

AMENDMENT

Bill 95

**AN ACT TO PROMOTE EQUITY IN ACCESS TO SUBSIDIZED
EDUCATIONAL CHILDCARE SERVICES PROVIDED BY PERMIT HOLDERS**

SECTION 2 (section 5.1 of the Educational Childcare Act)

Replace by:

2. Section 5.1 of the Act, amended by section 5 of chapter 9 of the statutes of 2022, is again amended by striking out “, and the administrator of the single window for access to educational childcare services does the same on the single window’s website” in the fifth paragraph.

*adopte
apc*

AMENDMENT

Bill 95

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SECTION 10

In subparagraph 5 of the first paragraph of proposed section 59.7:

1. Insert "or in a borough where the permit holder is situated" after "municipality".
2. Strike out "with which the permit holder has entered into a written agreement to give priority to the admission of such children to the permit holder's facility in exchange for consideration".

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*adopté
amendé
ape*

AMENDMENT

Bill 95

**AN ACT TO PROMOTE EQUITY IN ACCESS TO SUBSIDIZED
EDUCATIONAL CHILDCARE SERVICES PROVIDED BY PERMIT HOLDERS**

SECTION 10 (section 59.7 of the Educational Childcare Act)

In the amendment to proposed section 59.7:

1. Replace "where the permit holder is situated" by "of that municipality".
2. Strike out paragraph 2.

*adopté
apc*

AMENDMENT

Bill 95

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EDUCATIONAL CHILDCARE SERVICES PROVIDED BY PERMIT HOLDERS**

SECTION 18.1

Insert after section 18:

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

18.1. Section 99 of the Act to amend the Educational Childcare Act to improve access to the educational childcare services network and complete its development (2022, chapter 9) is replaced by the following section:

"99. All the results of the childcare educational quality assessment and improvement process obtained by the Minister before the coming into force of the fifth paragraph of section 5.1 of the Educational Childcare Act (chapter S-4.1.1), enacted by section 5 of this Act and amended by section 2 of the Act to promote equity in access to subsidized educational childcare services provided by permit holders (*insert the chapter number and year of assent to this Act*), are published on the website of the Minister's department within 60 days after the coming into force of that paragraph."

*adopté
apc*

AMENDMENT

Bill 95

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SECTION 18.2

Insert after section 18.1, introduced by amendment:

18.2. Section 108 of the Act is amended by replacing “to be determined” in subparagraph 3 by “or dates to be determined”.

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AMENDMENT

Bill 95

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**SECTION 26 (section 31 of the Access to Educational Childcare
Services Regulation)**

Replace "known information" in the second proposed paragraph by "information the Minister holds".

*adopté
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AMENDMENT

Bill 95

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SECTION 14 (section 90.1 of the Educational Childcare Act)

Replace by:

14. Section 90.1 of the Act is amended

(1) by inserting “, in keeping with the principle of State laicity” after “affiliation”, in the introductory clause of the first paragraph;

(2) by inserting “, materials” after “activities” in subparagraph 2 of the first paragraph.

*Adopté
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AMENDMENT

Bill 95

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**SECTION 23 (section 23 of the Access to Educational Childcare
Services Regulation)**

Replace "the number of children to whom the permit holder intends to assign such admission priority while complying with the maximum number of admissions established under section 59.7.1 of the Act" in the first paragraph of proposed section 23 by "the proportion of children to whom the permit holder intends to assign such admission priority".

*adopted
ape*

AMENDMENT

Bill 95

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SECTION 35.1

Insert before section 36:

35.1. Despite the first paragraph of section 59.7.1 of the Educational Childcare Act, enacted by section 10 of this Act, any permit holder delivering subsidized childcare who is a party to a written agreement with an educational institution, an employer or a local municipality, in force on 28 May 2025, to give priority to the admission of children to a facility of that permit holder, may give priority to the admission of a greater number of children to that facility than would otherwise be permitted under the first paragraph of section 59.7.1.

