



NATIONAL ASSEMBLY OF QUÉBEC

SECOND SESSION

FORTY-SECOND LEGISLATURE

Bill 1

**An Act to amend the Educational
Childcare Act to improve access to
the educational childcare services
network and complete its
development**

Introduction

**Introduced by
Mr. Mathieu Lacombe
Minister of Families**

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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 socio-economic 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).

Bill 1

AN ACT TO AMEND THE EDUCATIONAL CHILDCARE ACT TO IMPROVE ACCESS TO THE EDUCATIONAL CHILDCARE SERVICES NETWORK AND COMPLETE ITS DEVELOPMENT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

EDUCATIONAL CHILDCARE ACT

1. Section 1 of the Educational Childcare Act (chapter S-4.1.1) is amended

(1) by replacing “provided by childcare providers covered by this Act” in the first paragraph by “intended for children before their admission to school”;

(2) by replacing the second paragraph by the following paragraph:

“A further object of this Act is to foster the harmonious development of an educational childcare service supply that is sustainable and takes into account the needs of parents, in order to facilitate the reconciliation of their parental and professional responsibilities.”

2. Section 2 of the Act is replaced by the following sections:

“**2.** Every child has a right to quality personalized educational childcare services from birth until the child’s admission to preschool or elementary school education or, failing that, until the first day of the school calendar of the school year, within the meaning of the Education Act (chapter I-13.3), following the year in which the child reaches six years of age.

The above right must be exercised taking into account the availability, organization and resources of childcare providers. It must also be exercised having regard to the rules set out in this Act relating to access to educational childcare services, including the obligation for those providers to fill their service supply using exclusively the registrations entered in the single window for access to childcare services, and the rules relating to subsidies, including those concerning the allocation of subsidized childcare spaces.

The implementation of that right is reinforced by the obligation imposed on the Minister to take the measures referred to in section 93.0.3 so that the educational childcare service supply in each territory meets the demand for such services.

“2.1. Childcare centres, day care centres and recognized home childcare providers, with the support, in the latter’s case, of home childcare coordinating offices that this Act allows to be accredited, are the educational childcare providers that contribute to the fulfilment of the objectives of this Act.

“2.2. Childcare providers covered by this Act may provide childcare only to the children referred to in the first paragraph of section 2.”

3. Section 4 of the Act is repealed.

4. Section 5 of the Act is amended

(1) by replacing “include activities” in the introductory clause of the first paragraph by “be”;

(2) by replacing “particularly their emotional, social, moral” in subparagraph 1 by “enabling them to develop, at their own pace, all facets of their person, particularly their emotional, social”;

(3) by replacing “to the development of a healthy lifestyle, healthy eating habits and behaviour” in the second paragraph by “to acquiring a healthy lifestyle and of behaviours”.

5. Section 6 of the Act is replaced by the following section:

“6. No person may, personally or through another, provide or offer to provide childcare services to a child referred to in the first paragraph of section 2, in return for a contribution, unless the person holds a childcare centre or day care centre permit or is a home childcare provider recognized by an accredited home childcare coordinating office.

The prohibition set out in the first paragraph does not apply to

(1) natural persons who are own-account workers and who, in a private residence where childcare is not already being provided,

(a) look after up to two children; or

(b) look after only children who ordinarily live together;

(2) day camp or vacation camp operators;

(3) non-profit community organizations whose overall mission is financed by a public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) and that, incidentally to their main mission, provide occasional childcare in a place other than an educational institution;

(4) non-profit legal persons that, in an educational institution, provide occasional childcare exclusively to children of students attending that institution while the latter are pursuing their studies and where the latter can make themselves available if needed; or

(5) persons who provide occasional childcare to children whose parents are on site and can be reached if needed at one of the following locations:

(a) a health and social services institution;

(b) a commercial establishment;

(c) a fair, an exhibition or a place where a one-time event is held; and

(d) a place where a deliberative assembly is held.”

6. Sections 6.1 and 6.2 of the Act are repealed.

7. Section 8 of the Act is amended

(1) by replacing “a maximum of five” in subparagraph 1 of the first paragraph by “one or more”;

(2) by inserting the following subparagraph after subparagraph 1.1:

“(1.2) undertake to provide childcare only to the children referred to in the first paragraph of section 2;”;

(3) by striking out the second paragraph.

8. Section 10 of the Act is amended by replacing the first paragraph by the following paragraph:

“The Minister may refuse to issue a childcare centre permit given the subsidies available or the relevance of subsidizing a permit applicant for the proposed territory or if the educational childcare service supply necessary to meet the demand for such services, determined under section 11.2, is achieved.”

9. Section 11 of the Act is amended

(1) by inserting the following subparagraph after subparagraph 1.1 of the first paragraph:

“(1.1.1) the person undertakes to provide childcare only to the children referred to in the first paragraph of section 2;”;

(2) by striking out “on the recommendation of the advisory committee concerned” in the second paragraph;

(3) by inserting “, and of a permit applicant or permit holder who has obtained the authorization referred to in section 16.1 to maintain the provision of childcare services to children who would otherwise not have any” at the end of the second paragraph.

