

Bill 1

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

Section 1

AMENDMENT:

Replace the paragraph proposed by paragraph 2 by:

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

*Adopté
ML*

AM 2
s. 2 (2)

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Section 2

AMENDMENT:

Add the following sentence at the end of the first paragraph of proposed section 2:
"A child who ceases to attend school after being admitted also has a right to
educational childcare services until the first day of the school calendar of the school
year following that in which the child reaches six years of age."

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AM 3
s. 4 (5)

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Section 4

AMENDMENT:

Replace paragraph 3 by:

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

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Section 4

AMENDMENT:

Insert at the end:

(4) by inserting the following paragraph after the second paragraph:

“In applying the program, childcare providers must take into account the children’s environment.”

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Section 4.1

AMENDMENT:

Insert after section 4:

4.1. Section 5.1 of the Act is amended by adding the following paragraph at the end:

“The Minister publishes the results of the childcare educational quality assessment and improvement process on the Minister’s department’s website within 60 days after they are obtained, and the administrator of the single window for access to childcare services does the same on the single window’s website. In addition, educational childcare providers must inform the parents of the children to whom they provide childcare that those results have been published, within 30 days after receipt of a notice to that effect from the Minister.”

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Section 11

AMENDMENT:

In proposed section 11.2:

1. Replace “the educational childcare service needs for” in the first paragraph by “, at least once a year and for all of Québec, the educational childcare service needs in”.
2. Replace “of the territory concerned established under section 103.5” in the second paragraph by “established under section 103.5 that is responsible for the territory concerned”.
3. Replace “its territory” in the third paragraph by “that territory”.
4. Replace “the community concerned only” in the sixth paragraph by “only the community concerned or, if applicable, the person or body designated by the community to represent it in such matters” at the end of the sixth paragraph.
5. Add the following paragraph at the end:

For the purposes of this section, the territories are determined by the Minister in such a way as to ensure, for all of Québec, optimal measurement of educational childcare service needs. The Minister publishes, on the Minister’s department’s website, his or her method for determining territories as well as the territories determined, which must be of at least the same size as the territories of the home childcare coordinating offices.”

*Adopté
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Section 11

AMENDMENT:

Insert “, demographic variations, the recognitions granted to home childcare providers, the registrations entered in the single window for access to childcare services” after “decision” in the first paragraph of proposed section 11.2, as amended.

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Section 11.1

AMENDMENT:

Insert after section 11:

11.1. The Act is amended by inserting the following section after section 11.2:

“11.3. Each year, the Minister consults the Minister of Education, Recreation and Sports to ensure consistency between the development of educational childcare services and preschool educational services where those services are intended for children who may use either type of services.”

Adopte'
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Section 8

AMENDMENT:

1. Insert “, except in the case of a project selected under section 93.0.1,” after “may”.
2. Insert “in the proposed territory” at the end.

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Section 9

AMENDMENT:

Replace paragraph 2 by:

(2) by replacing “under section 93, granted the applicant such spaces on the recommendation of the advisory committee concerned” in the second paragraph by “under section 93.0.1, granted the applicant such spaces”.

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Section 12.1

AMENDMENT:

Insert after section 12:

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

“13.1. Despite section 13, permit holders for childcare centres or day care centres delivering subsidized childcare may, when providing childcare to two groups of children successively in the same facility, provide childcare to a number of children that is higher than the number stated on the permit during a period in which arrivals and departures overlap, in the cases, on the conditions and without exceeding the duration determined by government regulation.”

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Section 13

AMENDMENT:

1. Replace “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” in proposed section 16.1 by “where a permit holder ceases operations in one or more facilities or is about to do so, authorize a childcare centre permit applicant or permit holder”.

2. Strike out the second sentence of proposed section 16.1.

3. Add the following paragraphs at the end of proposed section 16.1:

Where no childcare centre permit applicant or permit holder is able to ensure that services are maintained to the Minister’s satisfaction, the authorization may be granted to a day care permit applicant or permit holder.

Where the Minister authorizes a permit applicant, the Minister issues a temporary permit to the applicant for the purposes of this section.

4. Replace “sections 16 and” in the first paragraph of proposed section 16.2 by “section”.

5. Insert “, except a standard established under subparagraph 13 or 13.1 of the first paragraph of section 106” at the end of the first paragraph of proposed section 16.2.

6. Insert after proposed section 16.2:

“**16.2.1.** The Minister makes public, on the Minister’s department’s website, the names of the permit applicants or permit holders to whom the Minister has granted an authorization under section 16.1 as well as any directive issued under section 16.2.

