

# An Act to amend the Educational Childcare Act to improve access to the educational childcare services network and complete its development <sup>[1]</sup>

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Source: National Assembly of Québec



Format: government document

Publication Date: 21 Oct 2021

## AVAILABILITY

Access online [FR] <sup>[2]</sup>

Access online [EN] <sup>[3]</sup>

Attachment	Size
 <a href="#">21-001a.pdf</a> <sup>[4]</sup>	225.28 KB
 <a href="#">21-001f.pdf</a> <sup>[5]</sup>	241.83 KB

Excerpted from explanatory notes

The purpose of this bill is to improve access to the educational childcare services network and complete its development.

To that end, the bill reinforces children's right to receive quality personalized educational childcare services by introducing the obligation for the Minister of Families to issue an invitation to submit a project for the development of subsidized educational childcare services when the Minister finds that the supply of such services in a given territory does not meet the demand. The bill specifies that the right to receive educational childcare services applies from a child's birth until his or her admission to preschool or elementary school education.

In addition, the bill amends the mechanism for assessing educational childcare service needs to enable the Minister to determine the childcare services supply necessary to meet the demand for such services in the various territories the Minister determines and to establish priorities specific to those territories. For those purposes, the bill sets out a process for consulting each of the regional advisory committees it establishes and defines the mandate of those committees.

Furthermore, the bill amends the process whereby the Minister assigns new subsidized childcare spaces, providing that the Minister is to issue an invitation to categories of permit applicants or permit holders to submit projects. The invitation may specify the participation of the Minister in the financing and planning of the construction project as well as that of any person designated by the Minister, in particular in the planning, management or control of the development or construction project or in the supply of the facility.

The bill also introduces the possibility for a childcare centre or day care centre permit holder that has undertaken certain steps to acquire a facility to be authorized, on certain conditions, to provide childcare in a temporary facility.

In addition, the bill increases the current limits on the number of children to whom childcare may be provided in a facility, and on the maximum number of subsidized spaces allowed per person or related persons holding two or more childcare permits.

The bill abolishes the limit on the number of facilities and subsidized spaces for childcare centres.

The bill repeals the provisions concerning childcare provided in private residences for which recognition by a home childcare coordinating office is not required, and introduces new exceptions to the obligation to hold such recognition or a permit in order to provide such services to children for a contribution. Therefore, the bill allows a natural person, among others, to look after up to two children or to look after only children who ordinarily live together, and also allows certain types of occasional childcare.

The bill also introduces measures enabling the Minister of Families to act, in certain circumstances, including to maintain the childcare services provided by a permit holder that ceases to operate or that intends to do so.

The bill modifies the rules regarding the single window for access to educational childcare services. More specifically, it provides that, in order to be allowed to receive such services, a child must be registered with the single window according to the terms and conditions prescribed by regulation. Such a regulation may provide for assigning a rank to a child with a view to his or her admission as well as the requirements, criteria and priorities for such admission, including to give priority to children living in precarious socioeconomic contexts.

As concerns home childcare and the rules governing it, the bill introduces the possibility for the Minister to modify the accreditation of a home childcare coordinating office in order to increase or decrease the number of spaces indicated in the accreditation. It also provides that the Minister may issue instructions to ensure the coherence of the coordinating offices' actions and practices. Furthermore, the bill increases to five years the term of the recognition of a person recognized as a home childcare provider. The bill allows a person whose application for recognition has been refused to bring proceedings before the Administrative Tribunal of Québec.

In addition, the bill introduces special rules applicable to Aboriginal persons, including allowing the Government to enter into an agreement with an Aboriginal nation or community on any matter within the scope of the Educational Childcare Act or the regulations in order to take Aboriginal realities into account; such an agreement is to have precedence over that Act and the regulations.

Lastly, to ensure its implementation, the bill contains various measures, including penal and regulatory measures, as well as transitional and consequential provisions.

## LEGISLATION AMENDED BY THIS BILL:

– Educational Childcare Act (chapter S-4.1.1).

## REGULATIONS AMENDED BY THIS BILL:

- Reduced Contribution Regulation (chapter S-4.1.1, r. 1);
- Educational Childcare Regulation (chapter S-4.1.1, r. 2).

Region: Quebec <sup>[6]</sup>

Tags: legislation and regulations <sup>[7]</sup>

public management <sup>[8]</sup>

child rights <sup>[9]</sup>

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Source URL (modified on 28 Oct 2021): <https://childcarecanada.org/documents/research-policy-practice/21/10/act-amend-educational-childcare-act-improve-access>

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