10. Section 11.1 of the Act is amended, in the first paragraph,

(1) by striking out “consults the advisory committee concerned established under section 103.5 and” in the introductory clause;

(2) by replacing “the childcare service needs and priorities for developing such services” in subparagraph 2 by “the necessary educational childcare service supply determined under section 11.2”.

11. Section 11.2 of the Act is replaced by the following section:

“11.2. The Minister assesses the educational childcare service needs for each territory the Minister determines, and identifies, if necessary, the priorities for developing such services. For those purposes, the Minister considers, among other factors, the permits already issued, the permit applications and other applications for authorization under section 21 or section 21.1 awaiting a decision, and how well childcare service needs are already being met.

Subsequently, the Minister consults the regional advisory committee of the territory concerned established under section 103.5. The Minister requests, within the time determined by the Minister, the opinion of the committee on the assessment of needs and on the development priorities identified under the first paragraph.

The committee may then recommend that the Minister consider certain elements, specific to its territory, with respect to the childcare service needs, the development priorities, the allocation of subsidized childcare spaces or the issue of a day care centre permit.

At the conclusion of that exercise, the Minister determines, for each territory, the educational childcare service supply necessary to meet the demand for such services. The Minister then establishes whether the supply meets the demand and makes a projection of those findings for any period determined by the Minister. The Minister may also adjust the development priorities the Minister has identified.

The Minister publishes on the Minister’s department’s website, for the benefit of permit applicants and permit holders, the necessary information on the educational childcare service needs and priorities for developing such services specific to each territory and makes public his or her assessment, the determination made under the fourth paragraph and the opinions and recommendations given by the committees under this section.

When the Minister assesses the childcare service needs and establishes the priorities for developing such services within an Aboriginal community, the Minister consults the community concerned only.”

12. Section 12 of the Act is amended by striking out “, where this number differs from the number referred to in paragraph 3” in paragraph 5.

13. The Act is amended by inserting the following sections after section 16:

“**16.1.** The Minister may, in exceptional circumstances and temporarily, to maintain the childcare services provided by a permit holder that ceases to operate in one or more facilities or that intends to do so, authorize a permit applicant or permit holder to maintain the provision of childcare services to the children who would otherwise not have any, at the address of the facility appearing on the permit of the holder ceasing operations or at any other address determined by the Minister. When the Minister authorizes a permit applicant, the Minister issues a temporary permit to the applicant for the purposes of this section.

“**16.2.** In the cases provided for in sections 16 and 16.1, the Minister may authorize, for a specified period, a permit holder to provide childcare services according to standards that depart from those established by or under this Act or may exempt the permit holder from the application of certain standards.

The Minister establishes the period and applicable standards by issuing a directive.

“**16.3.** The Minister may, for the period the Minister determines, authorize the holder of a childcare centre permit, whose plans for a new facility have been approved in accordance with sections 18 and 19, to provide childcare to children 18 months of age or older in a temporary facility. The same applies to a person that already holds a day care permit whose plans for the issue of a new permit have been approved.

Sections 18 to 20 of the Act do not apply to the temporary facility.

The Government establishes, by regulation, the conditions and standards applicable in such circumstances and determines the standards from which the holder is exempt.”

14. Section 21 of the Act is amended by replacing the second paragraph by the following paragraph:

“The Minister may refuse to grant the authorization given the subsidies available and the relevance of subsidizing a permit holder for the proposed territory or if the educational childcare service supply necessary to meet the demand for such services, determined under section 11.2, is achieved.”

15. The heading of Division II of Chapter II of the Act is amended by inserting “, MODIFICATION” after “TERM”.

16. Section 24 of the Act is amended

(1) by adding the following paragraph before the first paragraph:

“The Minister may modify a permit where a change is made to one of the elements listed in section 12.”;

(2) by replacing “9 and 11” in the first paragraph by “11 and 40.2”.

17. Section 28 of the Act is amended by striking out “without first complying with section 30” in paragraph 6.

18. Section 30 of the Act is replaced by the following section:

“30. A permit holder must, at least 90 days before ceasing to operate in one or more facilities, notify in writing the Minister and the parents of the children attending the childcare centre or day care centre, inform the Minister of the number and age of the children receiving childcare, and comply with any other condition determined by regulation.

The permit is then modified or revoked, for any facility concerned, as of the date set out in the notice.”

19. The heading of Division IV of Chapter II of the Act is amended by inserting “DAY CARE CENTRE” before “PARENTS”.

20. The Act is amended by inserting the following section after section 40:

“40.0.1. The Minister must ensure that the actions and practices of the coordinating offices accredited by the Minister are coherent.

To that end, the Minister may, by instruction, prescribe any procedure that a coordinating office must follow, any document it must use or any information it must provide.”

21. Section 42 of the Act is amended

(1) by inserting “, in compliance with the instructions given by the Minister under the second paragraph of section 40.0.1” after “it” in the introductory clause;

(2) by inserting “or of subsidies referred to in the third paragraph of section 96” after “providers” in paragraph 5;

(3) by inserting the following paragraphs after paragraph 6:

“(6.1) to find persons interested in becoming home childcare providers;

“(6.2) to promote home childcare as a method of providing educational childcare services;”.

22. Section 46 of the Act is replaced by the following section:

“**46.** The Minister must publish and keep up to date, on the Minister’s department’s website, a list of all the accredited coordinating offices, indicating, for each office, the territory assigned to it and the term of the accreditation granted to it or renewed.”

