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DATE: March 7, 2012

REPORT TITLE: **REQUEST TO CONSIDER A CHILD CARE FEE SUBSIDY PURCHASE OF SERVICE AGREEMENT FOR AN AGENCY SELECTED BY THE FRENCH CATHOLIC SCHOOL BOARD (CONSEIL SCOLAIRE DE DISTRIQUE CATHOLIQUE CENTRE-SUD)**

FROM: Janet Menard, Commissioner of Human Services

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#### **RECOMMENDATION**

**That an exemption to Resolution 2009-391 be granted to permit a for-profit child care service provider, Preschool Petit Bateau Inc., selected by the French Catholic School Board, Conseil Scolaire de distrique Catholique Centre-Sud, to apply for a fee subsidy Purchase of Service Agreement with the Region of Peel to deliver child care services in École Élémentaire Catholique Sainte-Jeanne-D'Arc and École Élémentaire Catholique Ange-Gabriel.**

#### **REPORT HIGHLIGHTS**

- Legislation enables the CSDCCS to provide an extended day program for kindergarten pupils by agreement with a third party operator (a "board/third party operating agreement").
- Legislation permits the third party operator to be a for-profit entity in certain circumstances.
- CSDCCS has entered into a board/third party operating agreement with a for-profit entity, Preschool Petit Bateau Inc. ("Petit Bateau").
- The third party operator must enter into a separate agreement with either the Ministry or the Region for the furnishing of day nursery services (in the case of the Region, a fee subsidy purchase of service agreement or "POS Agreement").
- CSDCCS and Petit Bateau now seek to have Petit Bateau enter into a POS Agreement with the Region.
- On April 23, 2009, Council adopted Resolution 2009-391 (the "Resolution" attached in Appendix I) which prohibited new POS Agreements with for-profit entities.
- This report recommends that Council exempt Petit Bateau from the Resolution.
- Petit Bateau has provided child care services to CSDCCS since 2003 at which time it was the only French language child care agency to express interest in doing so.

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**DISCUSSION**

**1. Background**

On April 23, 2009, Regional Council adopted a resolution which stated that new, and expansions to current, fee subsidy Purchase of Service (POS) Agreements must be restricted to not-for-profit child care service providers. Additionally, Council also agreed that for-profit child care service providers who previously held a fee subsidy POS Agreement with the Region of Peel as of December 31, 2007, have their contracts grand parented by the Region and not be subject to the restriction under resolution 2009-391. This resolution was recommended to Council out of a concern with the possibility for large, for-profit, multinational child care conglomerates monopolizing the delivery of child care services in Peel and Canada driving up costs and reducing quality.

**2. Ontario Regulation Regarding For-Profit Program Providers in School Boards**

With the introduction of Full-Day Kindergarten (FDK), school boards are required, pursuant to Ontario Regulation 221/11 (the "Regulation"), to operate an extended day program or to ensure the operation of a third party program under subsection 259.1 of the *Education Act*, R.S.O. 1990, c. E.2.

Part VI – Section 27(3)1(ii) of the Regulation states that the operator of a third party program in the school must be a not-for-profit entity or a municipality unless there were no not-for-profit entities or municipalities that expressed an interest in operating the program. The Regulation became effective June 6, 2011. Additionally, Section 27(3)4(i) of the Regulation sets out further exemptions for existing agreements between School Boards and for-profit program providers. The Regulation requires the Board to affirm to the Minister that at the time the Regulation came into force, the Board had a written agreement with the for-profit third party program provider.

Conseil Scolaire de distrique Catholique Centre-Sud (CSDCCS) has had a written agreement with Preschool Petit Bateau Inc. since 2003 to deliver child care services. This agreement has been renewed annually. In 2003, CSDCCS requested tenders for a child care agency to provide care in their schools. The only French-language child care agency that expressed interest was Preschool Petit Bateau Inc. CSDCCS contracted with them to deliver the program. The submission from this agency satisfied the criteria set out by CSDCCS. They have maintained a successful working relationship since that time. Preschool Petit Bateau Inc. is not a multinational child care conglomerate or a "big box" operator.

