

Gouvernement du Québec

## O.C. 583-2006, 20 June 2006

Educational Childcare Act  
(2005, c. 47)

### Reduced contribution

Reduced Contribution Regulation

WHEREAS the Educational Childcare Act (2005, c. 47) was assented to on 16 December 2005;

WHEREAS, under paragraphs 25 to 30 of section 106 of the Act, the Government may, in particular, set, for the services determined by the Government, the parental contribution for a child receiving childcare and determine the terms and conditions on which a parent may be fully or partially exempted from paying that contribution;

WHEREAS section 166 of the Act provides that a regulation made under the Act before 1 September 2006 is not subject to the coming into force requirement set out in section 17 of the Regulations Act (R.S.Q., c. R-18.1);

WHEREAS, in accordance with that section, a draft of the Reduced Contribution Regulation was published in Part 2 of the *Gazette officielle du Québec* of 20 May 2006 with a notice that it could be made by the Government on the expiry of 20 days following that publication;

WHEREAS comments have been made and it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Families, Seniors and the Status of Women:

THAT the Reduced Contribution Regulation, attached to this Order in Council, be made.

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*

### Reduced Contribution Regulation

Educational Childcare Act  
(2005, c. 47, s. 106, pars. 25 to 30)

#### DIVISION I INTERPRETATION

**1.** In this Regulation, the period between 1 September of a year and 31 August of the following year is established as the reference year.

Under this Regulation, the modes of childcare for children under 5 years of age on 30 September of the reference year are one day of childcare equivalent to a continuous period of more than 4 hours per day, and one half-day of childcare equivalent to a continuous period of at least 2 hours and 30 minutes but not more than 4 hours per day.

Under this Regulation, the mode of childcare for children at least 5 years of age on 30 September of the reference year is one day of childcare equivalent to a continuous period or discontinuous periods totalling at least 2 hours and 30 minutes per day.

**2.** This Regulation applies to a parent whose child is receiving subsidized educational childcare referred to in the first paragraph of section 82 of the Act.

#### DIVISION II PARENT'S ELIGIBILITY FOR AND SETTING OF THE REDUCED CONTRIBUTION

##### §1. Eligibility

**3.** A parent residing in Québec who meets any of the following conditions is eligible for the reduced contribution:

(1) the parent is a Canadian citizen;

(2) the parent is a permanent resident within the meaning of the Immigration and Refugee Protection Act (S.C. 2001, c. 27);

(3) the parent is staying in Québec primarily for work purposes and holds a work permit issued under the Immigration and Refugee Protection Act or is exempted from holding such a permit under that Act;

(4) the parent 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 is receiving a scholarship from the Government of Québec pursuant to the policy applying to foreign students in Québec colleges and universities;

(5) the parent is recognized by a court in Canada of competent jurisdiction as a refugee or protected person within the meaning of the Immigration and Refugee Protection Act and holds a selection certificate issued under section 3.1 of the Act respecting immigration to Québec;

(6) the Minister of Citizenship and Immigration has granted protection to the parent under the Immigration and Refugee Protection Act and the parent holds the selection certificate referred to in paragraph 5;

(7) the parent holds a temporary resident permit issued under section 24 of the Immigration and Refugee Protection Act in view of the granting of permanent residence and holds the selection certificate referred to in paragraph 5; or

(8) the parent is authorized to file in Canada an application for permanent residence under the Immigration and Refugee Protection Act or the Immigration and Refugee Protection Regulations (SOR/2002-227) and holds the selection certificate referred to in paragraph 5.

**4.** In addition, the parent of a child who is at least 5 years of age on 30 September of the reference year must establish that the child cannot receive childcare services provided at school within the meaning of the Education Act (R.S.Q., c. I-13.3) or the Act respecting private education (R.S.Q., c. E-9.1) because of the absence of such services or a lack of availability.

### §2. *Setting of the reduced contribution and services*

**5.** The reduced contribution is set at \$7.

**6.** As consideration for the reduced contribution, the childcare provider must provide a child under 5 years of age on 30 September of the reference year with

(1) educational childcare for a continuous period of a maximum of 10 hours per day;

(2) snacks if the child is receiving childcare at the time scheduled for snacks;

(3) a noon meal or an evening meal if the child is receiving childcare during the hours scheduled for those meals, or breakfast in any other case; and

(4) subject to section 10, all the material used to provide childcare.

A child referred to in the first paragraph may receive a maximum of 261 days of childcare, with any combination of days and half-days being possible, spread over the reference year.

A parent may not use, for his or her child, more than 20 days of childcare services per 4 weeks unless the parent demonstrates such a need because of seasonal employment or because of the parent's work or study schedule.

**7.** As consideration for the reduced contribution, the childcare provider must provide a child who is at least 5 years of age on 30 September of the reference year with

(1) educational childcare for a period of a maximum of 5 hours per day between 6:30 a.m. and 6:30 p.m.; and

(2) subject to section 10, all the material used to provide childcare.

