



AFTER-SCHOOL CHILD CARE OPERATIONS IN SCHOOLS POLICY

DM Approval:

A handwritten signature in black ink, appearing to read "Valerie Royle".

Effective Date: July 1, 2014

GENERAL INFORMATION

The *Education Act* requires the principal of each school to encourage community use of School Facilities and to ensure the proper maintenance and care of School Facilities. Yukon Education supports the involvement of the School Community in approving an after-school child care operation in a School Facility.

Under the *Financial Administration Act*, the Government of Yukon does not assume any liability as a result of after-school child care operations in School Facilities. Operators and employees of child care operations in schools are not employees of the Government of Yukon.

PURPOSE

The purpose of this policy is to provide guidelines for determining approval of an application for an after-school child care operation in a Yukon school, and for entering into Facility Use Agreements upon approval of an application.

DEFINITIONS

'Facility Use Agreement' means the agreement between an after-school child care operator, Yukon Education, and the Department of Highways and Public Works.

'School Community' means everyone in a community that is involved in a school, including students, families, Yukon Education staff, School Councils, First Nations and other partners in education.

'School Facility' includes any Yukon school.

POLICY STATEMENT

Upon receipt of an application for an after-school child care operation in a School Facility, the school administrator shall determine if there is space available to meet the needs of the operation (including any regulatory and licensing requirements). The school administrator shall then recommend to the Assistant Deputy Minister, Public Schools

whether the operation should be approved, including any conditions or other considerations that should be included with any approval (e.g. hours of operation, specified school closed days etc.).

Final authority to approve or deny an application for an after-school child care operation in a Yukon school rests with the Assistant Deputy Minister, Public Schools, subject to the following:

- All after-school child care operations in a School Facility must meet all applicable legislative, regulatory and licensing requirements (e.g. the *Child Care Act*, *Workers' Compensation Act*, *Occupational Health and Safety Act*, and other relevant legislation). The child care operator must confirm in writing with the school administrator that all relevant requirements have been met.
- All operators of after-school child care operations in a School Facility must carry a minimum of one million dollars (\$1,000,000) of comprehensive liability insurance coverage to operate in a school.
- No occupied classrooms will be made available for use by an after-school child care operation in the school.
- The Government of Yukon must not bear any cost for school renovations in order to fulfill any requirements for an after-school child care operation. Any renovations require prior approval from both Yukon Education and the Department of Highways and Public Works.
- The operators and any employees of child care operations in School Facilities are not employees of the Yukon Government.
- All after-school child care operations shall be charged rent for use of the School Facility. Rent shall be set at market value, as determined by the Property Management Division of the Department of Highways and Public Works.

When the Assistant Deputy Minister, Public Schools approves an application for an after-school child care operation in a Yukon school, they will request that the Department of Highways and Public Works provide public notice that an expression of interest has been received to operate an after-school child care operation in the school, and provide ten (10) business days for any other interested parties to come forward with an expression of interest.

Once an operator has been selected, a Facility Use Agreement must be developed and signed by representatives of Yukon Education, the Department of Highways and Public Works, and the after-school child care operator. The Facility Use Agreement must specify the terms and conditions of the agreement between the child care operation and the school, including:

- i. how the security of the School Facility will be maintained by the child care operator;
- ii. the hours and days of operation of the child care operation;
- iii. the rental fee for use of the School Facility;
- iv. the comprehensive liability insurance coverage that is in place, including the amount of the coverage and the name of the insurer;
- v. any renovations to the School Facility that are required, including detailed costs and approvals;
- vi. identification of areas of the School Facility for use by the child care operation, including any terms and conditions of use;
- vii. responsibility of the child care operator for any damage caused by the child care operation;
- viii. when and under what conditions the agreement can be terminated;
- ix. requirements for a damage deposit and the term of the Facility Use Agreement; and
- x. any other requirements for maintenance, cleaning and use of the School Facility.

ROLES AND RESPONSIBILITIES

School administrators are responsible for encouraging community use of School Facilities and for ensuring the proper maintenance and care of school property. School administrators are also responsible for recommending approval of an application for an after-school child care operation in their school.

The Assistant Deputy Minister, Public Schools is responsible for the approval of an application for an after-school child care operation in a Yukon school.

Operators and employees of an after-school child care operation in a School Facility are responsible for following the requirements of this policy and any Facility Use Agreement entered into pursuant to this policy.

APPLICATION

This policy applies to all after-school child care operations and operators approved in a Yukon school, as well as to all staff of Yukon Education and all other members of the School Community.

EXCEPTIONAL CIRCUMSTANCES

In situations where the individual circumstances of a case are such that the provisions of this policy cannot be applied or to do so would result in an unfair or an unintended result, the decision may be based on the individual merits and justice of the situation. Such a decision will be considered for that specific case only and will not be precedent setting.

EFFECTIVE DATE

This policy is effective July 1, 2014.

LEGISLATIVE AND POLICY REFERENCES

Education Act, ss. 169 (b), (j), (k)
Financial Administration Act, s. 65
Child Care Act and Regulations

HISTORY

After-School Child Care Operations in Schools Policy, effective January 6, 2005;
amended effective July 1, 2014.