CSDCCS advises that the Preschool Petit Bateau Inc. child care program offered to the CSDCCS students meets the criteria of the Third Party Programs as prescribed under Section 259.1 of the *Education Act*.

A legislated condition of being accepted as a Third Party Provider is that the agency must have a fee subsidy POS Agreement with the municipality to provide care for children receiving fee subsidy. Preschool Petit Bateau Inc., does not currently have a fee subsidy POS Agreement with the Region of Peel but would like to apply for one at this time.

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**3. Exemption Request**

As a result of Council Resolution 2009-231, the Region is not entering into new fee subsidy POS Agreements with for-profit child care service providers. This request is for Council to grant a one-time exemption to this Resolution which will allow Preschool Petit Bateau Inc. to apply for a new fee subsidy POS Agreement. This agency has been providing child care services to CSDCCS since 2003 and would be subject to grand parenting by Provincial guidelines. This agreement would be for the agency to provide child care programs only in their existing centres and the following two schools: 1) École Élémentaire Catholique Sainte-Jeanne-D'Arc and 2) École Élémentaire Catholique Ange-Gabriel in the CSDCCS. The rationale for this request is that our current policy presents a barrier to CSDCCS fully partnering with Preschools Petit Bateau Inc. to provide a seamless extended day program in accordance with the FDK vision for those children who may require fee subsidy.

**4. Proposed Next Steps**

Approval of this recommendation will enable Preschool Petit Bateau Inc. to apply to the Region for a fee subsidy POS Agreement. Service System Management in Human Services will follow the standard process for entering into a fee subsidy POS Agreement with the agency. This agency must satisfy the requirements for the fee subsidy POS Agreement as outlined in the Service Provider Handbook. These requirements include policies and procedures that adhere to quality measures and standards set out in the Day Nurseries Act: clear licence history, legal obligations, previous child care experience, qualified staff and financial viability.

**LEGAL IMPLICATIONS**

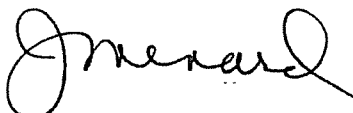
The request is to have an exemption to Resolution 2009-391 to allow Preschool Petit Bateau Inc. to apply for a fee subsidy POS Agreement. The Region's Legal division has reviewed this request and all relevant legislation, and has provided advice in preparing this council report. This is a one-time only exemption request which addresses a unique situation and is not applicable to other circumstances.

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**CONCLUSION**

Granting the exemption to Resolution 2009-231 will allow Preschool Petit Bateau Inc. to apply for a fee subsidy POS Agreement with the Region. This will support the inclusion of francophone children, whose families need subsidy, to acquire child care within their community school and experience a seamless extended day program in accordance with the FDK vision.



Janet Menard  
Commissioner of Human Services

**Approved for Submission:**



D. Szwarc, Chief Administrative Officer

*For further information regarding this report, please contact Terrence Balliram at extension 3837 or via email at [terrence.balliram@peelregion.ca](mailto:terrence.balliram@peelregion.ca)*

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- c. Legislative Services  
Patrick O'Connor, Regional Solicitor 

APPENDIX I  
March 7, 2012

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**REQUEST TO CONSIDER A CHILD CARE FEE SUBSIDY PURCHASE OF SERVICE AGREEMENT FOR AN AGENCY SELECTED BY THE FRENCH CATHOLIC SCHOOL BOARD (CONSEIL SCOLAIRE DE DISTRIQUE CATHOLIQUE CENTRE-SUD)**

**Region of Peel**

**APPROVED AT REGIONAL COUNCIL  
April 23, 2009**

**ITEMS RELATED TO HUMAN SERVICES**

*Chaired by Councillor P. Mullin*

**HS-A. CHILDREN'S SERVICES**

**HS-A1. 2009 Multinational Corporate Child Care in Peel**

That new and expansion to current fee subsidy purchase of service agreements be restricted to the non-profit child care service providers;

And further, that for-profit child care providers that have a fee subsidy purchase of service agreement with the Region of Peel as of December 31, 2007 be 'grand parented' by the Region.

Carried

2009-391