

Policy 901

Space Allocation for Designated Early Learning and Child Care Facilities

Effective: November 1, 2022

Revised: January 26, 2023, March 3, 2023

1.0 Purpose

This policy establishes the criteria for the allocation of spaces within designated early learning and childcare facilities by the Department of Education and Early Childhood Development (the Department). It also establishes the application process and the evaluation criteria for applying for a new designated licence or the expansion of spaces in existing designated facilities.

2.0 Application

This policy applies to all applications for a new designated licence or to expand spaces within existing designated facility received on or after November 1, 2022. This policy also applies to the reallocation of unused designated spaces.

See Appendix A for any exceptions to the policy.

3.0 Definitions

Designated facility means a licensed facility that is designated by the Minister under section 15.1 of the *Early Childhood Services Act* (the Act) or for which the designation is renewed under section 15.2 of the Act.

Diverse populations means diverse and/or vulnerable children and families – including children with disabilities and children needing enhanced or individualized supports, visible minority children, children of newcomers, and of the official language minority.

Infant means a child who is under two years of age.

Preschool child means a child who is 2 years of age or over and who is not yet attending school.

4.0 Legal Considerations and Authority

The following subsections *Early Childhood Services Act*:

2.01(1) *The Minister may establish provincial policies and guidelines related to programs and services.*

15.1(2) *An application for designation shall be accompanied by the documents prescribed by regulation.*

5.0 Goals/Principles

- 5.1 The Department is committed to ensuring New Brunswick families have access to quality, affordable, accessible and inclusive child care. High-quality early learning services serve the dual roles of supporting the labour force attachment and training efforts of parents and fostering the holistic development of young children, so they become healthy, self-sufficient and productive adults.
- 5.2 The Department is committed to supporting the early learning and childcare sector in its efforts to build a network of high-quality, accessible, inclusive and affordable early childhood services that is responsive to the needs of parents.
- 5.3 Designated facility licences and space expansion will be allocated based on community needs, including increasing services in rural areas and for infants, with a focus on infants under fifteen (15) months of age.
- 5.4 As per section 6.1 of the *Licensing Regulation – Early Childhood Services Act*, the Department will designate not-for-profit facilities and early learning and childcare homes before any other facility.

6.0 Requirements/Standards

6.1 General

- 6.1.1 The Department must consider the following criteria when determining the location, number and type of spaces to be allocated in designated facilities in the province. The list does not preclude the Department from considering other factors relevant to a community's circumstances as supported by a market analysis.
 - 1. Coverage needs by community: population; birth rate; projected population growth; and existing early learning and child care (ELCC) coverage.
 - 2. Community demand and waitlists: realistic profile of the parents' needs; consideration of the community demand for centres versus homes; planned and

future economic development projects in the community or surrounding area; recent immigration influxes to a community; and socioeconomic changes within a community.

3. Infant spaces: the need to provide infant spaces.
4. Capacity to deliver service: consideration of the available, qualified workforce; access to real estate (infrastructure); and occupancy rate within existing ELCC facilities in adjacent communities.
5. Language needs of the community: supporting the official language minority and to ensure equitable access for families across the province.
6. Ability to support multiple communities: a community's ability to provide services to multiple adjacent communities.
7. Inclusive access: inclusive and equitable practices and services to ensure diverse populations have access to spaces equivalent to or greater than their share of the population in the province.
8. Access for Indigenous communities: the ability to provide services to Indigenous families within communities.

6.1.2 The number, location and type of spaces to be allocated in designated facilities will be reviewed at least once a year based on an analysis of New Brunswick socio-demographic and economic trends. The list will be posted on the Department of Education and Early Childhood Development's website and updated at a minimum of once a year.

6.1.3 The Department will post a call for proposal for applications for new designated facilities or expand designated spaces at existing designated facilities at a minimum of once a year. The call for proposal will include the evaluation criteria as outlined in section 6.2.2 of the Policy.

6.1.4 The Minister may temporarily add up to three (3) designated spaces within an existing designated facility to accommodate families who have deferred school attendance for their child(ren) until the following year under Section 15(2) of the *Education Act*. Spaces will be added to the licence for no more than one year. Approval is contingent on meeting licensing and designation requirements.

6.1.5 Operators are not permitted to increase the number of designated spaces on an existing licence unless they go through the call for proposal process.

6.1.6 Operators cannot move a portion of designated spaces from one licensed facility to another licensed facility. If operators want to increase the number of designated spaces within an existing facility, they must do so through the call for proposal process.

6.1.7 Operators are permitted to reduce the number of designated spaces by notifying the Department in writing. These designated spaces will not be held and will be reallocated as

per Section 6.3 of the Policy. Operators will be required to go through the call for proposal process if they want to increase their designated spaces in the future.

- 6.1.8** Non-designated infant and/or preschool spaces may not be added to a designated licence. Operators may submit an application for a new licence as a non-designated facility.

