

## Regulation to amend the Regulation respecting day care centres

An Act respecting childcare centres and childcare services

(R.S.Q., c. S-4.1; s. 73, pars. 4, 5, 10.2 and 18; 1996, c. 16; 1997, c. 58)

**1.** The Regulation respecting day care centres, made by Order in Council 1971-83 dated 28 September 1983 and amended by the Regulations made by Orders in Council 2034-85 dated 2 October 1985, 1193-87 dated 5 August 1987, 1274-91 dated 18 September 1991, 588-93 dated 28 April 1993, 632-93 dated 5 May 1993 and 559-97 dated 30 April 1997, is further amended by substituting the following for section 5:

“**5.** The classes, having regard to the age of the children that are received in a day care centre and to the childcare that must be provided to them, are the following:

- (1) from birth to less than 18 months;
- (2) 18 months to less than 4 years of age on 30 September;
- (3) 4 or 5 years of age on 30 September; and
- (4) 5 years of age and over on 1 October.”

**2.** The following is substituted for section 11:

“**11.** The minimum number of day care staff members required for children received in a day care centre is:

- (1) one member for a maximum of 5 children present, less than 18 months of age;
- (2) one member for a maximum of 8 children present, aged 18 months to less than 4 years on 30 September;
- (3) one member for a maximum of 10 children present, 4 or 5 years of age on 30 September; and
- (4) one member for a maximum of 15 children present, aged 5 years and over on 1 October.

Notwithstanding the foregoing, where children belonging to the age classes mentioned in subparagraphs 2 and 3 of the first paragraph are received simultaneously, a holder of a day care permit may add to the maximum number of children determined in subparagraph 3 the number of children resulting from the difference be-

tween the maximum number of children determined in subparagraph 2 and the number of children in that age class that are present.”

**3.** Section 14 is amended by adding the following paragraph at the end:

“Where a permit holder signs with the minister the agreement referred to in sections 39.1 of the Act and 173 of the Act respecting the Ministère de la Famille et de l’Enfance and amending the Act respecting child day care (1997, c. 58), the permit holder may receive up to 20 more children than the maximum authorized under the first paragraph provided that on 1 September 1997, the premises where children are received have the required capacity according to section 39.”

**4.** The following is substituted for section 49:

“**49.** The attendance card prescribed in section 22 of the Act must contain the following information:

- (1) the parent’s and child’s names;
- (2) the dates and the child’s days or half-days of attendance or absence;
- (3) the times at which the childcare begins and terminates; and
- (4) the date from which the childcare is no longer required.

The attendance card must be updated daily and signed by a parent every 4 weeks. It must be kept for 3 years following termination of the childcare.”

**5.** This Regulation comes into force on 1 September 1997.

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Gouvernement du Québec

### O.C. 1071-97, 20 August 1997

An Act respecting childcare centres and childcare services

(R.S.Q., c. S-4.1)

#### Reduced contributions

Regulation respecting reduced contributions

WHEREAS under paragraphs 20 and 21 of section 73 of the Act respecting childcare centres and childcare

services (R.S.Q., c. S-4.1), as amended by paragraphs 12 and 13 of section 52 of Chapter 16 of the Statutes of 1996 and paragraphs 13 and 14 of section 122 of Chapter 58 of the Statutes of 1997, the Government may, by regulation, for certain services which are determined therein, fix the amount of a contribution which apply to services provided to children subject to the age class determined by this Regulation and which is required from a parent or from any other person determined by this Regulation by the holder of a childcare centre permit of a home childcare provider;

WHEREAS under the same provisions, the Government may also determine the conditions subject to which a parent may pay the contribution or be exempted therefrom for all or some of the services that it determines, as long as a grant was made for this purpose under section 41.6 of that Act for the place he asks for his child;

WHEREAS under paragraph 24 of section 73 of that Act, as enacted by section 52 of Chapter 16 of the Statutes of 1996 and amended by section 122 of Chapter 58 of the Statutes of 1997, the Government may determine the provisions of a regulation whose infringement constitutes an offence punishable under section 74.9 of that Act;

