

Summary of Most Recent Changes to the Education Act

Ontario Regulation 221/11: Extended Day and Third Party Programs

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Part II: Schools Subject to Section 259 or 259.1 of the Act (page 2-3)

Category in Regulation	Current Regulation/ Requirement	New Regulation/ Requirement	Effective Dates	Points for Consideration
Schools subject to s.259 (1) of the Act	Not Applicable	2. (1.1) Every board shall, beginning in the 2017-18 school year in every elementary school of the board in which instruction is given in any part of the primary division or junior division, operate an extended day program or ensure the operation of a third party program under subsection 259.1 (1) of the Act for pupils of the board who are enrolled in grades 1 to 6.	29-Aug-16	Subsection 259.1 (1) of the Education Act: Subject to the regulations, policies and guidelines made under this Part, every board shall do one of the following on every school day, other than professional activity days, outside the time when classes are operated in the school, for each student enrolled in grades 1 to 6: 1. Operate an extended day program. 2. Ensure that a third party program is operated by a person or entity other than a board, on every school day, Impact on: elementary schools in Ontario
Exceptions	3. (1) Despite section 2 , a board is not required in a school year to operate or ensure the operation of the before school portion, the after school portion, or both portions of an extended day program or a third party program in a school of the board if the board concludes under section 3.1 that it is exempt from the requirement with respect to the portion or portions for that school year with respect to the school. (2) REVOKED: O.Reg. 343/11, s. 3 (2). (3) A board is not required to operate an extended day program or ensure the operation of a third party program in the following circumstances: 1. A board is not required to operate an extended day program for pupils in junior kindergarten in a school or ensure the operation of a third party program for such pupils in the school if, pursuant to a policy of the board approved on or before June 26 th , 2014, the school offers only French immersion, starting in kindergarten or later. 2. A board is not required to operate an extended day program for pupils in kindergarten in a school or ensure the operation of a third party program for such pupils in the school if, pursuant to a policy of the board approved on or before June 26, 2014, the school offers only French immersion, starting in grade 1 or later. 3. A board is not required to operate an extended day program or ensure the operation of a third party program in a school in a school year if the school is identified in a policy or guideline issued by the Minister	3. (1) Despite section 2 , a board is not required in a school year to operate or ensure the operation of the before school portion, the after school portion or both portions of an extended day program or a third party program in a school of the board if there is an agreement that such operation is not needed or the school year in the school between, (a) the board; (b) any First Nation that has an agreement, under section 188 of the Act , with the board relating to one or more pupils in the school; and (c) the service system manager designated under the Child Care and Early Years Act, 2014 for the service area where the school is located. (2) Before coming to an agreement described in subsection (1), the board shall carry out consultations in accordance with section 4 in order to assess the viability of and demand for the portion or portions that would be affected by such an agreement. (3) Despite subsection (1), if a board is not able to enter into an agreement described in subsection (1) by the last day of April in each year, the board shall operate or ensure the operation of the before school portion, the after school portion, or both portions of an extended day program or a third party program in the next school year. (4) Despite subsections (1) and (2), section 3 and 3.1, as they read on March 30, 2017, continue to apply to a board that is not operating an extended day program or ensuring the operation of a third party program in the 2016-17 school year until the end of the school year.	1-Apr-17	Section 188 of Education Act: A board may enter into an agreement with, (a) the Crown in right of Canada; or (b) a band, the council of the band, or an education authority where such band is authorized by the Crown in right of Canada to provide education for Indians, to provide for Indian pupils, for the period specified in the agreement, accommodation, instruction and special services in the schools of the board, and such agreement shall provide for the payment by the Crown in right of Canada, the band, the council of the band or the education authority, as the case may be, of fees calculated in accordance with the regulation governing the fees payable by Canada. Impact on: elementary schools in Ontario

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	pursuant to paragraph 3.0.0.1 of subsection 8 (1) of the Act, and published on a Government of Ontario website, as a school that is not required to operate full day junior kindergarten or kindergarten for the school year, due to facility or other operational barriers to the board's ability to operate full day junior kindergarten or kindergarten in that school in that school year. 4. The Toronto District School Board is not required to operate an extended day program or ensure the operation of a third party program in Thorncliffe Park Public School. 5. The Hastings and Prince Edward District School Board is not required to operate an extended day program or ensure the operation of a third party program in Harry J. Clarke Public School.			

