

Regulations and other Acts

Gouvernement du Québec

O.C. 863-2024, 22 May 2024

Educational Childcare Act
(chapter S-4.1.1)

Act to amend the Educational Childcare Act to improve access to the educational childcare services network and complete its development
(2022, chapter 9)

Access to Educational Childcare Services

Access to Educational Childcare Services Regulation

WHEREAS, under subparagraphs 1, 12, 14 to 14.0.6, 29, 30 and 31 of the first paragraph of section 106 of the Childcare Educational Act (chapter S-4.1.1), amended by section 58 of chapter 9 of the statutes of 2022, the Government may, by regulation, for part or all of Québec,

— determine the content of an application for the issuance or renewal of a permit, the qualifications required of the applicant, the conditions to be met, the information and documents to be provided and the fees to be paid;

— determine the information and documents that an educational childcare provider or home educational childcare coordinating office must update and communicate;

— determine the terms and conditions according to which an educational childcare provider must register with the single window for access to educational childcare services designated by the Minister;

— 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;

— determine the requirements, criteria and priorities for admitting a child to an educational childcare provider or category of educational childcare providers;

— determine the terms and conditions for assigning a rank or ranks to, and for selecting, a child registered with the single window for access to educational childcare services;

— determine the information and documents that must be provided to the Minister or the administrator of the single window for access to educational childcare services by educational childcare providers or parents, in particular with regard to children's admission, exclusion or attendance or to the cessation of their attendance;

— 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;

— 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;

— determine the documents and information that parents whose child is receiving subsidized childcare must communicate to the Minister concerning their employment, annual income bracket, family make-up and childcare needs;

— determine, from among the provisions of a regulation made under section 106 of the Childcare Educational Act, those whose infringement constitutes an offence punishable under section 117 of the Act;

— specify which provisions of a regulation give rise to the imposition of an administrative penalty, and specify, or give the calculation methods to be used to determine, the amount of the penalty;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), the Access to Educational Childcare Services Regulation was published as a draft regulation in Part 2 of the *Gazette officielle du Québec* of 20 September 2023 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Families:

THAT the Access to Educational Childcare Services Regulation, attached hereto, be made.

DOMINIQUE SAVOIE
Clerk of the Conseil exécutif

Access to Educational Childcare Services Regulation

Educational Childcare Act
(chapter S-4.1.1, s. 106, 1st par., subpars. 1, 12, 14 to 14.0.6, 29, 30 and 31)

Act to amend the Educational Childcare Act to improve access to the educational childcare services network and complete its development
(2022, chapter 9, s. 58)

CHAPTER I SINGLE WINDOW FOR ACCESS TO EDUCATIONAL CHILDCARE SERVICES

DIVISION I TECHNOLOGICAL MEDIUM

1. The single window for access to educational childcare services referred to in section 59.1 of the Educational Childcare Act (chapter S-4.1.1) is on a web-accessible medium.

2. All information to be communicated to the administrator of the single window under this Regulation must be communicated using the online services that exist for that purpose, or by telephone.

DIVISION II EDUCATIONAL CHILDCARE PROVIDER INFORMATION ENTERED

3. The following information concerning a permit holder for a childcare centre or day care centre is entered by the administrator in the single window:

(1) the name of the permit holder and the name and address of every facility;

(2) the maximum number of children per age class or per age class group who may be received in each of the facilities;

(3) whether or not the permit holder receives subsidies to offer reduced contribution childcare spaces.

4. The administrator enters in the single window the information referred to in section 3 relating to a permit applicant, with the necessary modifications, as long as the following conditions are met:

(1) the feasibility, relevance and quality of the applicant's project is to the Minister's satisfaction or the Minister has decided to allocate subsidized childcare spaces to the applicant;

(2) the Minister has approved the plans of the facilities in which the applicant proposes to offer childcare services or has authorized the applicant to provide childcare in a temporary facility under section 16.4 of the Act.

Once the information referred to in the first paragraph has been entered, the applicant may register with the single window in the manner and on the terms and conditions set out in Division III of this Chapter, with the necessary modifications.

5. The administrator enters in the single window the following information for each home educational childcare provider recognized by a home educational childcare coordinating office:

(1) the name of the provider and the address where the childcare may be provided;

(2) the number of children to whom childcare is to be provided;

(3) if applicable, the number of subsidized childcare spaces that have been assigned.

