

MAY 28 1987

NWT GOVERNMENT LIBRARY



3 1936 00005 249 6

CHILD DAY CARE ACT

JUN 01 1987  
Government of N.W.T.  
Yellowknife, N.W.T.

The Commissioner of the Northwest Territories, pursuant to subsection 39(1) of the Child Day Care Act, and every enabling power, orders that the Child Day Care Standards Regulations are made and established:

"SHORT TITLE

1. These regulations may be cited as the Child Day Care Standards Regulations.

INTERPRETATION

2. In these regulations,

"day care" means the care, instruction and supervision of a child provided within a facility that is not the home of the child;

"designate" means a person or persons appointed pursuant to section 22 of the Act;

"family home day care" means day care provided within the operator's private residence for any child of less than twelve years of age;

"full-time day care" means day care provided for any child of less than twelve years of age for a period of five consecutive hours per day or more;

"health authority" means any person authorized by the Minister of Health to enforce the Public Health Act and regulations made pursuant to that Act;

"nursery school day care" means day care provided for any child of less than six years of age for a period of four consecutive hours per day or less;

"out-of-school day care" means day care provided following completion of the daily school program for any child of less than twelve years of age who is in regular attendance at a school operated pursuant to the Education Act.

## LICENCES

3.(1) An application for a licence must be submitted to:

Director  
Department of Social Services  
Government of the Northwest Territories  
Yellowknife, N.W.T.  
X1A 2L9

(2) An applicant for a licence is not required to pay a fee.

(3) An application for a licence must

(a) identify the class or classes of child day care to be provided by the child day care facility;

(b) identify a contact person for the purpose of communication between the Director and the applicant; and

(c) include

(i) a written statement of the program goals and objectives;

(ii) a copy of the floor plan of the child day care facility showing room dimensions and the location of fixed equipment;

(iii) a report from the office of the fire marshal regarding compliance with the National Fire Code (Canada);

(iv) a report from the health authority regarding compliance with the Public Health Act;

(v) where a change or improvement is recommended or required in a report under subparagraph (iii) or (iv), written confirmation from the applicant that the recommendation or requirement has been met;

(vi) evidence of compliance with appropriate zoning by-laws;

(vii) evidence of a minimum of \$1,000,000 public liability insurance coverage;

(viii) an emergency evacuation plan; and

(ix) written provision for parental involvement pursuant to section 49.

(4) The classes of child day care that may be provided by a child day care facility are as follows:

(a) full-time day care;

(b) nursery school day care;

(c) out-of-school day care; and

(d) family home day care.

(5) A licence may be issued for one or more classes of child day care.

- (6) A licence is valid
- (a) in the case of a licence issued subject to terms or conditions, until the expiry of the time stated on the licence for compliance with such terms or conditions;
  - (b) in the case of a licence issued subject to an order of the Minister exempting the operator from compliance with provisions of the Act or these regulations, for a period of three years; and
  - (c) in any other case, for an indefinite period of time, unless suspended or revoked.

4. The registry established pursuant to section 7 of the Act must include

- (a) the name of the operator, where the operator is an individual person, or the names of the principals or individual members of the board of directors, where the operator is an association or a corporation;
- (b) the name and address of a contact person identified by the operator for the purposes of communication between the Director and the operator;
- (c) a copy of every licence, together with any terms or conditions imposed on a licence and any order of the Minister exempting an operator from compliance with provisions of the Act or regulations;
- (d) a copy of every notice of suspension or revocation of a licence made pursuant to the Act and these regulations; and
- (e) the record of any appeal made with respect to the issuing, suspension or revocation of a licence pursuant to the Act or these regulations.

#### APPEALS

5.(1) An appeal heard pursuant to section 21 of the Act must, wherever possible, be held in the community in which the child day care facility is, or is intended to be, located.

(2) A designate must, wherever possible, be appointed from the community in which the child day care facility is, or is intended to be, located.

6. A designate

- (a) shall conduct the appeal in the manner that the designate considers most appropriate for the prompt resolution of the appeal; and
- (b) may exercise the same power as a justice with respect to compelling the attendance of witnesses, examining witnesses under oath, and compelling the production and inspection of books, papers, documents and things.