7. Replace the first paragraph of proposed section 16.3 by:

The Minister may, for the period the Minister determines, authorize a childcare centre permit holder and a person that already holds a day care centre permit, to whom subsidized childcare spaces have been allocated and whose project involves work to construct or develop a facility, to provide childcare to children in a temporary facility.

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Section 14

AMENDMENT:

1. Insert “, except in the case of a project selected under section 93.0.1,” after “may”.
2. Insert “in the proposed territory” at the end.

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Section 20

AMENDMENT:

1. Replace “following section” in the introductory clause by “following sections”.
2. Insert after proposed section 40.0.1:

“40.0.2. At least once a year, the Minister must conduct or commission a study, investigation or survey involving all the persons recognized as home childcare providers to establish their level of satisfaction with regard to the practices of their home childcare coordinating office. The Minister may require the coordinating offices to participate in the assessment of their services, to provide the required information and documents and to fill out an assessment questionnaire.”

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Section 21

AMENDMENT:

Replace paragraph 6.1 proposed by paragraph 3 by:

“(6.1) to conduct prospecting in the territory assigned to it in order to find
and guide persons who could be interested in becoming home childcare providers;

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Section 21

AMENDMENT:

Insert after section 21:

21.1. Section 45 of the Act is amended by replacing “three” by “five”.

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Section 25

AMENDMENT:

1. Replace “must” in paragraph 1 by “must, unless the person meets the conditions prescribed in subparagraph 1 of the second paragraph of section 6,”.
2. Add the following paragraph at the end:
 - (4) by adding the following paragraph at the end:

“A person referred to in subparagraph 1 of the second paragraph of section 6 who looks after children referred to in that subparagraph elsewhere than at the children’s residence may, if the person so requests, be recognized by a coordinating office. In such a case, the person’s recognition is subject to the conditions prescribed by this Act and the regulations.”

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Section 30

AMENDMENT:

Replace proposed section 59.4 by:

“59.4. The single window is a referral and matching tool intended 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 or ranks assigned to a child under this chapter.

Any rank assigned to a child may relate to a determined territory, a childcare provider or a category of childcare providers, or to a combination of those factors. In addition, depending on the admission requirements, criteria and priorities that may be determined under the third paragraph, and on the type of childcare services required, the rank assigned to a child is likely to vary and may be expressed in numbers, letters or categories.

The Government determines, by regulation, the terms and conditions for registering a child with the single window and for assigning one or more ranks 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.

The Government may also determine, by regulation, the information and documents that must be provided to the Minister or the administrator of the single window by the childcare providers or the parents, in particular with regard to children's admission, exclusion or attendance, or to the cessation of their attendance.

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SAM 1
AM 18
s. 30 (59.4)

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Section 30

AMENDMENT:

Insert the following sentence at the end of the third paragraph of proposed section 59.4, as replaced by amendment: "The regulation must facilitate access to educational childcare services for children with special needs."

Adopted
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Section 30

AMENDMENT:

In proposed section 59.9:

1. Replace “se fait” in the second paragraph in the French text by “se font”.
2. Add the following paragraph at the end:

The referral and matching must also be done in such a way as to anticipate the measures that could be required to enable the integration of a child with special needs into a permit holder's centre.

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Section 33

AMENDMENT:

Insert "or a document" after "information" in proposed section 81.0.1.

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Section 37

AMENDMENT:

In proposed section 93.0.1:

1. Insert “to create such spaces” after “project” in the first paragraph.
2. Insert the following paragraph after the first paragraph:

Such an invitation is first addressed to childcare centre permit applicants or permit holders. If no project is submitted by them or is selected, the invitation may then be addressed to any other permit applicant or permit holder.

3. Add the following paragraph at the end:

Before allocating spaces within an Aboriginal community, the Minister consults the community concerned or, if applicable, the person or body designated by the community to represent it in such matters.

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Section 37

AMENDMENT:

Replace “10 days” in the third paragraph of proposed section 93.0.4 by “15 days”.

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AM 23
s. 37 (93.0.5)

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Section 37

AMENDMENT:

Replace “finaliser” and “mener à terme” in proposed section 93.0.5 in the French text by “mener à terme” and “compléter”, respectively.

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Section 37

AMENDMENT:

Replace “requested it, the Minister must notify the coordinating office in writing and give it at least 10 days” in the second paragraph of proposed section 93.0.7 by “consented to it, the Minister must notify the coordinating office in writing and give it at least 15 days”.

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Section 37

AMENDMENT:

Insert “, on the Minister’s department’s website,” after “public” in proposed section 93.0.9.

