

Policy 19

Child Care

Bill 8, the *Education Statutes Amendment Act*, came into force on March 5, 2020. This amendment of the *School Act* by the provincial government enacts 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 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.

Purpose

1. The purpose of this Policy is to provide guidance with respect to how the Board of Education of School District 45 (West Vancouver) 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.
2. 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.

Definitions

3. 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*.
4. “Direct and indirect costs” include:
 - a. Utilities;
 - b. Maintenance and repair;
 - c. A reasonable allowance for the cost of providing custodial services;
 - d. 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.
 - e. Any other incremental costs directly related to the provision of childcare services on board property.

Guiding Principles

5. The board will, from time to time on an ongoing basis, 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.
6. 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, licensees other than the board, or a combination of both.
7. 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.
8. 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.
9. 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.
10. 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.
11. If the board decides to operate a childcare program, the board will ensure that it is operated in a manner that:
 - a. Fosters 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
 - b. Is inclusive and consistent with the principles of non-discrimination set out in the British Columbia *Human Rights Code*.

12. Any contract with a licensee other than the board, to provide a childcare program on board property must be in writing and subject to review no less than annually. The contract must contain:
 - a. A description of the direct and indirect costs for which the licensee is responsible;
 - b. An agreement by the licensee to comply with this Policy and all other applicable policies;
 - c. A provision describing how the agreement can be terminated by the board or licensee;
 - d. An allocation of responsibility to ensure adequate insurance is in place to protect the interests of the board;
 - e. A statement that the agreement can only be amended in writing, signed by the board and the licensee;
 - f. A requirement for the licensee to maintain appropriate standards of performance; and
 - g. A requirement that the licensee must at all times maintain the required license to operate a childcare facility.

13. 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:
 - a. Whether it is preferable for the board to become a licensee and operate a childcare program directly;
 - b. The availability of school district staff to provide before and after school care;
 - c. 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.
 - d. The utilization of the British Columbia Early Learning Framework to guide and support learning experiences in childcare settings.