DIVISION III REGISTRATION OF EDUCATIONAL CHILDCARE PROVIDERS

6. Every educational childcare provider must register with the single window by entering the days and operating hours for childcare, the telephone number and email address to be used to communicate with parents, the contribution requested and the nature and amount of any fee or additional contribution requested.

As well, the provider must complete the registration by providing the information and documents requested by the administrator, including what is necessary for authentication purposes.

7. Registration in the single window by a permit holder delivering subsidized childcare entails the creation, for each facility, of a waiting list compliant with this Regulation on which a parent may register their child.

A permit holder delivering subsidized childcare must refer only to the waiting list that applies to the facility in which the holder intends to admit a child, in accordance with Chapter II.

8. Registration in the single window by a day care centre permit holder not delivering subsidized childcare or by a home educational childcare provider entails the creation, for the registrant, of a client reserve compliant with this Regulation on which a parent may register their child.

A holder or provider referred to in the first paragraph is free to refer to the client reserve, in accordance with Chapter III.

9. As of the registration of an educational childcare provider with the single window, and subject to the second paragraph, the information referred to in sections 3 and 5 and in the first paragraph of section 6 is published in the single window. The provider's waiting list or client reserve is then activated.

As regards a home educational childcare provider, the administrator publishes an approximate indication of the place of the residence that does not enable the residence to be identified, as well as the days and operating hours for childcare, the number of children to whom childcare is to be provided and the number of subsidized childcare spaces that have been assigned. The other information is published only with the authorization of the provider concerned.

DIVISION IV REGISTRATION OF A PARENT WITH THE SINGLE WINDOW

10. A parent wishing to register their child with the single window must personally register with the single window by providing the information and documents requested by the administrator, including what is necessary to establish the parent's identity and to communicate with an educational childcare provider with a view to the child's admission.

The parent must also specify the desired means of communication, whether by email or by telephone, for communications enabling the child to be matched with an educational childcare provider.

DIVISION V REGISTRATION OF A CHILD WITH THE SINGLE WINDOW

11. A parent wishing to have a child admitted by an educational childcare provider must register the child with the single window by providing the information and documents requested by the administrator, including what is

necessary to establish the child's identity and the parent's relationship with the child and the child's classification as established in the Schedule.

If the child has already been registered by a parent, another parent may also act as provided by the first paragraph.

DIVISION VI INDICATION OF THE CHILDCARE NEEDS OF A CHILD

12. A parent of a child registered with the single window must specify the childcare needs for the desired periods and days of childcare, as well as the desired date on which the parent would like the childcare for the child to begin, which may not be prior to the date on which that information is entered. Failing that, the parent may not enter the child on an educational childcare provider's waiting list or client reserve.

The parent may also enter in the single window the special needs of the child which must be taken into account by the provider so as to anticipate the measures required to facilitate integration of the child.

The parent may also indicate, for each waiting list or client reserve on which the child is entered,

(1) any interest in accepting a childcare space that does not fully meet the childcare needs, for the desired periods or days on which childcare is to be provided, while waiting for the childcare needs to be satisfied; or

(2) any interest in the child receiving childcare in an occasional or irregular manner should another child admitted be temporarily absent, for the duration of the absence, while waiting for the childcare needs to be satisfied.

DIVISION VII REGISTRATION OF A CHILD ON A WAITING LIST

13. A parent may specify a preference in the single window for any facility of a permit holder delivering subsidized childcare in which the parent would like to have their child registered.

The parent may specify more than one preference and at any time modify a stated preference or add another.

A parent's preference specified in accordance with this section is entered on the waiting list of the relevant facility.

If the permit holder determines criteria to be applied so that a child may be assigned a priority childcare space in the facility pursuant to section 24, the parent must indicate whether or not their child meets the criteria. If the child does meet the criteria, the parent is informed that at the time the contact information is sent to a permit holder pursuant to section 31, the parent will have to provide any documents, information or attestations the permit holder requests to determine whether the child at that time meets the applicable criteria allowing the child to be assigned the priority childcare space; failure to provide what is requested will prevent the child from filling that childcare space.

DIVISION VIII REGISTRATION OF A CHILD ON A CLIENT RESERVE

14. A parent may specify a preference in the single window for any day care centre permit holder not delivering subsidized childcare or for any home educational childcare provider with whom the parent would like to have their child registered. The parent may specify more than one preference and at any time modify a stated preference or add another.

A parent's preference specified in accordance with this section is entered on the corresponding client reserve of the day care centre permit holder or the home educational childcare provider.