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Section 37

AMENDMENT:

In proposed section 93.0.8:

1. Insert “, if applicable,” after “recovers”.
2. Replace “, if the Minister reallocates the spaces, give priority to the permit holder or permit applicant” by “then assign such spaces or reallocate the spaces recovered to the childcare centre permit holder or permit applicant”.
3. Add the following paragraph at the end:

Where no childcare centre permit holder or permit applicant is able to ensure that services are maintained to the Minister’s satisfaction, the authorization may be granted to a day care permit applicant or permit holder.

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Section 43

AMENDMENT:

1. Insert before paragraph 1:

(0.1) by inserting “, 81.0.1” after “78” in the first paragraph;
2. Replace “section 2.2, the first paragraph of section 5.1 or any of sections 13” in paragraph 1 by “section 2.2, the first and fifth paragraphs of section 5.1 or any of sections 13, 13.1”.

Adopt
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Section 46

AMENDMENT:

Insert after subparagraph 6 of the paragraph proposed by paragraph 1:

(7) one person designated by the body most representative of the
childcare centres of the territory concerned.”;

*Adopté
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Section 52

AMENDMENT:

1. Insert before paragraph 1:

(0.1) by inserting “, and determine the cases, conditions and duration of the overlapping period during which more children than the number stated on the permit may be provided childcare in accordance with section 13.1” at the end of subparagraph 3;

2. Replace subparagraph 3.1 proposed by paragraph 1 by:

“(3.1) prescribe standards aimed at ensuring the health of children that are applicable to childcare providers, their facilities or their residence, as applicable, and require childcare providers to send the Minister the results of any analysis that may be required by the Minister regarding such matters;”;

3. Insert “, prescribe the certificate’s content” after “Minister” in subparagraph 8.3 proposed by paragraph 4.

4. Insert “or ranks” after “rank” in subparagraph 14.0.3 proposed by paragraph 5.

5. Insert after subparagraph 14.0.3 proposed by paragraph 5:

“(14.0.3.1) 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 childcare providers or parents, in particular with regard to children’s admission, exclusion or attendance or to the cessation of their attendance;

6. Insert after subparagraph 9:

(9.1) by inserting the following subparagraph after subparagraph 23:

“(23.1) establish the number, nature and terms of visits that a home childcare coordinating office is required to make to a home childcare provider;”.

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Section 55

AMENDMENT:

Replace “by striking out “53 or 53.1,” by “by replacing “53” by “52”.

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Section 56

AMENDMENT:

Replace by:

56. Section 110 of the Act is amended by replacing “13, 14, 16, 17, 20, 22, 25 or 30” by “13, 13.1, 14, 16, 17, 20, 22 or 25”.

Adopt
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Section 66

AMENDMENT:

Replace the first and second paragraphs of proposed section 121.1 by the following paragraph:

To enable the application of measures ensuring that Aboriginal realities are taken into account, the Government may enter into an agreement on any matter within the scope of this Act or the regulations with an Aboriginal nation represented by all the band councils or northern village councils of the communities forming the nation, by the Makivik Corporation or by the Cree Nation Government, with an Aboriginal community represented by its band council, by its northern village council or by a group of communities so represented or, in the absence of such councils, with any other Aboriginal group.

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Section 68

AMENDMENT:

Replace by:

68. Section 124 of the Act is replaced by the following section:

“124. The maximum duration of a pilot project is three years. The Minister may extend the duration by up to two years if the Minister considers it necessary.

The results of a pilot project must be published by the Minister, on the Minister’s department’s website, not later than one year after it ends.”

Adopté
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Section 69.1

AMENDMENT:

Insert after section 69:

69.1. The Act is amended by replacing all occurrences of “10 days” in sections 29, 49, 68 and 97 by “15 days”.

Adopté
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Section 82

AMENDMENT:

1. Strike out “, 5” in subparagraph 3 of the first paragraph.
2. Replace “paragraphs 2 and” in subparagraph 4 of the first paragraph by “paragraph”.
3. Insert “and, if the holder provides childcare to children under 18 months of age, a hot plate” after “refrigerator” in subparagraph 1 of the second paragraph.
4. Insert after subparagraph 1 of the second paragraph:

(1.1) of paragraph 2 of section 33, provided the holder, if the holder provides childcare to children under 18 months of age, reserves space for a cloakroom for those children;

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Section 87.1

AMENDMENT:

Insert after section 87:

87.1. Section 125 of the Regulation is amended by replacing “45 and 47 to 49” by “45 and 47 to 48.1”.

Adopté
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Section 88.1

AMENDMENT:

Insert after section 88:

OTHER AMENDING PROVISION

88.1. Unless the context indicates otherwise, in any Act or regulation, including the title, except for the Act respecting the Ministère de la Famille, des Aînés et de la Condition féminine (chapter M-17.2), and in any other document,

(1) “childcare provider” is replaced by “educational childcare provider”;

(2) “home childcare provider” is replaced by “home educational childcare provider”;

(3) “home childcare coordinating office” is replaced by “home educational childcare coordinating office”, except in section 1 of the Act to facilitate the establishment of a pension plan for employees working in childcare services (chapter E-12.011), where it is replaced by “coordinating office”.

