between the hours of 7 a.m. and 6 p.m. on business days by either the board or third-party licensees.

The use of board property by licensed childcare providers must not disrupt or otherwise interfere with the provision of educational activities including early learning programs and extracurricular school activities.

#### Objectives

1. To maximize the use of school district vacant spaces or sites to serve community needs, when available.
2. Provide appropriate school district spaces or sites to non-profit childcare providers when a need is confirmed to the board and the board is able to make the space available.

#### Definitions

In this Board Policy, the terms “board property,” “business day,” “childcare program,” “educational activities” and “licensee” have the meanings given to those terms in the *School Act*.

“Direct and indirect costs” include:

- Utilities
- Maintenance and repair
- Costs related to payment processing for rental fees
- A reasonable allowance for the cost of providing custodial services
- A reasonable allowance for the time school district administrators and other staff spend on matters relating to the use of board property by licensed childcare providers
- Any other incremental costs directly related to the provision of childcare services on board property

#### Guiding Principles

1. The board will assess community need for childcare programs on board property, through a process of engagement with employee groups, parents and guardians, Indigenous community representatives, Indigenous rightsholders, Indigenous service providers, and existing childcare operators. The process for engagement will be reviewed on an ongoing basis, but be conducted at least once every two years.
2. If childcare programs are to be provided on board property, the board will consider, on an ongoing basis, whether those programs are best provided by the board or licensees other than the board.
3. Childcare programs, if operated by the board, will be operated for a fee no greater than the direct costs the board incurs in providing the childcare program.
4. Fees for the use of board property by licensees other than the board will not exceed the direct and indirect costs the board incurs in making board property available for the childcare program.
5. If childcare programs are operated by a licensee other than the board, the board will require the licensee to agree to comply with this Policy.
6. In selecting licensees other than the board to operate a childcare program, the board will give special consideration to the candidates' proposals to: (a) provide inclusive childcare; and (b) foster Indigenous reconciliation with childcare.
7. If the board decides to operate a childcare program, the board will ensure that it is operated in a manner that:
  - Fosters and promotes Indigenous reconciliation in childcare. In particular, the childcare program will be operated consistently with the following principles of the British Columbia *Declaration on the Rights of Indigenous Peoples Act*: (i) Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including in the area of education; and (ii) "Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education"; and
  - Is inclusive and consistent with the principles of non-discrimination set out in the British Columbia *Human Rights Code*.
8. Any contract with a licensee other than the board, to provide a childcare program on board property must be in writing and subject to regular review and completion of Licensed Child Care Facility Inspection Reports in accordance with Ministry of Education requirements. The contract must contain:
  - A description of the direct and indirect costs for which the licensee is responsible and shall clearly state that these costs are subject to annual increases in accordance with duly issued notifications of increases in the direct and indirect costs incurred by the District.
  - An agreement by the licensee to comply with this Policy and all other applicable policies;
  - A provision describing how the agreement can be terminated by the board or licensee, whereby the termination notification shall not be less than 3 months;
  - An allocation of responsibility to ensure adequate insurance is in place to protect the interests of the board;

- A statement that the agreement can only be amended in writing, signed by the board and the licensee;
  - A requirement for the licensee to maintain appropriate standards of performance; and
  - A requirement that the licensee must at all times maintain the required license to operate a childcare facility.
  - Communication that the Board is not connected to the childcare program and that the Board does not make any recommendation or provide support for it
9. Prior to entering into or renewing a contract with a licensee other than the board to provide a childcare program on board property, the board will consider:
- Whether it is preferable for the board to operate a childcare program directly;
  - The availability of school district staff to provide before and after school care;
  - Whether, with respect to a licensee seeking renewal or extension of a contract, the licensee has performed its obligations under this Policy and its contract with the board, with specific regard to that performance in respect of providing an inclusive childcare program and one that promotes indigenous reconciliation in childcare.
  - The utilization of the British Columbia Early Learning Framework to guide and support learning experiences in childcare settings.