23. Section 47 of the Act is amended by adding the following paragraph at the end:

“The Minister may also, on the Minister’s initiative, during the term of an accreditation, modify the accreditation to increase or decrease the number of spaces determined under section 44. In the case of a decrease, the terms set out in section 93.0.7 apply.”

24. The Act is amended by inserting the following after section 51:

“§4. — *Cessation of operations*

“**51.1.** A coordinating office must, at least 90 days before ceasing to operate, notify in writing the Minister and the home childcare providers recognized by it and comply with any other condition determined by regulation.

It must send a copy of the register referred to in section 59 to the Minister with that notice.

It must also, within 10 days of the Minister’s request, send the records it has established under this Act or the regulations as well as any modification made to the register referred to in the second paragraph to the Minister or to any person designated by the Minister.

The second and third paragraphs apply, with the necessary modifications, to a coordinating office whose accreditation is not renewed or is revoked by the Minister.”

25. Section 52 of the Act is amended

- (1) by replacing “may” in the portion following paragraph 2 by “must”;
- (2) by inserting “, other than a day care centre permit holder,” after “natural person” in the introductory clause;
- (3) by replacing “six” in paragraph 2 by “nine”.

26. Section 53 of the Act is repealed.

27. Section 53.1 of the Act is amended by replacing “sections 52 and 53” in the first paragraph by “section 52”.

28. Section 55 of the Act is amended by replacing “three-year” by “five-year”.

29. Section 57.1 of the Act is amended by inserting “a home childcare coordinating office acting within the scope of its functions or” after “except in the case of” in the third paragraph.

30. Chapter IV.1 of the Act is replaced by the following chapter:

“CHAPTER IV.1

“ACCESS TO EDUCATIONAL CHILDCARE SERVICES

“59.1. The Minister designates a person or body to establish and administer a single window for access to educational childcare services. The Minister may also establish it, administer it himself or herself or entrust its administration to a third party.

“59.2. All childcare providers must register with the single window according to the terms and conditions determined by government regulation.

“59.3. Despite section 59.2, childcare providers that provide services within an Aboriginal community are not required to register with the single window and are exempt from the application of sections 59.4, 59.6, 59.9, 59.10 and 59.12.

“59.4. The single window is a referral and matching tool to ensure an educational childcare service supply that meets the needs of parents and promotes equality of opportunity for children, while complying with admission criteria and the rank assigned to a child under this chapter.

The Government determines, by regulation, the terms and conditions for registering a child with the single window and for assigning a rank to the child, as well as those for selecting, matching and referring a child registered with the single window. The Government also determines, by regulation, the requirements, criteria and priorities for admitting children to a childcare provider or category of childcare providers.

“59.5. For a child to receive educational childcare services provided by a childcare provider, other than a provider referred to in section 59.3, the child must be registered with the single window according to the terms and conditions determined by government regulation.

“59.6. Childcare providers may not admit a child to their facility or to a home childcare service if the child is not already registered with the single window.

“59.7. Permit holders for childcare centres or day care centres delivering subsidized childcare must establish their admission policies in accordance with the requirements determined by regulation.

Children who live in precarious socio-economic situations must be given priority in the admission policies of childcare providers referred to in the first paragraph, to the extent and on the terms determined by regulation. To that end, the Minister may develop deprivation indexes or use existing indexes.

“59.8. Day care centres that do not provide subsidized childcare and recognized home childcare providers may, subject to section 59.6, admit the children of their choice according to the admission criteria they determine.

“59.9. When permit holders for childcare centres or day care centres delivering subsidized childcare intend to admit a child, they must first notify the single window administrator to obtain the referral of children from the administrator.

The referral of children via the single window and their matching with a permit holder referred to in the first paragraph must be done in accordance with the terms and conditions determined by regulation.

“59.10. All childcare providers must immediately inform the single window administrator when they admit a child.

“59.11. A parent may refuse to have their child admitted to a particular childcare provider.

“59.12. Permit holders for childcare centres or day care centres delivering subsidized childcare that refuse to admit a child who has been referred to them by the single window must notify the single window administrator and the parent of the refusal and inform the parent in writing of the reasons for the refusal.”

31. Section 78 of the Act is amended

(1) by replacing “statements to an inspector or refuse to provide an inspector with the information” in the first paragraph by “representations to an inspector or refuse to provide an inspector with the information or a document”;

(2) by replacing the second paragraph by the following paragraph:

“The person in charge of the premises being inspected and any other person present are required to assist the inspector. Likewise, the person holding information or having custody, possession or control of any document relating to the application of this Act must, at the inspector’s request, give the information or document to the inspector within a reasonable time and facilitate its examination.”

32. The Act is amended by inserting the following section after section 78:

“78.1. An inspector may, by a formal demand delivered by any means that allows proof of receipt, require any person to communicate, by the same means, within a reasonable time specified by the inspector, information or documents relating to the application of this Act.

The person to whom the demand is made must comply with the demand within the specified time, whether or not the person has already communicated such information or such a document or a reply to a similar demand made under this Act.”

