

Regulations and other Acts

Gouvernement du Québec

O.C. 463-2019, 1 May 2019

Cases in which Héma-Québec must obtain the authorization of the Minister of Health and Social Services before converting or renovating an immovable and the cases in and thresholds for which the authorization is necessary to rent an immovable and before any purchase or rental of equipment

WHEREAS, under the first paragraph of section 30 of the Act respecting Héma-Québec and the biovigilance committee (chapter H-1.1), as amended by section 8 of chapter 11 of the Statutes of 2013, Héma-Québec may not construct, acquire, dispose of, convert or renovate an immovable without the authorization of the Minister of Health and Social Services, except in the cases, on the conditions and to the extent determined by the Government;

WHEREAS, under the second paragraph of that section as amended, Héma-Québec may, however, rent an immovable without the Minister's authorization, except in the cases, on the conditions and to the extent determined by the Government;

WHEREAS, under the third paragraph of that section as amended, the Minister's authorization is also necessary for any purchase or rental of equipment for an amount exceeding the thresholds determined by the Government, unless the equipment is required to ensure the safety of Héma-Québec products;

WHEREAS, under Order in Council 433-2019 dated 17 April 2019, section 8 of chapter 11 of the Statutes of 2013 comes into force on 24 April 2019

IT IS ORDERED, therefore, on the recommendation of the Minister of Health and Social Services:

THAT, for the purposes of the first paragraph of section 30 of the Act respecting Héma-Québec and the biovigilance committee, as amended by section 8 of chapter 11 of the Statutes of 2013, the cases in which Héma-Québec may convert or renovate an immovable without obtaining the Minister's authorization be those involving an expenditure lower than \$5,000,000;

THAT, for the purposes of the second paragraph of section 30 of the Act as amended, the cases in which Héma-Québec must obtain the Minister's authorization before renting an immovable be those involving an expenditure equal to or greater than \$5,000,000;

THAT, for the purposes of the third paragraph of section 30 of the Act as amended, the Minister's authorization be necessary for any purchase or rental of equipment for an amount greater than the threshold of \$3,000,000, that is not required to ensure the safety of Héma-Québec products.

YVES OUELLET,
Clerk of the Conseil exécutif

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Gouvernement du Québec

O.C. 479-2019, 8 May 2019

Educational Childcare Act
(chapter S-4.1.1)

Educational Childcare — Amendment

Regulation to amend the Educational Childcare
Regulation

WHEREAS, under subparagraphs 14.1, 29.1, 30 and 31 of the first paragraph of section 106 of the Educational Childcare Act (chapter S-4.1.1), the Government may, by regulation, for part or all of Québec,

— determine the elements comprising the education records of the children to whom the childcare provider provides childcare, the medium to be used and the standards for keeping, using, storing, reproducing and communicating the information the records contain;

— determine the other elements and services all educational programs must include;

— determine, from among the provisions of a regulation made under this section, those whose infringement constitutes an offence punishable under section 117; and

—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), a draft Regulation to amend the Educational Childcare Regulation was published in Part 2 of the *Gazette officielle du Québec* of 12 December 2018 with a notice that it could be made by the Government on the expiry of 60 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 Regulation to amend the Educational Childcare Regulation, attached to this Order in Council, be made.

YVES OUELLET,
Clerk of the Conseil exécutif

Regulation to amend the Educational Childcare Regulation

Educational Childcare Act
(chapter S-4.1.1, s. 106, 1st par., subpars. 14.1, 29.1, 30 and 31)

1. The Educational Childcare Regulation (chapter S-4.1.1, r. 2) is amended in section 6.8

(1) by replacing “surname, given name” in paragraphs 1 and 2 by “name”;

(2) by replacing “surname, given name” at the beginning of paragraph 3 by “name”.

2. The following is inserted after section 6.8:

“CHAPTER 1.2 EDUCATIONAL PROGRAM

6.9. In addition to what is provided for in section 5 of the Educational Childcare Act (chapter S-4.1.1), the educational program that must be applied by a childcare provider must take into account the needs and level of development of the children to whom childcare is provided, and it must be aimed at

(1) fostering positive interactions between the persons applying the educational program and the children;

(2) fostering the children’s feeling of emotional security;

(3) organizing life in society by establishing a positive climate within the group;

(4) arranging the premises and equipment in order to support the children’s learning and overall development;

(5) fostering regular communication between the parents, the childcare providers and the persons applying the educational program, as well as constructive interactions centered on the children and their development;

(6) promoting experiences initiated by the children and supported by the persons applying the educational program;

(7) encouraging exploration, curiosity, free play, and play initiated by the children;

(8) supporting active play and limiting sedentary activities;

(9) fostering experiences that support the development of healthy eating habits.

6.10. In accordance with a global and integrated process, a childcare provider offers, both outdoors and indoors, a variety of experiences adapted to the age of the children to whom childcare is provided and aimed at supporting their learning in the 4 areas of child development and their components, that is,

(1) physical and motor development, which includes

(a) fine motor skills;

(b) gross motor skills;

(c) a sense of movement and a desire to move at various intensities;

(d) the development of the following 5 senses: sight, hearing, smell, touch and taste;

(2) cognition, which includes

(a) attention;

(b) memory;

(c) the symbolic function;

(d) the capacity to categorize and conceptualize;

- (e) reasoning;
- (f) mathematics and science awareness;
- (3) language, which includes
 - (a) prelinguistic language;
 - (b) oral language;
 - (c) reading and writing awareness;
 - (d) graphic development;
- (4) social and emotional development, which includes
 - (a) self-confidence;
 - (b) self-esteem;
 - (c) autonomy;
 - (d) identity building;
 - (e) emotional and social skills.