DIVISION IX UPDATING OF INFORMATION

§1. Updating of information concerning educational childcare providers

15. An educational childcare provider must update the information entered at the time of registration as soon as any change occurs in the information, or at the request of the administrator made by email or through the online service.

Should the provider fail to follow through on a request made under the first paragraph, and until the update has been completed, no contact information of a parent in connection with the admission of a child may be sent to a permit holder pursuant to section 31. In addition, an educational childcare provider's client reserve is no longer accessible to the provider and a provider having such a reserve may no longer declare a child admitted.

16. On the issue of a permit or a permit modification, the information contained in the permit and referred to in section 3 is entered or updated in the single window by the administrator.

If the modification concerns information referred to in paragraph 3 of section 3, a new waiting list or client reserve, as applicable, is created and the previous waiting list or client reserve terminates. The administrator informs the parent of each child registered on the waiting list or client reserve that is to terminate and the child is then registered with the same information on the new list or reserve, unless the parent withdraws the registration.

The administrator proceeds in the manner provided in the first paragraph for any permit suspension, revocation or non-renewal.

17. The administrator proceeds in the manner provided in section 16, with the necessary modifications,

(1) when a permit is issued to an applicant acquiring the assets of a permit holder and continuing to provide childcare services in accordance with the second paragraph of section 11 of the Act;

(2) for authorizations given to a permit holder to provide childcare services elsewhere than at the address appearing on the permit in accordance with the second paragraph of section 16 of the Act;

(3) for authorizations given to a childcare centre or day care centre permit holder to maintain the provision of childcare services to the children who would otherwise not have any in accordance with section 16.1 of the Act;

(4) for authorizations given to a childcare centre permit holder or a person already holding a day care centre permit to provide childcare services to children in a temporary facility in accordance with the first paragraph of section 16.4 of the Act; or

(5) for authorizations given to a permit holder for modification of the permit, in accordance with section 21 or 21.1 of the Act.

In the cases described in subparagraphs 2 to 4 of the first paragraph, the administrator is not required to enter or update the information if the authorization is valid for a period of 90 days or less. The information must be updated when such an authorization expires.

18. The administrator updates the information published in the single window following any suspension, revocation or non-renewal of recognition of a home educational childcare provider.

If the recognition of a home educational childcare provider is suspended, an entry is also published in the single window stating that while the suspension is in effect, no new registration can be entered on the provider's client reserve and the provider cannot provide childcare.

§2. Updating of information concerning parents and children

19. A parent must update the information provided under Divisions IV to VIII of this Chapter as soon as any change occurs in the information, or at the request of the administrator. Should the parent fail to follow through on the request, the child's registration is suspended on every waiting list and client reserve until the updating has been completed.

If the parent has failed to comply with a request made under the first paragraph for more than 6 months, the child's registration is removed from every waiting list and client reserve.

20. When a child is admitted by an educational childcare provider, the administrator must request the parent to indicate in the single window, for every waiting list or client reserve on which the child is registered, whether the child is to remain on the waiting list or client reserve.

Should the parent fail to indicate preferences within the time allowed, the child's registration is suspended on every waiting list and client reserve until the parent has complied with the request.

If the failure continues for a period of 6 months, the child's registration is removed from every waiting list and client reserve.

21. The requests made by the administrator under the first paragraph of section 19 or the first paragraph of section 20 must be sent to the parent by email or, that failing, by telephone, and be made with a minimum 30-day compliance period.

The administrator must, where applicable, follow up with a reminder between the fifteenth and tenth day before the period expires; failing that, the period is suspended until such follow-up is done.

The administrator must, in the same manner, follow up with a reminder before the end of the period provided for in the second paragraph of section 19 or in the third paragraph of section 20; failing that, the period is suspended until such follow-up is done.

CHAPTER II

ADMISSION OF CHILDREN BY A PERMIT HOLDER DELIVERING SUBSIDIZED CHILDCARE

DIVISION I

ADMISSION POLICY

§1. Establishment of admission policy

22. A permit holder delivering subsidized childcare must establish an admission policy that complies with this Chapter. A child cannot be admitted if the policy has not been adhered to.

23. Where a childcare centre operates more than one facility, this Chapter and the Schedule apply to each facility as if it were a childcare centre, with the necessary modifications, except subparagraphs 1 and 3 of the first paragraph of section 28 and class 2 in section 1 in the Schedule.