7. Where notice of an appeal has been given pursuant to paragraph 23(1)(a) of the Act, and the appellant fails to appear, a designate may hear the appeal in the appellant's absence.

8.(1) An appeal heard pursuant to the Act is open to the public.

(2) A designate may exclude the public from an appeal hearing or a portion of an appeal hearing where

(a) the appellant has requested that the public be excluded; and

(b) in the opinion of the designate, such an exclusion is in the general public interest.

(3) Where a designate is satisfied that a person has a substantial and direct interest in an appeal, the designate shall allow the person to give evidence relevant to his interest.

#### DUTY OF OPERATOR

9. Every operator shall ensure that a child day care facility operated by him complies with the requirements and standards established by these regulations.

10. Every operator shall comply with

(a) the Hazardous Products Act (Canada);

(b) the Narcotic Control Act (Canada);

(c) the National Building Code (Canada);

(d) the National Fire Code (Canada);

(e) the firearms provisions of the Criminal Code (Canada);

(f) the Child Welfare Act; and

(g) the Public Health Act.

#### ADMINISTRATION

11.(1) Every operator shall maintain on file for each child attending the child day care facility an application for enrolment signed by the parent or guardian of the child.

(2) The application referred to in subsection (1) must include

- (a) the child's name, address and birth date;
- (b) the names, locations and telephone numbers of the child's parents or guardian, or a person named by the parents or guardian who may be contacted in the case of an emergency;
- (c) the name of individuals to whom the child may be released;
- (d) the name of the child's physician;
- (e) the child's health card number;
- (f) a record of any medical, physical, developmental or emotional condition relevant to the care of the child;
- (g) a waiver signed by the child's parent or guardian allowing the operator to obtain medical treatment for the child in the case of an emergency, accident or illness; and
- (h) written permission from the child's parent or guardian allowing the child to be taken on excursions by staff.

(3) Every operator shall keep a record showing

- (a) the date of admission of the child to the facility,
- (b) the date of discharge of the child from the facility,
- (c) the daily attendance record of the child, and
- (d) the health record of the child as updated annually with or by the parent or guardian of the child

for each child attending the child day care facility.

(4) Every operator shall keep information concerning a child or the child's family confidential, except

- (a) the child's parents or guardian shall have access to such information; and
- (b) the Director may inspect the application referred to in subsection (2) and the record referred to in subsection (3) upon request.

12. Every operator shall post a copy of the Act and these regulations in a conspicuous location within the child day care facility.

13.(1) Every operator shall maintain complete and accurate financial records of the child day care facility in accordance with generally accepted accounting practices.

(2) Where an operator receives financial assistance, including a day care subsidy, from the Government of the Northwest Territories, the Director may inspect the records referred to in subsection (1).

PHYSICAL REQUIREMENTS FOR CHILD  
DAY CARE FACILITY

Interior

14. Every room that is used as a part of a child day care facility must be dry, ventilated, lighted, sanitary, heated, in good repair and suitable for the care of children.

15.(1) Every child day care facility, other than a family home day care facility, must have a minimum of 2.75 square metres of free and usable indoor floor area per child, based on the maximum number of children regularly attending the facility for child day care purposes.

(2) The operator of a family home day care facility shall provide indoor play space suitable to the number, ages and development of the children attending the facility.

16.(1) A door that can be locked without the use of a key must not be used in an area accessible to children, unless the door can be unlocked from either side.

(2) No room or space that is  
(a) accessible only by a ladder or folding stairs or through a trap door, or  
(b) more than one storey below ground level  
is to be used for a child day care facility.

(3) No room that is more than two stories above ground level is to be used as a sleeping area for children unless the room has been specifically approved for that use by the fire marshal and the health authority.

17.(1) When a child is sleeping in a sleeping area within a child day care facility, the sleeping area must not be used for meals or play activities.

(2) Where a sleeping area is provided within a child day care facility, the sleeping area for children under the age of eighteen months must be sufficiently separate from older children to ensure quiet sleeping accommodation.

18.(1) Individual lockers, cubbyholes or hooks that are  
(a) easily accessible to children,  
(b) in a lighted area, and  
(c) arranged so that each child's personal belongings can be kept separate from those of other children,  
must be provided for each child.

(2) Cupboards and other storage space that is easily accessible to children must be provided for indoor and outdoor play materials, equipment, clothing and supplies.