Part III: Determinations Regarding Extended Day and Third Party Programs (page 3-5)

Category in Regulation	Current Regulation/ Requirement	New Regulation/ Requirement	Effective Dates	Points for Consideration
Plans for provision of extended day or third party programs	4. (2) (d) Parents whose children are enrolled in junior kindergarten or kindergarten and, if relevant, whose children are enrolled in the primary or junior divisions, or parents who intend to enrol their children in junior kindergarten or kindergarten and, if relevant, in the primary or junior divisions, in the next school year, and who have provided their contact information to the board	4. (2) (d) Parents whose children are enrolled in junior kindergarten to grade 6 or who intend to enrol their children in junior kindergarten to grade 6 in the next school year, and who have provided their contact information to the board	29-Aug-16	Board to consult with these parents Impact: school boards and parents
Determinations	5. (1) 2. The schools in which the board will ensure that a third party program will be operated in the next school year for pupils enrolled in junior kindergarten or kindergarten	5. (1) 2. The schools in which the board will ensure that a third party program will be operated in the next school year for pupils enrolled in junior kindergarten to grade 6	29-Aug-16	Paragraph 2 of subsection 5 (1) of the Regulation is amended by striking out "junior kindergarten or kindergarten" and substituting "junior kindergarten to grade 6"
Determinations	5. (1) 3. (iv) any non-instructional days on which the board anticipates it will operate the program for pupils enrolled in junior kindergarten or kindergarten and, if relevant, other pupils enrolled in the primary or junior divisions	5. (1) 3. (iv) any non-instructional days on which the board anticipates it will operate the program for pupils enrolled in junior kindergarten to grade 6	29-Aug-16	Subparagraph 3. (iv) of subsection 5 (1) of the Regulation is amended by striking out "junior kindergarten or kindergarten and, if relevant, other pupils enrolled in the primary or junior divisions" and substituting "junior kindergarten to grade 6".
Posting of fees	7. (5) If a board will not operate an extended day	7. (5) If a board will not operate an extended day program or	1-Apr-17	Subsection 7 (5) of the Regulation is amended by

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and other information	program or ensure the operation of a third party program in a school of the board in the next school year due to its conclusion under section 3.1 that it is exempt from the requirement to do so, the board shall, before the last day of April, do the following: 1. Post that information on the board's website 2. Provide that information in writing to those parents described in clause 4 (2) (d) who have enrolled or intend to enroll their children in the school.	ensure the operation of a third party program in a school of the board in the next school year due to an agreement described in subsection 3 (1) , the board shall, before the last day of April, do the following: 1. Post that information on the board's website 2. Provide that information in writing to those parents described in clause 4 (2) (d) who have enrolled or intend to enroll their children in the school		striking out "due to its conclusion under section 3.1 that it is exempt from the requirement to do so" in the portion before paragraph 1 and substituting "due to an agreement described in subsection 3 (1)"
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Part IV: Extended Day Programs- Calculation of Fees (page 5-10)

Category in Regulation	Current Regulation/ Requirement	New Regulation/ Requirement	Effective Dates	Points for Consideration
Extended Day Programs- Calculation of Fees	See subsections 16 – 20.1	Not Applicable	1-July-17	Part IV of the Regulation is revoked

Part VI: Third Party Programs – Miscellaneous (page 11-13)

Category in Regulation	Current Regulation/ Requirement	New Regulation/ Requirement	Effective Dates	Points for Consideration
Criteria regarding third party programs	27. (1) For the purposes of paragraph 3 of section 259.1 of the Act, a board shall ensure that a third party program operated in a school of the board meets the criteria prescribed by this section	27. (1) For the purposes of section 259.1 of the Act, a board shall ensure that a third party program operated in a school of the board meets the criteria prescribed by this section	29-Aug-16	Subsection 27 (1) of the Regulation is amended by striking out "paragraph 3 of".
Criteria regarding third party programs	27. (2) 2. The operator is a corporation that has an agreement with the Minister under the Child Care and Early Years Act, 2014 for the establishment of a child care centre.	Section 27. (2) 2. The operator provides an authorized recreational and skill building program which offers only an after school program which does not exceed three hours in duration each day.	29-Aug-16	Third Party criteria; only after school program Impact on: Third Party programs
Definition	Not Applicable	Section 27. (4) In this section, "authorized recreational and skill building programs" means authorized recreational and skill building programs as defined in subsection 2 (1) of the Child Care and Early Years Act, 2014 .	29-Aug-16	In subsection 2 (1) "authorized recreational and skill building programs" means programs that meet the description set out in subsection 6 (4). Subsection 6 (4) includes programs: 1. Primary purpose is to provide child care, 2. The program includes activities that promote recreational, artistic, musical, or athletic skills or provide religious,

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				<p>cultural, or linguistic instruction, 3. The program is not operated at a person's home, 4. The child care is provided for children who are six years or older or if the child care is provided on or after September 1 in a calendar year, and the child will become six years of age in that year, 5. The program meets any other criteria prescribed by the regulations</p> <p>Impact on: recreational and skill building programs</p>
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References

Ontario, G. o. (2015, December 3). *Child Care and Early Years Act, 2014, S.O. 2014, c. 11, Sched. 1*. Retrieved July 9, 2016, from Government of Ontario:
<https://www.ontario.ca/laws/statute/14c11>

Ontario, G. o. (2016, June 9). *Education Act, R.S.O. 1990, c. E.2*. Retrieved June 12, 2016, from Government of Ontario:
<https://www.ontario.ca/laws/statute/90e02>

Ontario, G. o. (2016, May 9). *Ontario Regulation 221/11 Extended Day and Third Party Programs*. Retrieved from Government of Ontario:
<https://www.ontario.ca/laws/regulation/110221>