Despite the foregoing, on a pedagogical day provided for in the school calendar, and up to a maximum of 20 pedagogical days, the childcare provider must provide a child with educational childcare for a continuous period of a maximum of 10 hours per day, between 6:30 a.m. and 6:30 p.m.

A child referred to in the first paragraph may not receive more than 20 days of childcare per 4 weeks up to a maximum of 200 days of childcare in the school calendar spread over the reference year.

**8.** A childcare provider must fulfil the obligations in sections 6, 7 and 12, taking into account the organization of the childcare services, the days of attendance by the child and the hours of childcare to be provided as agreed on between the provider and the parent.

**9.** A parent must agree with the childcare provider, in writing, on the childcare services required, whether they are to be provided on a day or half-day basis, on the days of attendance and on the hours of childcare.

A child attends a childcare centre or a day care centre or receives home childcare according to the terms of the childcare services agreement entered into between the parent and the childcare provider.

### §3. *Restrictions*

**10.** No childcare provider may require costs or a contribution from a parent in addition to those set by this Regulation for any activity the childcare provider organizes, item furnished or service offered during the hours in which childcare referred to in sections 6, 7 and 12 is provided. That prohibition does not apply to

(1) outings organized in connection with an educational activity for which the childcare provider incurs costs and in which the child may participate;

(2) personal hygiene items furnished to a child for which costs are incurred by the childcare provider; or

(3) a meal other than a meal provided pursuant to section 6.

In the above cases, the childcare provider must give the parent, before entering into the childcare services agreement referred to in section 9, a detailed description and the cost of the chargeable outings, personal hygiene items and meals. If the parent accepts, the parties are to agree in writing in a special agreement.

If a parent does not wish his or her child to participate in such an outing or to use such an item or service, the childcare provider must provide the child with the educational childcare to which the child is entitled.

### **DIVISION III** **EXEMPTION FROM THE REDUCED** **CONTRIBUTION**

**11.** A parent who receives a benefit pursuant to the Employment-Assistance Program under the Act respecting income support, employment assistance and social solidarity (R.S.Q., c. S-32.001) is eligible for exemption from the reduced contribution for childcare received by a child under 5 years of age on 30 September of the reference year.

**12.** The childcare provider must provide a child whose parent is exempted from the reduced contribution with continuous childcare for a maximum of 2 and one-half days or 5 half-days of childcare per week for a maximum of 130 days or 261 half-days of childcare spread over the reference year.

The first paragraph of section 6 applies, with the necessary modifications, if the child receives childcare for the day.

The childcare provider must provide a child whose parent is exempted from the reduced contribution, for each half-day of childcare, with

(1) snacks if the child is receiving childcare at the time scheduled for snacks; and

(2) subject to section 10, all the material used to provide childcare.

**13.** Despite the first paragraph of section 12, a service provider in an institution covered by the Act respecting health services and social services (R.S.Q., c. S-4.2) or the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5), as the case may be, may recommend that a parent referred to in section 11 be exempted from the reduced contribution for a longer period if

(1) the child has a psychosocial problem warranting the need to receive childcare for a longer period of time; or

(2) without the measure, it is reasonable to believe the child may be removed from the family environment.

The recommendation must be written, state that the child meets one of the prescribed conditions and specify the number of days or half-days of childcare necessary. That number may not exceed 20 days of childcare per 4 weeks or 261 days of childcare spread over the reference year.

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

#### *§1. Application*

**14.** A parent who wishes to take advantage of or be exempted from the reduced contribution must complete the application form furnished by the Minister for that purpose.

The parent must submit the following particulars and documents:

(1) the parent's name, address and telephone number;

(2) the child's name;

(3) the parent's birth certificate or act of birth, or any other document establishing Canadian citizenship;

(4) the child's birth certificate or act of birth, except if the child is at least 5 years of age on 30 September of the reference year and has been admitted to preschool or elementary school education;

(5) a copy of the agreement signed with the home childcare provider, if applicable; and

(6) if the child has received childcare from another childcare provider, the number of days for which the parent paid the reduced contribution from 1 September of the reference year to the date of the application, as well as the document given to the parent pursuant to section 20 attesting that childcare was received.

In addition to those documents, the parent of a child who is 5 years of age or older on 30 September of the reference year must submit a document, signed by the principal of the school attended by the child, attesting to the absence of childcare services or, if the services exist, lack of availability.

A parent applying to be exempted from the reduced contribution must also submit proof of receipt of benefits under the Employment-Assistance Program established under the Act respecting income support, employment

assistance and social solidarity, and a written authorization allowing the Minister to verify the information with the Minister of Employment and Social Solidarity. If applicable, the parent must submit a copy of the recommendation made pursuant to section 13.