§2. Priority based on mission or agreement

24. Subject to section 27, a permit holder delivering subsidized childcare may, in the admission policy, give priority to certain children in keeping with one of the objects set out in section 1 of the Act, if the holder has entered into a written agreement to that effect with a third party other than a permit holder not delivering subsidized childcare or a natural person, including a home educational childcare provider, or the priority is consistent with the permit holder's mission.

To do so, the permit holder determines

(1) any criterion to be applied so that a child may be assigned such a priority childcare space; and

(2) for each criterion, the maximum ratio of childcare spaces offered to children given priority under this section compared to the number of childcare spaces stated on the permit. The cumulative maximum proportion for all criteria cannot be greater than 100%.

A criterion determined under the second paragraph must relate to a current situation concerning the child or the child's parent and cannot relate to the relationship between a member of the staff and a child or between two children otherwise than in the manner set out in the Schedule.

25. A permit holder delivering subsidized childcare may enter into an agreement with a public health and social services institution under which childcare spaces are reserved to meet urgent needs.

The ratio of childcare spaces reserved for children under this section may not be greater than 5% of the number of childcare places stated on the permit of the holder referred to in the first paragraph.

26. A permit holder delivering subsidized childcare must indicate in the single window any criterion and ratio determined pursuant to the second paragraph of section 24 as well as the choice made to reserve childcare spaces under section 25. The information is published in the single window.

If an indicated criterion gives priority to children with special needs requiring adaptive measures to facilitate their integration, the permit holder may use the special method of child identification provided for in section 35 for children meeting the criterion. In that case, sections 33 and 34 do not apply.

27. In order to be able to apply the criteria determined in relation to an agreement under section 24 or to admit a child who is the subject of an agreement entered into under section 25, a permit holder must first provide the Minister with a copy of the relevant agreement along with, if applicable, an indication of the nature or amount of any contribution received from the third person. The information referred to in the first paragraph of section 26 must also be indicated.

DIVISION II CHILD REFERRAL, MATCHING AND ADMISSION

§1. Identification by a permit holder of the child to be admitted

28. A permit holder may admit a child registered with the single window who has not been identified by the administrator, in priority to any other child, only if,

- (1) in the case of a childcare centre, the child has been admitted to another of the holder's facilities;
- (2) the child is admitted pursuant to an agreement under the first paragraph of section 25;
- (3) the child is among the first children admitted to the first facility of a new childcare centre and subparagraph 2 of the first paragraph of section 7 of the Act applies to the parent as a future client of the childcare centre; or
- (4) the child is among the clientele of an educational childcare provider who ceases operations in a situation described in the second sentence of the second paragraph of section 11, in section 16.1 or in section 93.0.8 of the Act.

Subdivisions 2 and 3 of this Division do not apply in such situations.

§2. Identification by the administrator of an admissible child

29. A permit holder delivering subsidized childcare and intending to admit a child must identify the characteristics of the childcare space available, namely

- (1) the date on which provision of childcare begins, which cannot be more than 8 months later;
- (2) the available periods and days on which childcare is provided;
- (3) whether or not the childcare space must be filled by a child meeting the conditions referred to in section 24 for filling a childcare space and, if applicable, the criterion that applies among those determined under that section; and
- (4) the minimum and, if the holder so wishes, the maximum age of the admissible child on the date indicated under subparagraph 1, in compliance with the following conditions:
 - (a) the minimum age must be 0 months, 9 months or a number of months that is a multiple of 6 equal to or greater than 18, without exceeding 48 months;
 - (b) the maximum age, if the permit holder specifies one, must be 9 months less a day, 18 months less a day or a number of months greater than 18 months that is a multiple of 6 months, less a day, without exceeding 48 months less a day.

The permit holder must then ensure the needs are met of every parent whose child has already been admitted and who wishes the child to have extended attendance time within the periods and days identified in subparagraph 2 of the first paragraph, provided the age of the child is included in the age range referred to in subparagraph 4 of the first paragraph.

Despite the first and second paragraphs, if the permit holder has occasional needs to fill and to do so intends to admit a child for whom the parent, in accordance with subparagraph 2 of the third paragraph of section 12, has indicated an interest in occasional or irregular attendance while waiting for childcare needs to be satisfied, identification of the characteristics of the available childcare space is limited to subparagraphs 1, 3 and 4 of the first paragraph, and the second paragraph does not apply.

If, in accordance with the second paragraph, the needs are satisfied or the available periods and days on which childcare is provided do not allow greater needs to be met, or the permit holder wishes to meet occasional needs in

accordance with the third paragraph, the permit holder must request the administrator to identify the admissible child and provide the administrator with the characteristics of the available childcare space.