The replacements referred to in the first paragraph also apply, with the necessary modifications, to the plural form of the replaced expressions.

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Section 89.1

AMENDMENT:

Insert after section 89:

89.1. Despite the time limit prescribed in the fifth paragraph of section 5.1 of the Educational Childcare Act, the first publication by the Minister of the results of the childcare educational quality assessment and improvement process is made

(1) with regard to a permit holder, as of the time all permit holders have been assessed at least once, regardless of the date of the assessment; and

(2) with regard to a home childcare provider, as of the time all home childcare providers have been assessed at least once, regardless of the date of the assessment.

Permit holders and home childcare providers whose permit or recognition was obtained in the year preceding the date of the first publication by the Minister are not taken into account in determining that date.

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Section 5.1

AMENDMENT:

Insert after section 5:

5.1. The Act is amended by inserting the following section after section 6:

“6.0.1. For the purposes of the first paragraph of section 6, childcare services offered or provided to a child as a benefit to a parent as an employee or client or as a person attending or frequenting an institution or establishment are deemed to be offered or provided in return for a contribution, even if no monetary consideration is required for those services.”

Adopté
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Section 32.1

AMENDMENT:

Insert after section 32:

32.1. Section 81 of the Act is amended by replacing “fax machine or any other electronic means, provided the intended recipient can be so reached” by “any means of communication that allows proof of receipt”.

Adopted
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Section 90

AMENDMENT:

Insert "et" in the French text before "jusqu'au".

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Section 90.1

AMENDMENT:

Insert after section 90:

90.1. With regard to a home childcare coordinating office whose accreditation is in force on (*insert the date of coming into force of section 21.1 of this Act*), section 45 of the Educational Childcare Act, as amended by section 21.1, applies only from the first renewal of the accreditation after that date.

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Section 93

AMENDMENT:

1. Replace "3, 8 or 9" in the first paragraph by "3, 4, 8 or 9".
2. Replace "4, 5 or 6" in the first paragraph by "4, 7, 5 or 6".

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Section 94

AMENDMENT:

Insert "as well as comply with section 57.1 of the Educational Childcare Act" at the end of the third paragraph.

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Section 95.1

AMENDMENT:

Insert after section 95:

95.1. The Government may, by a regulation made before (*insert the date that is two years after the date of assent to this Act*), enact any other transitional provision or measure useful for carrying out this Act.

A regulation made under the first paragraph is not subject to the publication requirement set out in section 8 of the Regulations Act or to the date of coming into force set out in section 17 of that Act.

Such a regulation may also, if it so provides, apply from any date not prior to (*insert the date of assent to this Act*).

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Section 96

AMENDMENT:

Replace by:

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

(1) sections 1 to 3, 5 and 5.1, paragraph 2 of section 7, section 8, paragraphs 1 and 2 of section 9, sections 10 to 12, 14, 23, 35, 37, 39 and 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, sections 44 to 50, 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 1 September 2022;

(2) 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” to section 75 of the Educational Childcare Regulation and strikes out “53” in that section, which come into force on 1 September 2026;

(3) sections 4.1, 12.1 and 30, paragraph 1 of section 43 insofar as it adds “and fifth”, “, 13.1” and “and 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 0.1, 5 and 6 of section 52, paragraph 1 of section 53, section 56 insofar as it adds “13.1” to section 110 of that Act, section 63 except insofar as it adds “2.2” to section 116 of that Act, section 85 insofar as it adds “59.2, 59.6, 59.10” to section 75 of the Educational Childcare Regulation, and section 89.1, which come into force on the date to be determined by the Government.

*Adopte
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Bill 1

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Omnibus

AMENDMENT:

Throughout the bill, except in section 88.1:

1. Replace all occurrences of “childcare provider” and “childcare providers” by “educational childcare provider” and “educational childcare providers”, respectively.
2. Replace all occurrences of “home childcare provider” and “home childcare providers” by “home educational childcare provider” and “home educational childcare providers”, respectively.
3. Replace all occurrences of “home childcare coordinating office” and “home childcare coordinating offices” by “home educational childcare coordinating office” and “home educational childcare coordinating offices”, respectively.

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