33. The Act is amended by inserting the following sections after section 81:

“81.0.1. No person may hinder an investigator in the exercise of investigation functions, make misleading representations to an investigator or refuse to provide an investigator with the information he or she has the right to obtain under this Act.

“81.0.2. An investigator may not be prosecuted for any act done in good faith in the exercise of investigation functions.”

34. Section 89 of the Act is amended by inserting the following paragraph after paragraph 1:

“(1.1) to an applicant for recognition as a home childcare provider, for the establishment of home childcare;”.

35. Section 90 of the Act is amended by replacing the second paragraph by the following paragraphs:

“Such childcare is intended for children referred to in the first paragraph of section 2.

Home childcare providers may not receive a subsidy for the childcare they provide, within their childcare operation, to their own children or to children who ordinarily live with them. Nor may they receive a subsidy for childcare provided to their assistants’ children or to children who ordinarily live with their assistants, if the services are provided at the children’s residence.”

36. Section 91 of the Act is amended by replacing “likewise” by “according to the conditions and priorities the Minister determines”.

37. Section 93 of the Act is replaced by the following sections:

“93. The total number of subsidized childcare spaces corresponds to the total number of spaces authorized under the permits for all childcare centres and daycare centres that have entered into a subsidy agreement with the Minister as well as under the accreditations of all the home childcare coordinating offices.

“93.0.1. When the Minister intends to assign new subsidized childcare spaces to permit applicants or permit holders, the Minister issues an invitation to submit a project for part or all of Québec.

The invitation sets out the terms and conditions the project must comply with and the categories of permit applicants or permit holders for which the invitation is intended, if applicable. It may also specify the participation of the Minister in the financing or 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 a facility.

Following the invitation, the Minister selects one or more projects from among those that meet the conditions of the invitation and then allocates the places among the permit applicants or permit holders whose project has been selected.

“93.0.2. When the Minister intends to assign new subsidized childcare spaces to a home childcare coordinating office for it to distribute the spaces, the Minister modifies the coordinating office’s accreditation in accordance with subdivision 2 of Division I of Chapter III of the Act.

“93.0.3. The Minister must take measures to ensure that the educational childcare service supply in each territory meets the demand for such services. Accordingly, when the Minister finds, at the conclusion of the process set out in section 11.2, that the Minister’s projected service supply in a given territory does not meet the demand, the Minister issues, within six months of that finding, an invitation in accordance with section 93.0.1.

“93.0.4. Where the subsidized childcare spaces assigned to a permit applicant or a permit holder are not made available within the time determined by the Minister, the Minister may recover the spaces in order to reallocate or cancel them.

The same is true where such a childcare space becomes unoccupied otherwise than in the situation provided for in section 93.0.8.

Before recovering or cancelling childcare spaces in accordance with this section, the Minister must notify the permit applicant or permit holder in writing and give the applicant or holder at least 10 days to submit observations. The Minister’s decision, with reasons, is then communicated in writing.

“93.0.5. Where a permit applicant or permit holder delays or neglects, or experiences significant difficulties in, completing construction or development work for which subsidies have been granted, the Minister may, in addition to any other action the Minister may take or right the Minister may have, propose the participation, of any person designated by the Minister in order to complete the required work.

“93.0.6. A coordinating office may reallocate a childcare space assigned to a home childcare provider if it becomes unoccupied.

“93.0.7. Where a home coordinating office fails to make available the childcare spaces that have been allocated to it, the Minister may recover those spaces in order to reallocate them in accordance with section 93.0.1 or section 93.0.2 or to cancel them.

Where the Minister intends to decrease the number of spaces granted to a coordinating office without the latter having requested it, the Minister must notify the coordinating office in writing and give it at least 10 days to submit observations. After the expiry of that period, the Minister renders a decision in writing, with reasons.

“93.0.8. Where a permit holder ceases to operate in one or more facilities, the Minister recovers the subsidized childcare spaces that were assigned to it. Despite sections 11.2 and 93.0.1, the Minister may, if the Minister reallocates the spaces, give priority to the permit holder or permit applicant best able to ensure the continuity of childcare provided in the territory served, while granting attendance priority to the children affected by the cessation of operations.

“93.0.9. When allocating subsidized childcare spaces to permit applicants or permit holders, the Minister makes public the criteria used to assess the projects and allocate the spaces as well as the decisions rendered concerning the projects accepted.”

38. Section 93.1 of the Act is replaced by the following section:

“93.1. In no case may a person who holds two or more day care centre permits or related persons who hold two or more day care centre permits be allocated more than 500 subsidized childcare spaces.”

39. Sections 94 and 94.2 of the Act are repealed.

40. Section 95 of the Act is replaced by the following section:

“95. A childcare provider may not provide childcare to both children benefiting from subsidized childcare spaces and others not occupying subsidized childcare spaces.”

41. Section 96 of the Act is amended by adding the following paragraph at the end:

“The Minister may also pay a subsidy referred to in paragraph 1.1 of section 89 to a coordinating office for it to redistribute according to the terms and conditions determined by the Minister.”

42. Section 101 of the Act is amended by replacing “ou de la révocation de son permis ou de son agrément” in the French text by “, de la révocation de son permis ou du retrait de son agrément”.