WHEREAS, in accordance with section 174 of the Act respecting the Ministère de la Famille et de l'Enfance and amending the Act respecting child day care (1997, c. 58), the first regulation made under the new provisions of paragraphs 20 to 22.1 of section 73 of the Act respecting child day care, is not subject to the publication requirements of section 11 of the Regulations Act (R.S.Q., c. R-18.1), provided that it is made before 1 September 1997 and that the regulation comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date fixed therein, notwithstanding section 17 of the Regulations Act.

WHEREAS it is expedient to make the first Regulation respecting reduced contributions;

IT IS ENACTED, therefore, upon the recommendation of the Minister of Education and Minister of Child and Family Welfare:

THAT the Regulation respecting reduced contributions be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

## Regulation respecting reduced contributions

An Act respecting childcare centres and childcare services  
(R.S.Q., c. S-4.1, s. 73, pars. 20, 21 and 24; 1996, c. 16, s. 52, pars. 12 and 13; 1997, c. 58, s. 122, pars. 13 and 14)

### SECTION I INTERPRETATION

**1.** This Regulation establishes the period included between 1 September of a year and 31 August of the following year as a year of reference.

In this Regulation, a type of service is either a day of childcare equivalent to a continuous period of more than 4 hours per day or one half-day of childcare equivalent to a continuous period of not less than 2 hours and a half and no more than 4 hours a day.

**2.** This Regulation applies to a child who is 4 years old on 30 September of the year of reference and who, at a childcare provider's, occupies a place entitling the latter to a grant under section 41.6 of the Act respecting childcare centres and childcare services (R.S.Q., c. S-4.1).

**3.** This Regulation applies to a childcare provider, either a day care centre which has signed the agreement under section 39.1 of that Act, or a childcare centre which has been granted places entitling it to the grant under section 39 of that Act or, as the case may be, a home childcare provider which has places entitling it to that grant.

### SECTION II FIXING OF AND ELIGIBILITY FOR THE REDUCED CONTRIBUTION

**4.** The reduced contribution is fixed at \$5.00 per day, whatever the type of service chosen by the parent.

**5.** A parent residing in Québec and who meets the following requirements is eligible for the reduced contribution:

(1) he is a Canadian citizen;

(2) he is a permanent resident within the meaning of the Immigration Act (R.S.C., 1985, c. I-2);

(3) he is a temporary worker and is in possession of an employment authorization issued in accordance with

the Immigration Act or is exempted from being in possession of such an authorization under that Act;

(4) he is a foreign student holding a certificate of acceptance issued under the Act respecting immigration to Québec (R.S.Q., c. I-0.2) and receiving a scholarship from the Gouvernement du Québec under the policy relating to foreign students in colleges and universities of Québec;

(5) he is a person recognized as a refugee in Canada within the meaning of the Immigration Act and holding a selection certificate issued under section 3.1 of the Act respecting immigration to Québec; and

(6) he is a person holding a Minister's permit issued under the Immigration Act with a view to granting landing.

**6.** A childcare provider must provide a parent who has paid the reduced contribution with

(1) continuous educational childcare spread over a maximum of 10 hours per day, for a maximum of 20 days per 4-week period and for an annual maximum of 261 days per year of reference;

(2) two snacks and one meal for a child receiving childcare during the hours provided for childcare; and

(3) the material required for providing a child with an educational program.

A childcare provider must fulfill that obligation taking the following factors into account: the organization of childcare, the agreed type of service, the days of attendance by the child and the hours for providing childcare as agreed between the provider and the parent.

**7.** A childcare provider must at all times be able to demonstrate to the Minister of Child and Family Welfare that it has collected the reduced contribution from the parent.

He must be able to demonstrate the date and method of payment, the number of days paid and to allow the Minister, through his bookkeeping, to verify the information contained in the documents.