30. The administrator receiving a request pursuant to section 29 identifies the admissible child, that is, the child who, at the time the administrator receives the request,

(1) is able to fill the available childcare space within the meaning of the second paragraph;

(2) is in the most predominant class as established in section 1 in the Schedule, in which there is at least one child able to fill the available childcare space; or

(3) occupies the highest rank, as established in section 2 in the Schedule, within the class referred to in subparagraph 2 of this paragraph.

A child is able to fill the available childcare space if the child is registered on the permit holder's waiting list, the information entered in the single window concerning the child corresponds to the characteristics of the available childcare space indicated in the request, and the childcare needs are included in the available periods and days on which childcare is provided, if those periods and days must be indicated pursuant to section 29. The childcare needs specified by the parent may only partially correspond to the available periods and days on which childcare is provided if the parent has indicated an interest, pursuant to subparagraph 1 of the third paragraph of section 12, in accepting a childcare space that does not fully meet the childcare needs while waiting for the childcare needs to be satisfied.

31. The administrator sends the permit holder the contact information of the parent of the child identified under section 30, the name of the child and the child's childcare needs specified by the parent. If applicable, the administrator also sends the permit holder any known information to the effect that another child residing at the same address is registered on the same waiting list.

At the same time, the administrator informs the parent who entered the child on the waiting list that the parent's contact information and the name of the child have been sent to the permit holder referred to in the first paragraph.

32. If a tie in ranks occurs at the time the administrator is to identify the admissible child, the child who is in a precarious socio-economic situation within the meaning of the second paragraph has priority.

A child is considered to be in a precarious socio-economic situation where a person having parental authority over the child receives benefits under a last resort financial assistance program established under the

Individual and Family Assistance Act (chapter A-13.1.1) or receives the maximum amount as a family allowance under Division II.11.2 of Chapter III.1 of Title III of Book IX of Part I of the Taxation Act (chapter I-3), taking into account the number of dependent children and custodial time in their respect but not the supplement for handicapped children.

If the tie persists, the oldest child on that day has priority and, if the children are the same age, the child first registered on the permit holder's waiting list has priority.

33. In addition to the communication referred to in section 31, where the date on which the provision of childcare is to begin, identified by the permit holder under subparagraph 1 of the first paragraph of section 29, is 30 days or less after the date of the request made under the fourth paragraph of that section, the permit holder may request the administrator to send the contact information of the parents of the second and third children that would be identified by the administrator for the same childcare space pursuant to section 31, and informs the parents accordingly. The administrator must specify the order of the children.

The permit holder may communicate with the parents once that information has been received, but no new matching is to take place with the second child, on the conditions set out in subdivision 3 of this Division, until after the permit holder has informed the administrator that the first child has been refused pursuant to section 43. For the purposes of this Division, the second child is then considered, without further formality, to be the child for whom the administrator sent the parent's contact information regarding the childcare space, pursuant to section 30, and the administrator informs the parent accordingly.

As soon as the permit holder has informed the administrator that the second child has been refused pursuant to section 43, the permit holder proceeds in the manner provided for in the second paragraph for the third child, with the necessary modifications.

34. For as long as a child has not been admitted by the permit holder referred to in section 33, a child for whom the administrator has sent the parent's contact information pursuant to the first paragraph of that section is deemed to occupy the highest rank within his or her class within the meaning of the Schedule for any available childcare space with the same permit holder, provided the child is able to fill that childcare space.

Where such an advantage is given to a number of children at the same time, the child identified as the second child under section 33 prevails over the child identified as the third child and, if other children have obtained that advantage, the child who obtained the advantage first has precedence.

35. A special method of child identification applies where the permit holder

(1) has requested it pursuant to the second paragraph of section 26; and

(2) has specified, in the request to identify the admissible child, pursuant to subparagraph 3 of the first paragraph of section 29, that a criterion to give priority to children with special needs must be applied.

In that case, in addition to the particulars referred to in section 31, the administrator sends the permit holder the contact information of the parents of the second and third children that would be identified by the administrator for the same childcare space under section 30, and informs the parents accordingly. The administrator must specify the order of the children.

The second and third children the administrator has identified are given, in that order, admission priority for the next available childcare space with the permit holder that must be filled by a child who meets the same criterion indicated pursuant to subparagraph 2 of the first paragraph, provided the child is able to fill that childcare space. Where such a priority applies to a number of children at the same time, the children who have obtained the priority first have precedence.

