



HOUSE USE ONLY

CHAIR:

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2nd SESSION, 66th GENERAL ASSEMBLY
Province of Prince Edward Island
1 CHARLES III, 2022

(Bill No. 76)

An Act to Amend the Early Learning and Child Care Act

Hon. Natalie Jameson
Minister of Education and Lifelong Learning

GOVERNMENT BILL

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Acting Queen's Printer
Charlottetown, Prince Edward Island

**For House
Use Only**

**Prince Edward Island
Legislative Assembly**

AMENDMENTS

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TITLE: An Act to Amend the Early Learning and Child Care Act

#	SECTION	AMENDMENT	DATE

NOTED: _____ **CERTIFIED CORRECT:** _____
COMMITTEE CLERK **CHAIR, IN COMMITTEE**



AN ACT TO AMEND THE EARLY LEARNING AND CHILD CARE ACT

BILL NO. 76

2022

BE IT ENACTED by the Lieutenant Governor and the Legislative Assembly of the Province of Prince Edward Island as follows:

1. **Section 1 of the *Early Learning and Child Care Act* R.S.P.E.I. 1988, Cap. E-.01, is amended**
 - (a) **by the repeal of clause (g) and the substitution of the following:**
 - (g) “**certificate holder**” means an individual who is certified by the Board in early learning and child care and holds a certificate or a probationary certificate;
 - (b) **in clause (h), by the deletion of the words “10 years of age” and the substitution of the words “12 years of age”; and**
 - (c) **by the addition of the following after clause (r):**
 - (r.1) “**probationary certificate**” means a probationary certificate issued under section 53;
2. **Section 9 of the Act is amended**
 - (a) **by the repeal of clause (b) and the substitution of the following:**
 - (b) to certify, and provide direction to the Registrar in respect of certifying, qualified individuals;
 - (b) **in subclause (c)(i), by the deletion of the words “the issuance of certificates” and the substitution of the word “certification”.**

3. **Section 11 of the Act is amended by the deletion of the words “to review applications for certificates and to issue, refuse to issue, renew or refuse to renew certificates under this Act” and the substitution of the words “to review and determine applications for certification”.**

4. **Section 26.1 of the Act is repealed and the following substituted:**

26.1 Prohibition, certification

No individual, other than a certificate holder, shall represent or hold out that the individual is certified or use a title, name, description, abbreviation or derivative, prescribed or otherwise, in any language implying that the individual is certified.

5. (1) **Subsection 27(1) of the Act is amended by the deletion of the words “a certificate of a prescribed level” and the substitution of the words “certification at a prescribed level”.**

(2) **Subsection 27(2) of the Act is amended by the deletion of the words “a certificate” and the substitution of the word “certification”.**

6. (1) **Subsection 28(1) of the Act is amended by the deletion of the words “issue a certificate to an individual” and the substitution of the words “certify an individual at a prescribed level”.**

(2) **Subsections 28(2), (3) and (4) of the Act are repealed and the following substituted:**

Terms or conditions

(2) The Board may place on a certification any terms or conditions that the Board considers appropriate.

Term of certification

(3) A term of certification shall not exceed three years.

Certificate

(4) On certifying an individual, the Board shall issue a certificate to the individual containing the following information:

- (a) name of the individual;
- (b) certification level;
- (c) expiry date;
- (d) any terms or conditions.

7. **Section 29 of the Act is repealed and the following substituted:**

29. Rights and privileges, limitations

Any rights and privileges of certification are subject to the Act, the regulations, the Minister’s directives and any terms or conditions placed on the certification.

- 8. Section 32 of the Act is amended by the deletion of the words “issue a certificate to” and the substitution of the word “certify”.**
- 9. (1) Subsection 33(1) of the Act is repealed and the following substituted:**
- 33. Application to renew certification**
- (1) Subject to the regulations, a certificate holder may apply to the Board in the form required by the Board to renew the certificate holder’s certification.
- (2) **Subsection 33(2) of the Act is amended by the deletion of the words “for the renewal of a certificate” and the substitution of the words “to renew one’s certification”.**
- 10. (1) Subsection 34(1) of the Act is amended by the deletion of the words “Subject to section 35, the Board may renew a certificate” and the substitution of the words “Subject to section 35 and the regulations, the Board may renew a certificate holder’s certification”.**
- (2) **Subsection 34(2) of the Act is amended by the deletion of the word “a certificate” and the substitution of the word “a certificate holder’s certification”.**
- 11. Section 35 of the Act is amended by the deletion of the words “renew a certificate” and the substitution of the words “renew a certificate holder’s certification”.**
- 12. Section 36 of the Act is repealed and the following substituted:**
- 36. Certification pending decision of Board**
- (1) Subject to the regulations, where a certificate holder applies to the Board to renew the certificate holder’s certification before it expires, the certification is deemed not to expire pending the Board’s decision to renew or not to renew the certification.
- Certification pending appeal**
- (2) Where an individual requests under subsection 57(3) that the Appeal Board review a decision of the Board not to renew the individual’s certification, the individual is deemed to be certified pending the determination of the Appeal Board in the matter.
- 13. (1) Clause 53(1)(a) of the Act is amended by the deletion of the words “the terms and conditions of the certificate” and the substitution of the words “any terms or conditions on the certification”.**
- (2) **Clause 53(3)(b) of the Act is amended by the deletion of the words “suspended certificate” and the substitution of the word “certification”.**
- (3) **Subsection 53(4) of the Act is amended by the deletion of the words “unexpired term of that certificate” and the substitution of the words “unexpired term of the certification”.**
- (4) **Clause 53(7)(a) of the Act is amended by the deletion of the words “that certificate” and the substitution of the words “the certification”.**