43. Section 101.3 of the Act is amended

(1) by replacing “the first paragraph of section 5.1 or any of sections 13, 14, 16, 20, 59.1, 59.2 and 102” in the second paragraph by “section 2.2, the first paragraph of section 5.1 or any of sections 13, 14, 16, 20, 59.2 and 59.6, the first paragraph of section 59.9 and sections 59.10, 59.12, 95 and 102”;

(2) by replacing the third paragraph by the following paragraph:

“The amount of the administrative penalty is \$750 in the case of a natural person and \$1,500 in other cases.”

44. The heading of Chapter VIII.2 of the Act is replaced by the following heading:

“REGIONAL ADVISORY COMMITTEE”.

45. Section 103.5 of the Act is replaced by the following section:

“**103.5.** The Minister establishes a regional advisory committee for every territory the Minister determines.

The function of each committee is to advise the Minister on the educational childcare service needs and priorities for developing such services in its territory, in accordance with section 11.2.

In addition, a committee must conduct any analysis the Minister requests it to conduct and give its opinion on any matter submitted to it by the Minister, including any matter concerning the development of educational childcare services, the steps leading to the issue of a day care permit and the process for assigning, recovering and allocating subsidized childcare spaces.”

46. Section 103.6 of the Act is amended

(1) by replacing the first paragraph by the following paragraph:

“Each committee is composed of the following members:

(1) one person designated by each of the regional county municipalities of the territory concerned;

(2) one person designated by the director or directors of youth protection acting in the territory concerned;

(3) one person designated by the integrated health and social services centres of the territory concerned who is not under the authority of a director of youth protection;

(4) one person designated by the school service centres and school boards of the territory concerned;

(5) one person designated by a regional economic development agency of the territory concerned; and

(6) one person designated by a community organization with a family-related mandate designated by the Minister.”;

(2) by replacing the first sentence of the second paragraph by the following sentences: “For the purposes of subparagraph 1 of the first paragraph, any local municipality whose territory is not included in that of a regional county municipality, with the exception of a local municipality whose territory is included in the urban agglomeration of Ville de Montréal, Ville de Québec, Ville de Longueuil, Ville de La Tuque or Municipalité des Îles-de-la-Madeleine, is considered a regional county municipality. In the case of those municipalities, the urban agglomeration council is considered a regional county municipality.”;

(3) by replacing the third paragraph by the following paragraphs:

“All regional advisory committee members designated under the first paragraph must work or reside in the territory of their committee.

A person designated under the first paragraph who, due to an impediment or a temporary inability to act, is unable to attend a committee meeting may be replaced by a person mandated for that purpose by the body or bodies that designated the person.”

47. Section 103.7 of the Act is amended

(1) by replacing “non-renewable five-year term” in the first paragraph by “a term not exceeding five years”;

(2) by inserting “or until their term is renewed” at the end of the second paragraph.

48. Section 103.8 of the Act is amended by adding the following paragraph at the end:

“The quorum at meetings of a committee is a majority of its members. If a quorum cannot be obtained, the Minister may, if the Minister considers it appropriate or at the request of the committee, designate one or more ad hoc members.”

49. The Act is amended by inserting the following section after section 103.8:

“103.8.1. The Minister may issue a directive establishing any of the committee’s operating rules, including those relating to conflicts of interest, their disclosure and ethics.”

50. Section 103.9 of the Act is amended by replacing “Advisory committee members” by “Members or ad hoc members of a regional advisory committee”.

51. Section 104 of the Act is replaced by the following section:

“104. A person whose permit application or application for recognition as a home childcare provider is denied or whose permit or recognition is suspended, revoked or not renewed, or a parent who believes he or she has been wronged by a decision under section 88 may contest the decision of the Minister or the home childcare coordinating office, as applicable, before the Administrative Tribunal of Québec within 60 days after being notified of the decision.”

52. Section 106 of the Act is amended, in the first paragraph,

(1) by inserting the following subparagraph after subparagraph 3:

“(3.1) prescribe standards aimed at ensuring the health of children that are applicable to childcare providers and require childcare providers to communicate the results of any analysis conducted in such matters to the Minister;”;

(2) by inserting the following subparagraph after subparagraph 4:

“(4.1) determine the persons required to take a first aid course and the persons qualified to offer the course, identify the course that must be taken or prescribe its content, its duration and the manner in which it must be offered, and the terms for maintaining the training of the persons having taken it;”;

(3) by inserting the following subparagraph after subparagraph 5:

“(5.1) establish the conditions and standards applicable when a permit holder is authorized, under section 16.3, to provide childcare services in a temporary facility and determine, from among the standards that would otherwise be applicable, those from which the holder is exempt in those circumstances;”;

(4) by inserting the following subparagraphs after subparagraph 8:

“(8.1) establish the time limit for issuing, and the content and form of, the attestation setting out the experience accumulated for qualification purposes that a permit holder must issue to a member of its childcare staff when the staff member’s employment is terminated or when the permit holder ceases to operate in a facility;

“(8.2) establish the time limit for issuing, and the content and form of, the attestation setting out the experience accumulated for qualification purposes that a coordinating office must issue to the home childcare provider it recognized when the home childcare provider’s recognition is terminated;

“(8.3) determine the conditions for the issue or renewal of a certificate of recognition of qualification by the Minister and prescribe the information that a permit holder, home childcare coordinating office, recognized home childcare provider or childcare staff member must provide for that purpose;”;