For the purposes of this Division, the child who has priority to fill a childcare space under the second paragraph is considered, without further formality, to be the child for whom the administrator sent the parent's contact information, pursuant to section 31, for that childcare space, and sections 33 and 34 do not apply to the child.

36. Where pursuant to the second paragraph of section 12, a parent has specified special needs of the child which must be taken into account by an educational childcare provider so as to anticipate the measures required to facilitate integration of the child, the information is sent to the permit holder at the time the parent's contact information is sent pursuant to section 31, 33 or 35.

§3. Matching of a child identified by the administrator with a permit holder

37. When the administrator has sent a parent's contact information to a permit holder pursuant to section 31, the permit holder communicates with the parent using the means of communication described in the second paragraph of section 10 to propose admitting the child. The permit holder must document all steps taken to reach the parent.

The matching and admission procedure must take place in accordance with sections 38 to 47.

If the parent does not reply to the communication sent by the permit holder pursuant to the first paragraph, the holder must make another attempt to reach the parent in the 2 following days.

38. When communicating with a parent for the first time in connection with the process provided for in this subdivision, whether the parent is reached or not, the permit holder must provide the parent with an opportunity to visit the facility, during childcare hours, in the 3 following days.

The permit holder may require that such a visit take place, in which case that requirement must be mentioned when communicating with the parent for the first time, and the period provided for in the first paragraph must be a minimum 5-day period.

39. A permit holder gives a parent a minimum of 2 days to reply to the proposal to admit their child.

The reply period begins as soon as the visit takes place, as soon as the period referred to in the first paragraph of section 38 has expired, if the visit is optional, or as soon as the parent declines the visit, if possible to do so. The period may also begin at any other date, after those dates, set by the permit holder.

40. Where the date on which the provision of childcare is to begin, identified by the permit holder under subparagraph 1 of the first paragraph of section 29, is 15 days or less after the date of the request made under the fourth paragraph of that section, sections 37, 38 and 39 are to be read by replacing "2 days", "3 following days" and "5 days" by "1 day", "2 following days" and "3 days" respectively, with the necessary modifications.

41. A parent may accept the permit holder's proposal for all of the available periods and days on which childcare is provided, and may also accept the proposal for only a portion of those periods and days, although the parent must, at a minimum, accept the childcare space for all the available periods and days of childcare for which the childcare needs were specified. The parent must mention that choice to the permit holder on accepting the proposal; the holder cannot refuse the child because of the choice made by the parent pursuant to this section.

42. On the expiry of the period referred to in the first paragraph of section 39, the permit holder's proposal lapses if the parent has not accepted it pursuant to section 41, in which case the permit holder informs the administrator of the situation.

The child's registration on the permit holder's waiting list is suspended as a result and the administrator sends the parent an update request in accordance with section 19.

Where the permit holder's proposal to admit for the second time the same child lapses because the proposal has expired, the child is removed from the permit holder's waiting list.

43. A permit holder delivering subsidized childcare who refuses to admit a child for whom the administrator has sent the parent's contact information pursuant to section 31, 33 or 35 and who informs the administrator of that fact under section 59.12 of the Act must do so without delay and briefly provide the reasons for the refusal; failing that, the permit holder cannot again attempt to fill the same childcare space before the administrator has been informed.

The child as a result is removed from the waiting list.

The permit holder must record the reasons for the decision in writing and notify them to the parent at the latest on the fifteenth day following the refusal.

The permit holder cannot refuse to admit a child solely for the reason that, after the parent's contact information has been sent pursuant to section 31, the child or the parent's situation has changed so that the child no longer meets the conditions or characteristics that enabled the childcare space to be offered to the child, or that the child has been outranked by another child.

44. A parent's refusal to accept their child being admitted by a permit holder delivering subsidized childcare entails removal of the child from the corresponding waiting list.

Despite the first paragraph, the child is not removed from the waiting list if the parent refuses a childcare space that does not correspond to the needs specified pursuant to the first paragraph of section 12 and the childcare space was offered because, pursuant to subparagraph 1 of the third paragraph of section 12, the parent indicated an interest in accepting a childcare space that does not fully meet the childcare needs while waiting for the childcare needs to be satisfied or, pursuant to subparagraph 2 of that third paragraph, because of the parent's interest in having the child receive childcare in an occasional or irregular manner while waiting for the childcare needs to be satisfied. In such a case, the parent is deemed, for the future and for that waiting list, to not have indicated that interest.