## **DIVISION II** ELIGIBILITY FOR THE EXEMPTION FROM PAYMENT OF THE CONTRIBUTION

**8.** A parent who receives a benefit under a last resort assistance program within the meaning of the Act re-

specting income security (R.S.Q., c. S-3.1.1) is eligible to the exemption from payment of the reduced contribution.

**9.** A childcare provider must provide a parent eligible for the exemption from payment of the reduced contribution with continuous childcare over a maximum of 10 hours per day but not exceeding 23 hours and 30 minutes per week at a rate of 5 half-days or 2½ days.

Subparagraphs 2 and 3 of the first paragraph and the second paragraph of section 6 apply to this obligation.

**10.** Any local community centre, child and youth protection centre, hospital centre and rehabilitation centre referred to in the Act respecting health services and social services (R.S.Q., c. S-4.2) or, as the case may be, in the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5) may recommend that a parent be exempted from payment of the reduced contribution for more than 23 hours and 30 minutes per week where

(1) the child has a psychological problem justifying its need to receive childcare for a longer period of time; and

(2) without this measure, it is likely that the child would be removed from the family environment.

**11.** The recommendation provided for in section 10 must be written and must indicate that the child meets the requirements provided for in that section as well as the duration of the required periods of childcare. Notwithstanding the foregoing, the periods may not exceed those provided for in subparagraph 1 of the first paragraph of section 6.

## **DIVISION IV** ADMINISTRATION OF THE CONTRIBUTION

### *§1. Application*

**12.** A parent who wishes to be granted the reduced contribution or, if applicable, the exemption from payment of the contribution, must apply therefor on the appropriate form put at his disposal by the Minister.

He must provide the following particulars and documents:

(1) his first and last names, address and telephone number;

(2) the child's name;

(3) a copy of his act of birth or any other document establishing his Canadian citizenship;

(4) a copy of the child's act of birth;

(5) a copy of the agreement signed with the childcare provider if this one is a home childcare provider; and

(6) if the child has received childcare provided by another childcare provider, the number of days during which he has been granted the reduced contribution from 1 September of the year of reference to the application date as well as a document attesting that the child has received childcare provided for in section 21.

Moreover, a parent who wishes to be granted the exemption from the contribution must provide a proof that he receives last resort assistance program benefits within the meaning of the Act respecting income security and sign an authorization allowing the Minister to verify the information with the Minister of Income Security. Likewise, where a parent has obtained the recommendation provided for in section 10, he must provide a copy thereof.

**13.** Depending on the category to which he belongs, a foreign national referred to in paragraphs 2 to 6 of section 5 must also provide the following documents:

(1) a copy of the landing card;

(2) a copy of the employment authorization, or if he is exempted thereof, a copy of the document attesting to his right of legally being in Canada;

(3) a copy of the certificate of acceptance;

(4) a copy of the selection certificate; and

(5) a copy of the minister's permit.

Where he cannot provide his act of birth or that of his child, he must produce a sworn statement indicating the reasons why he cannot do so and establishing that the child is 4 years old on 30 September of the year of reference.

**14.** A parent establishes with a childcare provider the type of service he intends to choose, the number of days of attendance and the hours during which the different childcare services are provided.

**15.** The child must attend the establishment or, as the case may be, the home childcare service in accordance with the terms and conditions of the agreement reached between the parent and the childcare provider.

Notwithstanding the foregoing, a parent is entitled to no more than 3 weekly periods of time off per year of reference as long as childcare is offered during that period.

**16.** After having received the documents, the centre or, as the case may be, the day care centre shall render a written decision concerning the parent's application.

If childcare is offered by a home childcare provider, this one must immediately send to the centre which has recognized him, the application form duly filled-out and signed by the parent, as well as all necessary information and documents.

**17.** If the parent fulfills all the conditions provided for in the Act and in this Regulation, the centre or the day care centre approves the application. The parent is granted the reduced contribution or, if applicable, the exemption from its payment from the date of the beginning of childcare, which cannot be prior to the date of the decision.