(5) by replacing subparagraph 14 by the following subparagraphs:

“(14) determine the terms and conditions according to which a childcare provider must register with the single window for access to educational childcare services designated by the Minister;

“(14.0.1) determine the terms and conditions for registering a child with the single window for access to educational childcare services and those for matching and referring a registered child;

“(14.0.2) determine the requirements, criteria and priorities for admitting a child to a childcare provider or category of childcare providers;

“(14.0.3) determine the terms and conditions for assigning a rank to, and for selecting, a child registered with the single window for access to educational childcare services;

“(14.0.4) determine the requirements relating to the establishment and content of the admission policies of permit holders for childcare centres or day care centres delivering subsidized childcare;

“(14.0.5) prescribe to what extent and according to what terms children living in a precarious socio-economic situation must be given priority in the admission policies of permit holders for childcare centres or day care centres delivering subsidized childcare;”;

(6) by inserting the following subparagraph after subparagraph 15:

“(15.1) determine the formalities to be followed when taking children on an outing;”;

(7) by replacing “, to a childcare provider or to the person referred to in section 6.1” in subparagraph 18 by “or to a childcare provider”;

(8) by striking out subparagraph 18.1;

(9) by inserting “in one or more facilities” at the end of subparagraph 19;

(10) by striking out subparagraphs 29.4 to 29.7.

53. Section 108 of the Act is amended

(1) by inserting “, 14.0.1, 15.1” after “14” in the first paragraph;

(2) by replacing “3, 4, 5” in the third paragraph by “3 to 5.1”.

54. Section 108.1 of the Act is amended by replacing “\$1,000 to \$10,000” by “\$2,500 to \$12,500”.

55. Section 109 of the Act is amended by striking out “53 or 53.1”.

56. Section 110 of the Act is amended by replacing “, 25 or 30” by “or 25”.

57. The Act is amended by inserting the following section after section 110:

“110.1. A permit holder that contravenes a provision of the first paragraph of section 30 is guilty of an offence and is liable to a fine of \$2,500 to \$12,500.”

58. Section 111 of the Act is amended by replacing “\$250 to \$1,000” by “\$500 to \$2,500”.

59. The Act is amended by inserting the following section after section 112:

“112.1. An accredited home childcare coordinating office that contravenes section 51.1 is guilty of an offence and is liable to a fine of \$2,500 to \$12,500.”

60. Section 113.4 of the Act is repealed.

61. Section 114 of the Act is amended by replacing “\$250 to \$1,000” by “\$500 to \$2,500”.

62. Section 115.1 of the Act is amended by replacing “section 78” by “a provision of section 78 or 81.0.1”.

63. Section 116 of the Act is amended by replacing “59.1, 59.2” by “2.2, 59.2 and 59.6, the first paragraph of section 59.9 and sections 59.10, 59.12”.

64. Section 117 of the Act is amended by replacing “\$250 to \$1,000” by “\$500 to \$2,500”.

65. The Act is amended by inserting the following section after section 119:

“119.1. The prescription period for a penal proceeding for an offence under this Act or the regulations is the longer of

(1) three years from the date the offence was committed; and

(2) two years from the date on which the inspection or investigation that led to the discovery of the offence was begun if false representations were made to the Minister or to one of the Minister's public servants.

In the cases referred to in subparagraph 2 of the first paragraph, the Minister's, inspector's or investigator's attestation indicating the date on which the investigation record was opened constitutes conclusive proof of that date, in the absence of evidence to the contrary. However, in such cases, no proceedings may be instituted if more than five years have passed since the date of the commission of the offence."

66. The Act is amended by inserting the following section after section 121:

"121.1. To enable the application of measures to ensure that Aboriginal realities are taken into account, the Government and an Aboriginal nation or community may enter into an agreement on any matter within the scope of this Act or the regulations.

For the purposes of this section, an Aboriginal nation is represented by the Makivik Corporation, the Cree Nation Government or a group of all the band councils or northern village councils of the communities forming the Aboriginal nation. An Aboriginal community, for its part, is represented by its band council, by its northern village council, by a group of communities so represented or, in the absence of such councils, by any other Aboriginal group.

Such an agreement has precedence over this Act and the regulations. However, a person covered by an agreement is exempt from the incompatible provisions of this Act or the regulations only to the extent that the person complies with the agreement.

An agreement entered into under this section must be tabled in the National Assembly within 30 days after it is signed or, if the Assembly is not sitting, within 30 days after resumption. It must also be published in the *Gazette officielle du Québec*."

67. Section 122 of the Act is amended by replacing "The Minister may establish" in the first paragraph by "The Minister may, on the Minister's initiative or at the request of a third party, establish or authorize".

68. Section 124 of the Act is amended by adding the following sentence at the end: "The Minister may, if the Minister deems it necessary, extend the duration for a period of not more than two years."

69. The Act is amended by inserting the following section after section 153:

"153.1. A non-profit community organization that establishes that, on (*insert the date of introduction of this bill*), it met all the conditions set out in subparagraph 3 of the second paragraph of section 6 of this Act, as it reads as of (*insert the date of coming into force of section 5 of this Act*), other than the

condition that a public body referred to in that paragraph finance its overall mission, may apply to the Minister, not later than (*insert the date that is 90 days after the date of assent to this Act*), for recognition as such. An application for recognition may not be made after that date.

