

Policy 901

SPACE ALLOCATION FOR DESIGNATED EARLY LEARNING AND CHILD CARE FACILITIES



Effective: November 1, 2022

Revised: January 26, 2023; March 3, 2023; November 20, 2023

1 Purpose

This policy establishes the process for the designation of early learning and child care facilities by the Department of Education and Early Childhood Development (the Department). It also establishes the order of priority, the application process, and the evaluation criteria for applying for a new designated licence or the expansion of spaces in existing designated facilities.

2 Application

This policy applies to all applications for a new designated licence, existing non-designated facilities that want to become designated, or to expand spaces within an existing designated facility. This policy also applies to the reallocation of unused designated spaces.

See [Appendix A - Exceptions](#) for any exceptions to the policy.

3 Definitions

Designated facility refers to 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 refers to 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.

Early Learning and Childcare Waitlist refers to a secure online tool that supports families in identifying their needs for early learning and child care services and by matching them with facilities in their community.

Early Learning and Child Care Preschool Space Allocation Grid refers to the number, location and type of spaces to be allocated in designated facilities by community catchment.

Infant refers to a child who is under two years of age as defined in the Act.

Preschool child refers to a child who is 2 years of age or over and who is not yet attending school as defined in the Act.

4 Legal Considerations and Authority

EARLY CHILDHOOD SERVICES ACT:

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

5 Goals/Principles

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.
- Supporting the early learning and child care 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 families.
- 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 child care homes before any other facility.

6 Requirements/Standards

6.1 GENERAL

- 6.1.1** 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.
- 6.1.2** 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.
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: [Early Learning and Child Care Waitlist](#) (ELCC Waitlist); consideration of the community demand for centres versus homes; infant spaces versus preschool spaces; planned and future economic development projects in the community or surrounding area; recent immigration influxes to a community; socioeconomic changes within a community; and support for key economic or social infrastructure (i.e. hospitals).

3. 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.
4. Language needs of the community: supporting the official language minority and to ensure equitable access for families across the province.
5. Access for Indigenous communities: the ability to provide services to Indigenous families within communities.

6.1.3 The Department may require that an applicant for designated spaces offer infant spaces.

6.1.4 [The Early Learning and Child Care Preschool Space Allocation Grid](#) (Space Allocation Grid) will be posted on the Department's website.

6.1.5 The Department will post call(s) for proposals for applications for new designated facilities, existing non-designated facilities that want to become designated, or to expand designated spaces at existing designated facilities on the Department's website.

6.1.6 Despite the [Space Allocation Grid](#), the Minister may award additional spaces based on the [ELCC Waitlist](#) as posted on the Department's website.

6.1.7 The Minister may temporarily add up to three (3) designated preschool 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.

6.1.8 Operators are not permitted to increase the number of designated spaces or change the type of spaces (infant/preschool) on an existing licence unless they go through the call for proposal process. See [Appendix A - Exceptions](#) for any exceptions.

6.1.9 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.

6.1.10 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, to expand designated spaces within an existing designated facility or to change from a non-designated facility to a designated facility will complete and submit [Step 1](#) of the application form located on the Department's website.

6.2.2 The evaluation committee will review [Step 1](#) of the applications and allocate the spaces based on the evaluation criteria outlined in the call for proposals.

- 6.2.3** The members of the evaluation committee are outlined in [Appendix B – Evaluation Committee](#).
- 6.2.4** Applicants will be notified in writing by the Minister within sixty (60) days from when the application was received and confirmed 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 licensing and designation requirements. An employee from the Early Learning and Childcare Services regional office will contact successful applicants within thirty (30) days after issuing notice to initiate the process to complete [Step 2](#) of the application.
- 6.2.5** A successful applicant must open their designated facility or the new spaces within their designated facility within six (6) months of the agreed upon date. If an applicant is unable to open their 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 will be retained for two (2) years from the date of submission for later consideration.

6.3 REALLOCATION OF DESIGNATED SPACES

- 6.3.1** To ensure more families have access to quality, affordable, accessible and inclusive child care, existing designated spaces may be reallocated 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.
- 6.3.2** In the case of 6.3.1 (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 take into consideration all information provided by the operator; and
 3. The Department will notify the operator in writing of the decision.
- 6.3.3** If the decision is made to reallocate a facility's unfilled, designated spaces, only 95% of the unfilled spaces will be reallocated to permit flexibility to accommodate new enrolment and children aging out of groups.

6.4 CLOSURE OF A FACILITY

- 6.4.1** In cases where a licence is revoked under subsection 30(2) of the [Early Childhood Services Act](#), or an operator closes a facility, the Minister may reallocate the designated spaces to an existing operator(s) 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. This is permitted if the following conditions apply. 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; and
2. Operators can only relocate their designated child care licence(s) within the same community catchment. The catchment communities are listed in the [Space Allocation Grid](#) 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. The number and type of designated spaces will remain the same on the new licence. This is contingent on all licensing and designation requirements being met. See [Appendix A – Exceptions](#) for any exceptions.

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. The number and type of designated spaces will remain the same on the new licence. 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. The number and type of designated spaces will remain the same on the new licence. This is contingent on all licensing and designation requirements being met.

7 Guidelines/Recommendations

Not Applicable

8 References

Early Childhood Services Act

New Brunswick Regulation 2018-11 under the Early Childhood Services Act

9 Contacts for Additional Information

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Original signed by

Minister