That option is available within the scope of that agreement and of any subsequent written agreement entered into with the same institution, employer or municipality, provided that

- (1) the agreement concerned complies with one of subparagraphs 3 to 5 of the first paragraph of section 59.7 of the Educational Childcare Act, enacted by section 10 of this Act;
- (2) the content of the agreement, regarding the calculation of the number of children given admission priority, is respected; and
- (3) in the event that the agreement is amended or replaced by a subsequent agreement, the number or percentage of children admitted, as set out in the agreement, remains unchanged.

The rule established by the first and second paragraphs of this section applies, with the necessary modifications, to any project selected by the Minister under section 93.0.1 of the Educational Childcare Act and for which, on the date referred to in the first paragraph, an educational institution, an employer or a local municipality has undertaken, in writing, to contribute to the creation of subsidized spaces. In such a case, the written agreement provided for in the first paragraph may be later than 28 May 2025, without exceeding (*insert the date that is one*

month after the date of assent to this Act) and the written undertaking must be kept by the applicant or the permit holder.

Any new subsidized childcare space in the facility concerned is subject to the proportion provided for in section 59.7.1 of the Act.

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AMENDMENT

Bill 95

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EDUCATIONAL CHILDCARE SERVICES PROVIDED BY PERMIT HOLDERS**

SECTION 36

Replace by:

36. Subject to section 35.1, no agreement, whatever its designation, form or nature, between a permit holder delivering subsidized childcare and a third person that is entered into before the date of coming into force of section 59.7 of the Educational Childcare Act (chapter S-4.1.1), enacted by section 10 of this Act, may have the effect, as of that date, of giving priority to the admission of children, to a facility, in situations or on conditions other than those referred to in section 59.7 or section 59.7.2 of the Educational Childcare Act, enacted by section 10 of this Act, or according to terms and conditions that are different from those established under the Educational Childcare Act and under the Access to Educational Childcare Services Regulation, enacted by Order in Council 863-2024 dated 22 May 2024, as amended by this Act.

In case of incompatibility between the provisions of an agreement referred to in the first paragraph and those of the Educational Childcare Act or the Access to Educational Childcare Services Regulation, the latter provisions prevail.

However, it is understood that no child admitted by a permit holder before the date of coming into force of a provision of this Act may be excluded from the permit holder's facility because the child's admission is incompatible with that provision.

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Bill 95

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SECTION 37

1. Replace "of sections 59.7 and 59.7.1 of the Educational Childcare Act (chapter S-4.1.1), enacted" in subparagraph 2 of the first paragraph by "of section 59.7 of the Educational Childcare Act (chapter S-4.1.1), enacted".
2. Replace "becomes" in the second paragraph by "may, if the Minister so decides in accordance with the first paragraph, become".

*adopté
amc*

AMENDMENT

Bill 95

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SECTION 38

1. Strike out ", with the necessary modifications, as if the holder were ceasing operations on that date" in the second paragraph.
2. Replace the third paragraph by the following paragraph:

Section 101 of that Act applies, with the necessary modifications, to a holder of a permit for a childcare centre that ceases to hold such a permit following an application made under section 37 of this Act.

*adopté
apc*

AMENDMENT

Bill 95

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SECTION 38.1

Insert after section 38:

38.1. The Minister must, not later than five years after the date of coming into force of section 35 of chapter 9 of the statutes of 2022, report to the Government on the application of the provisions of Chapter IV.1 of the Educational Childcare Act (chapter S-4.1.1), replaced by that section, as amended by this Act, and on the advisability of maintaining or amending those provisions.

The report is to be tabled within the following 30 days in the National Assembly or, if the Assembly is not sitting, within 30 days of resumption.

*Adopté
apc*

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Bill 95

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SECTION 39

Replace by:

39. The provisions of this Act come into force on the date or dates to be determined by the Government, except those of sections 3, 6, 18.1 and 18.2, which come into force on *(insert the date of assent to this Act)*.

*adopted
apc*