When the Minister recognizes such an organization under the first paragraph, the Minister issues it recognition that allows it to avail itself of the exception under subparagraph 3 of the second paragraph of section 6 of the Act as of (*insert the date of coming into force of section 5 of this Act*), to the extent and as long as the organization complies with all the other conditions.”

REDUCED CONTRIBUTION REGULATION

70. Section 1 of the Reduced Contribution Regulation (chapter S-4.1.1, r. 1) is amended

(1) by striking out “for children under 5 years of age on 30 September of the reference year” in the second paragraph;

(2) by striking out the third paragraph.

71. Section 4 of the Regulation is revoked.

72. Section 6 of the Regulation is amended by striking out “under 5 years of age on 30 September of the reference year” in the introductory clause of the first paragraph.

73. Section 7 of the Regulation is revoked.

74. Sections 8 and 10 of the Regulation are amended by replacing all occurrences of “6, 7 and 12” by “6 and 12”.

75. Section 11 of the Regulation is amended by striking out “under 5 years of age on 30 September of the reference year”.

76. Section 14 of the Regulation is amended

(1) by striking out “, except if the child is at least 5 years of age on 30 September of the reference year and has been admitted to preschool or elementary school education” in subparagraph 4 of the second paragraph;

(2) by striking out the third paragraph;

(3) by inserting “Furthermore” at the beginning of the fourth paragraph.

77. Section 25 of the Regulation is amended by striking out “7”.

EDUCATIONAL CHILDCARE REGULATION

78. Chapter I.1 of the Educational Childcare Regulation (chapter S-4.1.1, r. 2) is revoked.

79. Section 7 of the Regulation is amended

- (1) by replacing “80 children” in the introductory clause by “100 children”;
- (2) by replacing paragraphs 3 and 4 by the following paragraph:
“(3) 4 years of age and older.”

80. Subdivision 5 of Division I of Chapter II of the Regulation is revoked.

81. Section 21 of the Regulation is amended by replacing paragraphs 3 and 4 by the following paragraph:

“(3) one member for 10 or fewer children present from 4 years of age and older.”

82. The Regulation is amended by inserting the following division after section 44:

“DIVISION IV

“TEMPORARY FACILITIES

“**44.1.** A permit holder authorized, under section 16.3 of the Act, to provide childcare to children in a temporary facility must be sure to comply with all the standards applicable under this Regulation, except the standards set out in the following provisions:

- (1) subparagraphs *c* and *d* of paragraph 10 of section 10;
- (2) section 16.1;
- (3) paragraphs 2, 4, 5 and 7 of section 32; and
- (4) paragraphs 2 and 6 of section 33.

The permit holder is also exempt from the application

(1) of paragraph 1 of section 33 and paragraph 1 of section 34, provided the holder has a refrigerator in his or her facility; and

(2) of the obligation set out in paragraph 3 of section 33 to have one toilet and washbasin on each storey to which children have access, to the extent that

that equipment is not located more than one storey from the storey to which children have access.”

83. Sections 49 and 50 of the Regulation are revoked.

84. The heading of subdivision 4 of subdivision 2 of Division II of Chapter III of the Regulation is amended by replacing “*Non-renewal*” by “*Refusal, non-renewal*”.

85. Section 75 of the Regulation, amended by section 102 of chapter 15 of the statutes of 2021, is again amended by replacing “5.2, 53, 53.1, 54, 58” in paragraph 1 by “2.2, 5.2, 52, 53.1, 54, 58, 59.2, 59.6, 59.10”.

86. Section 76 of the Regulation is amended by replacing “home childcare provider, the coordinating office must notify the provider in writing” in the first paragraph by “home childcare provider or before refusing to issue a recognition, the coordinating office must notify the person concerned in writing”.

87. Section 124 of the Regulation is amended by striking out “17,”.

88. Section 127 of the Regulation is amended by replacing “80 children” by “100 children”.

TRANSITIONAL AND FINAL PROVISIONS

89. A child who, on (*insert the date of assent to this Act*), is admitted to preschool education services or elementary school instructional services and who is receiving childcare provided by a childcare provider may continue to receive such childcare until (*insert the 31 August that follows the date of assent to this Act*). Despite any contract provision to the contrary, the child may not continue to receive those services as of (*insert the 1 September that follows the date of assent to this Act*).

90. From (*insert the date of coming into force of section 5 of this Act*) until (*insert the date of coming into force of section 6 of this Act*), sections 6.1, 6.2 and 113.4 of the Educational Childcare Act (chapter S-4.1.1) do not apply to a person referred to in subparagraph 1 of the second paragraph of section 6 of that Act, as enacted by section 5.

91. Section 93.0.5 of the Educational Childcare Act, enacted by section 37, applies, with the necessary modifications, to a project involving construction or development work for which subsidies were granted to the permit applicant or permit holder before (*insert the date of coming into force of section 37*).

