
POLICY 2.70 USE OF BOARD PROPERTY FOR CHILD CARE

The Board will promote the use of Board property for the provision of child care programs, in accordance with the School Act.

The Board will, on an ongoing basis, assess community need for child care programs on its property, through a process of engagement with employee groups, Parent Advisory Councils, parents/guardians, local First Nations, Métis Nation BC, service providers, and existing child care operators. The process for engagement will be reviewed on an ongoing basis. Where the Board changes the use of board property being used for child care, it will promptly notify the Minister.

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. When 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.
3. If the Board decides to operate a child care program, the Board will ensure that it is operated in a manner that:
 - 3.1. 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*: Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including in the area of education; and "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
 - 3.2. is inclusive and consistent with the principles of non-discrimination set out in the *British Columbia Human Rights Code*.
4. If child care programs are operated by a licensee other than the Board, the Board will require the licensee to commit and comply with this Policy.

5. In selecting licensees other than the Board to operate a child care program, the Board will give special consideration to the proposals that provide for inclusive child care; and, foster Indigenous reconciliation in child care.
6. 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.
7. Fees for the use of board property by licensees other than the Board will not exceed the direct and indirect costs the Board incurs in making board property available for the child care program. Direct and indirect costs include:
 - 7.1. utilities;
 - 7.2. maintenance and repair;
 - 7.3. a reasonable allowance for the cost of providing custodial services;
 - 7.4. 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.
8. Any contract with a licensee other than the Board, to provide a child care program on board property must be in writing and subject to review no less than every five years. The contract must contain:
 - 8.1. a description of the direct and indirect costs for which the licensee is responsible;
 - 8.2. an agreement by the licensee to comply with this policy and all other applicable policies, including the Ministry of Education and Child Care Early Learning Framework;
 - 8.3. a provision describing how the agreement can be terminated by the Board or the licensee;
 - 8.4. an allocation of responsibility to ensure adequate insurance is in place to protect the interests of the Board;
 - 8.5. a provision confirming the licensee will be responsible for liability arising from the child care provider's operation of a child care program on board property, including indemnification of the Board.
 - 8.6. a statement that the agreement can only be amended in writing, signed by the Board and the licensee;
 - 8.7. a requirement for the licensee to maintain appropriate standards of performance;
 - 8.8. a description of processes for ongoing engagement with the licensee in the provision of child care; and
 - 8.9. a requirement that the licensee must at all times maintain the required license to operate a child care facility.

9. Prior to entering into or renewing a contract with a licensee other than the Board to provide a child care program on board property, the Board will consider:
 - 9.1. Whether it is preferable for the Board to become a licensee and operate a child care program directly;
 - 9.2. the availability of school district staff to provide a child care program;
 - 9.3. 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, one that promotes indigenous reconciliation in child care and is consistent with the Early Learning Framework.
10. The Board is not providing any assurance that the facility the licensee intends to use complies with the regulatory requirements of licensed child care facilities. The licensee is responsible for ensuring that they comply with regulatory requirements associated with operating a licensed child care facility.