14. (1) **Subsection 54(1) of the Act is amended by the deletion of the words “the suspended certificate” and the substitution of the words “the certificate holder’s certification”.**
- (2) **Subsection 54(2) of the Act is amended by the deletion of the words “a certificate” and the substitution of the words “a certificate holder’s certification”.**
15. **Subsections 55(1) and (2) of the Act are amended by the deletion of the words “a certificate of a certificate holder” and the substitution of the words “the certificate holder’s certification”.**
16. **Subsection 56(1) of the Act is amended by the deletion of the words “to issue or renew a certificate” and the substitution of the words “to certify an individual or renew a certificate holder’s certification”.**
17. (1) **Subsection 57(3) of the Act is amended by the deletion of the words “a certificate or the renewal of a certificate” and the substitution of the words “certification or to renew certification”.**
- (2) **Clause 57(4)(c) of the Act is amended by the deletion of the words “a certificate” and the substitution of the words “the certification”.**
18. **Section 76 of the Act is amended**
- (a) **in clause (e), by the deletion of the word “certificates” and the substitution of the word “certification”;**
 - (b) **in subclause (g)(ix), by the deletion of the word “certificates” and the substitution of the word “certification”;**
 - (c) **in clause (j.1), by the deletion of the words “to obtain a certificate or for the renewal of a certificate” and the substitution of the words “for certification or to renew certification”;**
 - (d) **in clause (j.2), by the deletion of the words “issue a certificate or renew a certificate” and the substitution of the words “certify an individual or renew a certificate holder’s certification”;**
 - (e) **in clause (j.3), by the deletion of the words “or a certificate” and the substitution of the words “, suspend a certificate or revoke certification”;**
 - (f) **in clause (q), by the deletion of the words “a certificate” and the substitution of the word “certification”; and**
 - (g) **by the addition of the following after clause (q):**
 - (q.1) imposing terms or conditions on a particular level or particular levels of certification;
 - (q.2) providing that a particular level of certification is not renewable or prescribing circumstances in which it is not renewable;

- 19. This Act comes into force on a date that may be fixed by proclamation of the Lieutenant Governor in Council.**

EXPLANATORY NOTES

SECTION 1 updates the definition of “certificate holder”, amends the definition of “child” to refer to a person 12 years of age or under and adds a definition for “probationary certificate”.

SECTION 2 amends section 9 of the Act to refer to certification instead of issuing a certificate.

SECTION 3 amends section 11 of the Act to refer to applications for certification instead of a certificate.

SECTION 4 updates the prohibition against misrepresenting oneself as certified in section 26.1 of the Act.

SECTION 5 amends section 27 of the Act to provide for an individual to apply for certification instead of a certificate.

SECTION 6 amends section 28 of the Act to refer to certification instead of a certificate.

SECTION 7 updates section 29 of the Act to refer to certification instead of a certificate.

SECTION 8 amends section 32 of the Act to refer to certifying an individual instead of issuing a certificate to an individual.

SECTION 9 amends section 33 of the Act to refer to renewing certification instead of renewing a certificate and to provide for exceptions in the regulations.

SECTION 10 amends section 34 of the Act to provide that the Board may renew a certificate holder’s certification, subject to exceptions in section 35 and the regulations.

SECTION 11 amends section 35 of the Act to refer to renewing certification instead of renewing a certificate.

SECTION 12 updates section 36 of the Act to refer to certification instead of a certificate.

SECTION 13 amends section 53 of the Act to refer to certification instead of a certificate.

SECTION 14 amends section 54 of the Act to refer to certification instead of a certificate.

SECTION 15 amends section 55 of the Act to refer to certification instead of a certificate.

SECTION 16 amends section 56 of the Act to refer to certification instead of a certificate.

SECTION 17 amends section 57 of the Act to refer to certification instead of a certificate.

SECTION 18 amends section 76 of the Act to refer to certification instead of a certificate and to add regulation-making powers to impose terms or conditions on certification by regulation and to provide that a particular level of certification is not renewable.

SECTION 19 provides for the commencement of this Act on proclamation.

(Bill No. 76)

An Act to Amend the Early Learning and Child Care Act

<i>STAGE:</i>	<i>DATE:</i>
<i>1st Reading:</i>	November 1, 2022
<i>2nd Reading:</i>	
<i>To Committee:</i>	
<i>Reported:</i>	
<i>3rd Reading and Pass:</i>	
<i>Assent:</i>	

SIGNATURES:

Honourable Antoinette Perry, Lieutenant Governor

Honourable Colin LaVie, Speaker

Joseph Jeffrey, Clerk

Hon. Natalie Jameson
Minister of Education and Lifelong Learning

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