§4. Admission of a child

45. A permit holder must, as soon as a child is admitted and the permit holder informs the administrator of that fact in accordance with section 59.10 of the Act, indicate to the administrator the periods and days on which childcare is to be provided to the child and, if the child has been admitted pursuant to section 28, which of the situations described in that section authorizes the admission.

In addition, the permit holder must inform the administrator within 15 days after the provision of childcare to the child begins.

46. Where a child is admitted in a situation described in section 24 or 28, the permit holder must keep proof that the child meets the criteria determined under the applicable provision.

In addition, where a child is admitted after being placed in a level 1 or 2 class in section 1 in the Schedule, the permit holder must keep the proof that the child's parent is a member of the staff at the time of admission.

The permit holder must keep the proof referred to in the first and second paragraphs for a period of 6 years following the end of the provision of childcare to the child.

47. Where, before provision of the childcare begins, a permit holder or the administrator becomes aware that the information entered by the parent in the single window was false or inaccurate and the information enabled the matching, the child concerned cannot be admitted, and if a childcare service agreement has been entered into without having taken effect, it is terminated as of right and the permit holder informs the parent accordingly. If it is the permit holder who becomes aware of the falsity or inaccuracy, the holder informs the administrator accordingly.

Despite the second paragraph of section 43, if a permit holder refuses to admit a child pursuant to the first paragraph of this section, the child's registration on the permit holder's waiting list is suspended and the administrator requests the parent to update the information in accordance with section 19.

DIVISION III INDICATION OF RANK

48. The administrator indicates the rank assigned to the children on a waiting list in such a way that the parents are able to know the approximate position of their children on the waiting list. The administrator makes the methodology available.

CHAPTER III ADMISSION OF CHILDREN BY AN EDUCATIONAL CHILDCARE PROVIDER OTHER THAN A PERMIT HOLDER DELIVERING SUBSIDIZED CHILDCARE

49. The administrator makes available to a day care centre permit holder not delivering subsidized childcare or to a home educational childcare provider, through the online service and in relation to the children entered on their client reserve,

(1) the contact information for communication with their parents, and the first 3 characters in their postal code;

- (2) which children reside together;
- (3) the names and ages of the children;
- (4) the parents' desired dates on which childcare is to begin;
- (5) the childcare needs specified by the parents pursuant to the first paragraph of section 12; and
- (6) any interest indicated by the parents pursuant to subparagraphs 1 and 2 of the third paragraph of section 12.

50. A parent's refusal to accept their child being admitted by a permit holder not delivering subsidized childcare or by a home educational childcare provider, or refusal by such a provider to admit a child after communicating with the child's parent entails, at the request of the provider, the removal of the child from the client reserve.

51. A day care centre permit holder not delivering subsidized childcare and a home educational childcare provider must, when admitting a child and informing the administrator in accordance with section 59.10 of the Act, indicate to the administrator the periods and days on which childcare will be provided to the child.

In addition, the permit holder or provider must inform the administrator within 15 days after the provision of childcare to the child begins.

A home educational childcare provider may request the coordinating office that recognized the provider to indicate the information or to give the notices required under this section.

CHAPTER IV CESSATION OF THE PROVISION OF CHILDCARE

52. An educational childcare provider must, within 15 days, inform the administrator of the cessation of the provision of childcare to a child, and briefly indicate the reasons for the cessation.

A home educational childcare provider may request the coordinating office that recognized the provider to inform the administrator in accordance with the first paragraph and briefly indicate to the administrator the reasons for the cessation of the provision of childcare.

CHAPTER V CALCULATION OF TIME PERIODS

53. In calculating a time period provided for in this Regulation, except in the Schedule,

- (1) the day that marks the start is not counted but the terminal day is;

- (2) if the time period is less than 15 days, holidays are not counted; and

- (3) if the time period is equal to or greater than 15 days, holidays are counted but, if the last day is a holiday, the time period is extended to the first working day following.

For the purposes of subparagraphs 2 and 3 of the first paragraph, Saturday is considered a holiday, as are 2 January and 24, 26 and 31 December.

CHAPTER VI PENAL PROVISIONS AND ADMINISTRATIVE SANCTIONS

54. A permit holder that contravenes any of the provisions of section 6, the first paragraph of section 15, section 22, the first paragraph of section 26, sections 27, 28, 29, 37, 38, 39, 41, 43, 45 and 46, the first paragraph of section 47, the first and second paragraphs of section 51 and section 52 is guilty of an offence punishable under section 117 of the Act.