6.11. A childcare provider must indicate, in the educational program, the means he or she intends to use to comply with the provisions of sections 6.9 and 6.10.

6.12. When providing childcare, a childcare provider must make sure to apply the following 4 steps of the educational intervention process: observation, planning and organization, educational action, as well as reflection and feedback.

6.13. A childcare provider must make the educational program he or she applies accessible to parents free of charge.

6.14. A childcare provider must send to the Minister or coordinating office, as applicable, within 30 days of its adoption, a copy of any change to the educational program.”.

3. Section 10 is amended by replacing paragraph 12 by the following:

“(12) the educational program that complies with section 5 of the Act and sections 6.9 to 6.11 that the applicant undertakes to apply;”.

4. Section 18.1 is amended by striking out “to apply the educational program and” in the first paragraph.

5. Section 60 is amended by replacing paragraph 9 by the following:

“(9) the educational program that complies with section 5 of the Act and sections 6.9 to 6.11 that the applicant undertakes to apply;”.

6. Section 64 is amended by adding the following paragraph at the end:

“The period provided for in the first paragraph does not apply in the case of a change to the educational program of the home childcare provider made under section 6.14.”.

7. The following is inserted after section 123:

“DIVISION IV EDUCATION RECORD

123.0.1. In accordance with section 57.1 of the Act, childcare providers must keep an education record for each child to whom they provide childcare. The record must contain only the following documents and information:

- (1) the child’s name and date of birth;
- (2) the name of the parent;
- (3) the date on which the provision of childcare services began;
- (4) the periodic portraits of the child’s development;
- (5) if applicable, the documents or information related to the special support granted to the child and taken into account when drawing up the periodic portrait referred to in section 123.0.3.

123.0.2. A permit holder must ensure that only a person applying the educational program or seeing to its application can enter information and file documents in the child’s education record.

Only a recognized home childcare provider or the provider’s assistant may access a child’s education record, enter information and file documents in it.

123.0.3. A childcare provider must ensure that a periodic portrait of the child’s development is prepared, dated and signed in November and May of each year, by a person applying the educational program in respect of the child, in the case of a permit holder, or by a recognized home childcare provider in the case of home childcare.

The child's educational portrait must contain a brief description of the child's development with regard to all the areas referred to in section 6.10, to make it possible to follow the child's evolution.

However, a childcare provider is dispensed from preparing the periodic portrait of the child's development if he or she has been providing childcare for less than 60 days.

123.0.4. A childcare provider must send the parent a copy of the periodic portrait of the child's development not later than 15 December and 15 June of each year.

The childcare provider must keep proof of that communication during the year following the end of the provision of childcare services to the child.

123.0.5. Childcare providers must make themselves available to parents who request a meeting concerning the periodic portrait of the child's development.

123.0.6. A childcare provider must keep the child's education record on the premises where the childcare is provided.

When childcare is no longer required, a childcare provider must give the parent the original copy of the child's education record, in accordance with the Act, and keep a copy for one year. At the end of that period, the childcare provider must destroy the copy.

123.0.7. Subject to the provisions of the third paragraph of section 57.1 of the Act and section 123.0.2, or unless it is for internal use related to childcare services provided to the child, access to the education record and any communication or reproduction of all or part of the record or of the documents and information it contains are prohibited, unless previously authorized in writing by the parent."

8. Section 123.1 is amended by replacing "4, 4.1, 6, 16.1, 18.1, 20, 21, 23 to 23.2, 25, 30 to 43 and 100 to 123" in the first paragraph by "4, 4.1, 6, 6.9 to 6.14, 16.1, 18.1, 20, 21, 23 to 23.2, 25, 30 to 43, 100 to 123 and 123.0.1 to 123.0.7".

9. Section 124 is amended by replacing "4, 4.1, 6, 17, 20, 21, 23 to 26, 30, 34, 38 to 38.1, 40 to 43 and 98 to 123" by "4, 4.1, 6, 17, 20, 21, 23 to 26, 30, 34, 38 to 38.1, 40 to 43, 98 to 123, 123.0.2, 123.0.6 and 123.0.7".

TRANSITIONAL AND FINAL

10. Childcare providers who, on 7 June 2019, hold a permit issued by the Minister or are home childcare providers recognized by a home childcare coordinating office, including childcare providers whose applications for renewal are to be decided between 8 June 2019 and 8 June 2020, have until 8 June 2020 to comply with the provisions of sections 6.9 to 6.14, introduced by section 2.

11. Despite the first paragraph of section 123.0.3 and the first paragraph of section 123.0.4, introduced by section 7, a childcare provider is required to complete the first periodic portrait provided for therein only as of May 2020 and send it not later than 15 June 2020.

12. This Regulation comes into force on 8 June 2019

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