6.2 Application Information

- 6.2.1** All applicants for a new designated licence or to expand designated spaces within an existing designated facility will complete and submit Step 1 of the application form located on the Department's website (www.gnb.ca/childcare). Step 1 of the application includes the submission of an analysis of the market of the services the facility intends to provide and the expected timeline for opening the spaces.
- 6.2.2** The evaluation committees will review Step 1 of the applications and allocate the spaces based on the following evaluation criteria: type of facility; community needs and demands (including hours of operation); infant spaces proposed and the intent to fill; plans for diverse populations; recruitment and retention of workforce; access of infrastructure; population served; market analysis; and viability plan.
- 6.2.3** The members of the evaluation committees are outlined in Appendix B.
- 6.2.4** Applicants will be notified in writing by the Minister within forty-five (45) days after the call for proposal is closed on whether or not they are preliminarily approved to be issued a licence for a designated facility or approved for an expansion of designated spaces. This approval will be subject to meeting all of the requirements for a licence and for designation. Successful applicants must then complete and submit Step 2 of the application.
- 6.2.5** A successful applicant must open its designated facility or the new spaces within its designated facility within three (3) months of the targeted opening date specified in their application. If an applicant is unable to open its designated facility or new spaces within this time frame, the designated licence or the spaces for a designated licence may be reallocated.
- 6.2.6** Applications that receive a passing score in the evaluation phase but were not successful in receiving preliminary approval for designated spaces may be retained for one (1) year from the date of closing for the call for proposal.

6.3 Reallocation of Designated Spaces

- 6.3.1** If, after a call for proposal closes, no applications are received or there are no successful applicants, the Department and the school district will meet with the community to discuss the identified childcare gaps and needs of families. The call for proposal will be reissued for an additional ninety (90) days. If, after the second call for proposal, no applications are

received or there are no successful applicants, those designated spaces will be added to the next call for proposal.

6.3.2 To ensure more families have access to quality, affordable, accessible and inclusive child care, existing designated spaces may be reallocated and added to the next call for proposal in the following circumstances:

- a. A designated early learning and child care centre is not making at least 85% of their designated spaces available to families for a period of more than six (6) consecutive months; or
- b. A designated early learning and child care centre is unable to fill at least 85% of vacant designated spaces for more than six (6) consecutive months; or

6.3.3 In the case of 6.3.2 (a) or (b), the Department will take the following actions before reallocating a facility's unfilled, designated spaces.

1. The Department will notify the operator in writing and communicate next steps
2. The Department will examine and take into consideration all information provided by the operator
3. The Department will notify the operator in writing of the decision

If the decision is made to reallocate a facility's unfilled, designated spaces, only 95% of the unfilled spaces will be reallocated to the next call for proposal to permit flexibility to accommodate new enrolment and children aging out of groups.

6.3.4 The Department will issue a special call for proposal in the same language and to the same community when existing designated spaces are reallocated if:

1. The community was part of the most recent call for proposal list; or
2. The loss of designated spaces represents more than thirty (30) spaces; or
3. Existing designated ELCC facilities cannot absorb the number of designated spaces lost.

6.3.5 The special call for proposal will be issued within thirty (30) days of the closure of spaces or may be combined with the annual call for proposal if the closure is within sixty (60) days.

6.3.6 If a special call for proposal is not issued, the reallocated spaces will be added to the next call for proposal.

6.4 Revocation of licence

6.4.1 In cases where a licence is revoked under subsection 30(2) of the *Early Childhood Services Act*, the Minister may reallocate the designated spaces to an existing operator without going through a call for proposal.

6.5 Relocation of a designated centre

6.5.1. An operator may request to move their designated spaces to a new location in the following circumstances. Approval is contingent on meeting licensing and designation requirements.

1. When an operator relocates a facility, currently approved designated spaces will transfer to the new approved location.
2. Operators can only relocate their designated childcare licence(s) within the same community catchment. The catchment communities are listed on the Department's website.

6.6 Change of ownership

6.6.1 When a for-profit operator sells a facility, the existing designated spaces and designation status will be issued to the new operator of the new licence(s). The facility must remain at the same location. This is contingent on all licensing and designation requirements being met. The number of designated spaces will remain the same on the new licence.

6.6.2 When operations of a designated facility managed by a not-for-profit organization are taken over by a new not-for-profit organization, the existing designated spaces and designation status will be issued to the operator of the new licence(s). The facility must remain at the same location. This is contingent on all licensing and designation requirements being met.

6.6.3 If an operator chooses to transition from a for-profit facility to a not-for-profit facility, the existing designated spaces and designation status will be issued to the operator's new licence(s). The facility must remain at the same location. This is contingent on all licensing and designation requirements being met. Existing for-profit operators are not required to transition to a not-for-profit facility.

7.0 Guidelines/Recommendations

N/A

8.0 References

[*Early Childhood Services Act*](#)

[*New Brunswick Regulation 2018-11 under the Early Childhood Services Act*](#)

9.0 Contacts for Additional Information

Department of Education and Early Childhood Development, Policy and Planning Division, (506) 453-3090.

Original signed by

Minister