**15.** A foreign national referred to in paragraphs 2 to 8 of section 3 must, in addition, depending on the foreign national's status, submit

(1) a copy of the landing card, the permanent resident card or the confirmation of permanent residence issued by the Canadian immigration authorities;

(2) a copy of the work permit issued by the Canadian immigration authorities stating the place of work and the employer's name or, if the foreign national is exempted from holding such a permit, a copy of the document attesting to the foreign national's right to legally be in Canada;

(3) a copy of the letter from the Minister of Education, Recreation and Sports attesting that the foreign national is receiving a scholarship referred to in paragraph 4 of section 3, and a copy of the certificate of acceptance issued pursuant to section 3.2 of the Act respecting immigration to Québec;

(4) a copy of the letter from the competent authority in Canada establishing that the foreign national is a refugee or a protected person within the meaning of the Immigration and Refugee Protection Act, and a copy of the selection certificate issued pursuant to section 3.1 of the Act respecting immigration to Québec;

(5) a copy of the letter from the Minister confirming that the person has obtained the Minister's protection under the Immigration and Refugee Protection Act, and a copy of the selection certificate referred to in subparagraph 4;

(6) a copy of the temporary resident permit issued in view of the granting of permanent residence, and a copy of the selection certificate referred to in subparagraph 4; or

(7) a copy of the letter from the Canadian immigration authorities establishing that the person is authorized to apply in Canada for permanent residence, and a copy of the selection certificate referred to in subparagraph 4.

A foreign national who cannot provide his or her birth certificate or act of birth, or that of his or her child, must explain the reasons in a declaration under oath in which, if applicable, the date of birth of the child is stated.

**16.** The documents forming the parent's application are to be filed with the childcare centre, day care centre or home childcare provider.

The home childcare provider receiving the documents must immediately forward them to the home childcare coordinating office that granted the provider's recognition.

**17.** If the parent fulfils all the conditions required by the Act and this Regulation, the childcare centre, home childcare coordinating office or day care centre is to grant the application.

If the application is rejected, the decision must be in writing, contain reasons and be communicated to the parent. The decision must inform the parent of the right to apply to the Minister for a review of the decision, in accordance with section 87 of the Act.

In the case of a home childcare provider, the coordinating office that granted the provider's recognition must notify the provider, within 5 working days, of the decision concerning the parent's application.

**18.** A parent whose application has been granted is eligible for or exempted from the reduced contribution, as the case may be, as of the date on which the childcare begins, which cannot be prior to the date of the decision.

**19.** A parent must immediately notify the childcare provider of any change affecting the information or documents that were used to establish the parent's eligibility for or exemption from the reduced contribution.

A home childcare provider must immediately notify the home childcare coordinating office that granted the provider's recognition of those changes and of any modification to the childcare services agreement.

**20.** If the childcare services agreement is terminated or the child ceases to receive childcare for more than 90 consecutive days, the childcare provider must give the parent a document attesting to the childcare provided and specifying

(1) the dates on which attendance at the childcare centre, day care centre or home childcare facility began and terminated; and

(2) the total number of days or half-days of childcare provided in the current reference year as consideration for the reduced contribution or for which the parent was exempted from the reduced contribution.

A home childcare provider must immediately forward a copy of the document to the home childcare coordinating office that granted the provider's recognition.

### §2. *Parent record*

**21.** A centre and the coordinating office must keep, at its principal establishment, a record for each parent applying for the reduced contribution or for an exemption from it.

The record must contain

- (1) the duly completed application form;
- (2) a copy of the decision concerning the parent's application;
- (3) for a parent who is eligible for the reduced contribution, the documents establishing that the parent has complied with the requirements of sections 14 and 15;
- (4) a copy of all correspondence between the centre or the coordinating office and the parent concerning the reduced contribution and, if applicable, between the home childcare provider and the coordinating office that granted the provider's recognition; and
- (5) a copy of the childcare services agreement referred to in section 9 and of any special agreement entered into pursuant to section 10 between the parent and the childcare provider and any amendment to those agreements.

For the purposes of subparagraph 3, a photocopy certified to be true to the original by the childcare provider is considered to be a valid document.

**22.** Each record must be maintained up-to-date and kept for 6 years after termination of the childcare.

### §3. *Additional information*

**23.** If a parent pays or is exempted from the reduced contribution, the childcare provider must indicate the child's attendance, for each day or half-day of childcare, as applicable, on the attendance card provided for in the Educational Childcare Regulation made by Order in Council 582-2006 dated 20 June 2006.

**24.** The childcare provider must at all times be able to demonstrate to the Minister that the reduced contribution has been collected from the parent.

The childcare provider must be able to demonstrate the date and method of payment of the contribution and the number of days or half-days of childcare for which the contribution was paid, and keep books to enable that information to be verified.

### DIVISION V OFFENCE AND FINAL

**25.** A childcare provider that contravenes any of the provisions of sections 6, 7, 10, 12 and 20 to 24 commits an offence under section 117 of the Act.

**26.** This Regulation replaces the Regulation respecting reduced contributions, made by Order in Council 1071-97 dated 20 August 1997 and amended by Orders in Council 1004-98 dated 5 August 1998 and 826-99 dated 7 July 1999, by section 30 of chapter 44 of the Statutes of 2001, by Order in Council 219-2003 dated 26 February 2003 and by sections 8 to 12 of chapter 27 of the Statutes of 2003.

**27.** This Regulation comes into force on 31 August 2006.

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