92. As of (*insert the date of assent to this Act*) and until (*insert the date of coming into force of sections 44 to 50 of this Act*) and despite any provision to the contrary, an educational childcare service supply advisory committee established under section 103.5 of the Educational Childcare Act retains competence only with regard to permit applications for day care centres that do not provide subsidized childcare filed before (*insert the date of assent to this Act*). Any application received by the Minister before that date and not yet decided by the committee must be analyzed by the committee concerned, which must produce its recommendations not later than (*insert the date of coming into force of sections 44 to 50 of this Act*).

All permit applications for day care centres that do not provide subsidized childcare filed between (*insert the date of assent to this Act*) and (*insert the date of coming into force of sections 44 to 50 of this Act*) are suspended. At the end of that period, those applications must be analyzed in accordance with the Educational Childcare Act, as it reads as of (*insert the date of coming into force of sections 44 to 50 of this Act*).

Between (*insert the date of assent to this Act*) and (*insert the date of coming into force of sections 44 to 50 of this Act*), the Minister assumes, with the necessary modifications, all the other responsibilities of an educational childcare service supply advisory committee.

93. The term of any member of an educational childcare service supply advisory committee designated under subparagraphs 3, 8 or 9 of the first paragraph of section 103.6 of the Educational Childcare Act, as it read before (*insert the date of coming into force of sections 44 to 50 of this Act*), continues without interruption within a regional advisory committee as if the member had been designated under, respectively, subparagraph 4, 5 or 6 of the first paragraph of section 103.6, as they read as of that date.

The term of a member designated under subparagraph 2 of the first paragraph of section 103.6 of the Educational Childcare Act, as it read before (*insert the date of coming into force of sections 44 to 50 of this Act*), continues without interruption as if the member had been designated under subparagraph 2 or 3 of the first paragraph of section 103.6, according to whether or not they are under the authority of the director of youth protection, as they read as of that date.

For the purposes of section 103.7 of the Educational Childcare Act, as amended by section 47, the term of a member referred to in the first or second paragraph is deemed to start on (*insert the date of coming into force of sections 44 to 50 of this Act*). The term of any other member ends on that date.

94. Despite any inconsistent provision, a person who, between (*insert the date of assent to this Act*) and (*insert the date of coming into force of section 6 of this Act*), files an application for recognition with a coordinating office may be recognized as a home childcare provider without having successfully completed the training referred to in paragraph 8.1 of section 51 of the Educational Childcare Regulation (chapter S-4.1.1, r. 2).

The same applies with respect to the person's obligation to comply with paragraph 9 of section 60 of the Regulation and to the obligation to comply with sections 5 and 57.1 of the Educational Childcare Act.

However, to maintain recognition, the person must, not later than 12 months after obtaining the recognition, successfully complete the training referred to in the first paragraph and send the documents establishing completion to the coordinating office and, not later later than 24 months after recognition, send the coordinating office his or her educational program and implement it.

In addition, on receiving the documents sent under this section, the coordinating office applies sections 61 and 62 of the Educational Childcare Regulation, with the necessary modifications.

95. If the expiry date of the recognition of a home childcare provider is later than (*insert the date of coming into force of section 28 of this Act*), it is postponed to two years from the date appearing in the notice of acceptance referred to in section 62 of the Educational Childcare Regulation that was issued to the home childcare provider.

96. The provisions of this Act come into force on (*insert the date of the 30th day after the date of assent to this Act*), except

(1) sections 69, 92 and 94, which come into force on (*insert the date of assent to this Act*);

(2) section 1, section 2 insofar as it enacts the first and second paragraphs of section 2 and sections 2.1 and 2.2 of the Educational Childcare Act, sections 3 and 5, paragraph 2 of section 7, paragraph 1 of section 9, section 12, section 35 insofar as it enacts the second paragraph of section 90 of that Act, section 40, paragraph 1 of section 43 insofar as it adds "section 2.2" and "95" to the second paragraph of section 101.3 of that Act, section 63 insofar as it adds "2.2" to section 116 of that Act, sections 70 to 77, paragraph 2 of section 79, section 81, and section 85 insofar as it adds "2.2" to section 75 of the Educational Childcare Regulation, which come into force on (*insert the 1 September that follows the date of assent to this Act*);

(3) section 2 insofar as it enacts the third paragraph of section 2 of the Educational Childcare Act, section 8, paragraph 2 of section 9, sections 10, 11, 14 and 23, section 35 insofar as it enacts the third paragraph of section 90 of that Act, and sections 37, 39 and 44 to 50, which come into force on (*insert the date that is six months after the date of assent to this Act*);

(4) sections 6 and 25 to 27, paragraphs 7, 8 and 10 of section 52, sections 55, 60 and 78, and section 85 insofar as it adds "52" and strikes out "53" in section 75 of the Educational Childcare Regulation, which come into force on 1 September 2026;

(5) section 30, paragraph 1 of section 43 insofar as it adds “59.6, the first paragraph of section 59.9 and sections 59.10, 59.12” to the second paragraph of section 101.3 of the Educational Childcare Act and strikes out “59.1” in that paragraph, paragraphs 5 and 6 of section 52, paragraph 1 of section 53, section 63 except insofar as it adds “2.2” to section 116 of that Act, and section 85 insofar as it adds “59.2, 59.6, 59.10” in section 75 of the Educational Childcare Regulation, which come into force on the date to be determined by the Government.