**18.** If the centre or the day care centre rejects the application, the decision must be rendered in writing, communicated to the parent and give the reasons why the application was not approved, and the parent's right to apply to the Minister for a review of the decision, as provided for in section 41.3 of the Act.

**19.** If childcare is offered by a home childcare provider, the centre which has recognized him must notify him, within 5 working days, of any decision concerning the parent's application.

**20.** A parent must immediately notify the childcare provider of any change affecting the information and the documents which have established his eligibility for the reduced contribution or for the exemption from its payment.

If childcare is offered by a home childcare provider, this one must immediately notify the centre which has recognized him of the changes.

**21.** Where a child permanently ceases to attend the childcare provider, the latter must give the parent a document attesting that the child has received childcare, specifying the date of the beginning of attendance at its establishment or, as the case may be, at its home childcare service and the termination date, as well as the total number of days of childcare for which the parent has been granted the reduced contribution during the year of reference in progress or, if applicable, the number of days for which he has been exempted from the reduced

contribution as well as of any day off for which he was granted the reduced contribution.

If childcare is offered by a home childcare provider, this one must immediately notify in writing the centre which has recognized him that the child has ceased to attend its childcare service.

### §2. Parental record

**22.** A centre or a day care centre must keep at the address of its establishment a record on each one of the parents who applies for eligibility for the reduced contribution and, if applicable, for the exemption from its payment.

The record must contain

- (1) the duly filled-out application form;
- (2) a copy of any decision rendered concerning a parent's eligibility;
- (3) where a parent's application is accepted, the documents evidencing that the parent meets the requirements provided for in sections 12 and 13;
- (4) a copy of any correspondence between the centre or the day care centre and the parent concerning the reduced contribution and, if applicable, between the home childcare provider and the centre which has recognized him; and
- (5) a copy of the agreement signed between the parent and the childcare provider.

For the purposes of subparagraph 3, a photocopy of the document attested to be true to the original by the childcare provider is considered to be a document evidencing that the requirements are met.

**23.** Each record must be updated and preserved during the 3 years following the termination of childcare.

### §3. Additional information

**24.** If the parent is granted the reduced contribution or, if applicable, the exemption from payment of the contribution, the attendance card provided for in section 99 of the Regulation respecting childcare centres must also contain the proof of payment of the contribution for the days the child was present as well as the date and method of payment.

## DIVISION V PENAL AND FINAL PROVISIONS

**25.** The childcare provider that contravenes one of the provisions of sections 6, 9, 22 to 24 is liable to a fine provided for in section 74.9 of the Act.

**26.** The holder of a home day care agency permit who, under section 173 of the Act respecting the Ministère de la Famille et de l'Enfance and amending the Act respecting child day care (1997, c. 58), has signed an agreement with the Minister, is deemed to be, for the purposes of this Regulation, a childcare centre or a day care centre and the provisions of this Regulation governing them apply to that holder *mutatis mutandis* until 31 August 1999.

**27.** This Regulation comes into force on 1 September 1997.

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Gouvernement du Québec

### O.C. 1074-97, 20 August 1997

An Act respecting immigration to Québec  
(R.S.Q., c. I-0.2)

#### Linguistic integration services and financial assistance — Amendments

Regulation to amend the Regulation respecting linguistic integration services and financial assistance

WHEREAS under subparagraph *i* of the first paragraph of section 3.3 of the Act respecting immigration to Québec (R.S.Q., c. I-0.2), the Government may make regulations, in particular, to determine, with regard to financial assistance for the purposes of linguistic integration services, the classes of allocation, the conditions of admissibility, and the conditions of granting, the nature and schedule of financial assistance; those provisions may vary according to classes of students and, within the same class of students, according to their family and financial situation;

WHEREAS the Government made the Regulation respecting linguistic integration services and financial assistance by Order in Council 465-91 dated 10 April 1991;