

# ADMINISTRATIVE REGULATIONS

TITLE: USE OF BOARD PROPERTY AS LICENSED CHILD CARE FACILITY  
CATEGORY: FACILITIES  
NUMBER: 4170

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## I. Rationale

The Board of Education of School District No. 46 recognizes the value and importance of available child care and quality early learning programs in the community. To facilitate the operation of such services, the board supports the use of board property for the provision of child care programs between the hours of 7 a.m. and 6 p.m., at a minimum, by either the board or third-party licensees. In addition, Section 85.1 of the *School Act* (Use of Board Property) requires school districts to establish a policy promoting the use of board property by licensed child care providers.

## II. Practices

### A. Definitions:

The terms “board property”, “business day”, “child care program”, “educational activities”, and, “licensed child care provider” shall have the meanings set out in section 85.1 of the *School Act*.

### B. “Direct and indirect costs” include:

1. Utilities;
2. Maintenance and repair;
3. A reasonable allowance for the cost of providing custodial services;
4. A reasonable allowance for time school district administrators and other staff spend on matters relating to the use of board property by licensed child care providers,

### C. Guiding Principles:

1. The use of board property by licensed child care providers must not disrupt or otherwise interfere with the provision of educational activities including early learning programs and extracurricular school activities.
2. The board will, on an ongoing basis, assess community need for child care 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 child care operators. The process for engagement will be reviewed on an ongoing basis.

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3. If child care programs are to be provided on board property, the Board will consider, on an ongoing basis, whether those programs are best provided by licensees other than the board, the board, or a combination of both.

D. Board Operated Child Care:

1. Prior to entering into or renewing a contract with a licensee to provide a child care program on board property other than the board, the board will consider.

- a) Whether it is preferable for the board to become a licensee and operate a child care 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 performance in respect of providing an inclusive child care program and one that promotes indigenous reconciliation in child care

2. If the board decides to operate a child care program, the board will ensure that it is operated in a manner that:

- a) fosters Indigenous reconciliation in child care. In particular, the child care 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*.

3. Child care programs, if operated by the board, will be operated for a fee no greater than the direct costs the board incurs in providing the child care program.

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E. Licensed Operator Child Care:

1. In selecting licensees other than the board to operate a child care program, the board will give special consideration to the candidates' proposals that:
  - a) provide inclusive child care;
  - b) foster Indigenous reconciliation in child care
  - c) demonstrate a willingness to collaborate with early learning educators; and,
  - d) are congruent with the Early Learning Vision established by the school district.
2. Fees for the use of board property by licensees other than the board will not exceed the direct and indirect costs incurred and to be incurred by the board as a result of making board property available for the child care program.
3. The Secretary-Treasurer is responsible for determining rental rates on a cost recovery basis.
4. Opportunities for proposals to occupy available space will be posted to BC Bid.
5. Licensed child care providers must sign a license agreement which specifies:
  - 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 the 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;
  - g) a requirement that the licensee must at all times maintain the required license to operate a child care facility;
  - h) license rates; and,

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- i) terms and conditions for the use of board property.
- 6. The site will be offered “as-is” and the cost of improvements and furnishings to facilitate child care activities will be borne by the child care provider.
- 7. Licensed child care providers are responsible for ensuring that they comply with regulatory requirements associated with operating a licensed child care facility.
- 8. This regulation does not apply to any arrangement in place on March 14, 2013 under which board property is being made available to licensed child care provider(s) but does apply to any renewal or extension of that arrangement.

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**References:** *School Act* Section 85.1, Ministerial Order M326 (Child Care Order), Declaration on the Rights of Indigenous Peoples Act (*Declaration Act*)