55. A person designated by the Minister for the purpose may impose an administrative penalty after ascertaining that a permit holder has failed to comply with a non-compliance notice given under section 65 of the Act with respect to the contravention of any of the provisions of section 6, the first paragraph of section 15, section 22, the first paragraph of section 26, sections 27, 28, 29, 37, 38, 39, 41, 43, 45 and 46, the first paragraph of section 47, the first and second paragraphs of section 51 and section 52.

The amount of the administrative penalty is \$500 in the case of a natural person and \$1,000 in other cases.

CHAPTER VII AMENDING PROVISIONS

56. Section 10 of the Educational Childcare Regulation (chapter S-4.1.1, r. 2) is amended by striking out "admission and" in paragraph 14.

57. Section 18.1 is amended by striking out "admission and" in the first paragraph.

58. Section 75 is amended by inserting the following after paragraph 3:

"(3.1) the provider has committed or authorized, consented to or participated in the commission of an offence under any of the provisions of sections 6, the first paragraph of section 15, the first and second paragraphs of section 51 and section 52 of the Access to Educational Childcare Services Regulation (*insert the reference to the Compilation of Québec Laws and Regulations*)."

CHAPTER VIII TRANSITIONAL AND FINAL

59. In order for a permit holder delivering subsidized childcare to be able to admit, as of the date of coming into force of this Regulation, the child of a parent to whom a childcare space was offered before that date, the permit holder must inform the administrator of the date of the beginning of the childcare not later than (*insert the date that occurs 2 months after the date of coming into force of this Regulation*).

In that case, the permit holder is not required to comply with Chapter II of this Regulation, other than section 45, for the child to be admitted.

60. The information relating to children registered with La Place 0-5 before the coming into force of this Regulation and the information relating to their parents is entered in the single window referred to in section 1 of this Regulation, without further formality. If applicable, the information relating to those children and their parents is entered on a waiting list or client reserve, as applicable, referred to in this Regulation.

61. This Regulation comes into force on the date of coming into force of section 35 of chapter 9 of the statutes of 2022.

SCHEDULE

(Sections 11, 23, 24, 30, 34, 46 and 53)

CLASSIFICATION OF CHILDREN REGISTERED ON A WAITING LIST

1. For each waiting list, the administrator places the children registered on the list in one of the classes appearing in the following table. Each child is placed in one class only. If a child qualifies for more than one class, he or she is placed in the class with the predominant level. Level 1 has predominance over all other levels, and so on until level 5, which does not have predominance over any other level.

Level	Class
1	Child who meets the conditions of level 2 and 3 classes.
2	Child who, if admitted, will receive childcare in a childcare facility of the permit holder and a parent is a member of the permit holder's staff.
3	Child who, if admitted, will receive childcare in the same facility as another child residing at the same address who is admitted to the facility.

Level	Class
4	Child who is not admitted by a permit holder delivering subsidized childcare.
5	Child who is not in a level 1 to 4 class.

2. Within each class, each child is classified by rank based on the time elapsed on a waiting list since the date desired by the parent for the provision of childcare to begin. The ranking order, calculated under the second paragraph, goes from the child with the most days on the list to the child with the fewest days, who occupies the last rank in his or her class.

For the purpose of establishing a child's rank within a class, the administrator calculates the number of days elapsed since the date desired by the parent for the provision of childcare to begin, specified pursuant to the first paragraph of section 12 of this Regulation or the date, if later, on which the child was registered on the permit holder's waiting list, up to the date of the beginning of the provision of childcare identified by the permit holder under subparagraph 1 of the first paragraph of section 29 of this Regulation. Despite the foregoing, the days during which the child's registration on the permit holder's waiting list was suspended pursuant to section 19, 20, 42 or 47 of this Regulation are not taken into account.

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Gouvernement du Québec

O.C. 937-2024, 5 June 2024

Education Act
(chapter I-13.3)

Computation of the amount for financing the local needs of school service centres for the 2024-2025 school year

Regulation respecting computation of the amount for financing the local needs of school service centres for the 2024-2025 school year

WHEREAS, under the first paragraph of section 455.1 of the Education Act (chapter I-13.3), the Government must, by regulation, prescribe the method for computing the amount for financing local needs for a school service centre referred to in section 303.4 of the Act and the method must make it possible to determine basic financing and financing that takes the number of students into account;