

Draft Regulations

Draft Regulation

Education Act
(chapter I-13.3)

Childcare services provided at school — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting childcare services provided at school, appearing below, may be made on the expiry of 45 days following this publication.

The draft Regulation updates the standards for childcare services at school. It specifies the content of the operating rules to be sent to parents, provides for the establishment of a program of activities and requires childcare staff members to receive training on severe allergic reactions. A new division on financial contributions payable is also added.

The draft Regulation has no impact on enterprises, including small and medium-sized businesses.

Further information on the draft Regulation may be obtained by contacting Caroline Beauvais, Direction des encadrements pédagogiques et scolaires, Ministère de l'Éducation, 600, rue Fullum, 10^e étage, Montréal (Québec) H2K 4L1; email: Caroline.Beauvais@education.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Marie-Ève Chamberland, Secretary General, Ministère de l'Éducation 1035, rue De La Chevrotière, 15^e étage, Québec (Québec) G1R 5A5; courriel: marie-eve.chamberland@education.gouv.qc.ca.

JEAN-FRANÇOIS ROBERGE
Minister of Education

Regulation to amend the Regulation respecting childcare services provided at school

Education Act
(chapter I-13.3, s. 454.1)

1. The Regulation respecting childcare services provided at school (chapter I-13.3, r. 11) is amended in section 1

(1) by replacing “ensure care to” by “be offered to”;

(2) by adding the following paragraph at the end:

“They shall be part of the children’s environment and contribute, in accordance with the educational project of the school, to their global development.”.

2. Section 2 is amended by replacing “pursuing, within the scope of the school’s educational project, the global development of children through activities taking into account their interests and needs, complementing the school’s educational services” in paragraph 1 by “offering an atmosphere conducive to their development”.

3. The heading of Division I of Chapter II is amended by replacing “ACCESS” by “GENERAL”.

4. The following is inserted before section 3:

“**2.1.** The principal shall take the measures necessary to ensure that the provisions of this Regulation are complied with.”.

5. Section 4 is replaced by the following:

“**4.** A document in which the rules of operation of the childcare service are clearly set out shall be sent to the parent of a child registered for the service. The document shall be sent at the time of registration and each time a change is made to the document.

The document shall include

(1) the terms and conditions for the arrival and departure of children;

(2) the days and hours the service is open;

(3) the dates of the pedagogical days and days outside the school year during which childcare services are scheduled, and the manner in which the parents are to be informed of the addition of such days;

(4) the various terms and conditions for attending the childcare service that are possible and for changing the attendance established;

(5) the financial contributions payable and the terms of payment;

(6) the special rules of conduct or behaviour of the childcare service;

(7) the cases and conditions of suspension or exclusion of a child;

(8) the terms for closing childcare services in the event of bad weather or superior force.

4.1. The principal shall ensure that a program of activities is established and implemented.

The program of activities shall be coherent with the school's educational project. It shall take into account the characteristics of the children and allow their global physical and motor, emotional, social, language and cognitive development.

The program of activities shall first be submitted to the governing board and the childcare parents' committee, where a committee is established, for their opinion. It shall be updated periodically and made public, particularly by sending it to the parents of children registered in the childcare service and to school staff members."

6. Section 5 is amended by inserting “, including training on the management of severe allergic reactions” at the end of paragraph 1.

7. The heading of Division III of Chapter II is amended by replacing “HYGIENE, SALUBRITY AND SAFETY” by “HEALTH AND SAFETY”.

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

“Only the childcare staff members present with the children may be taken into account for calculating the ratio provided for in the first paragraph.”

9. Section 8 is amended by replacing “a physician or by going to the nearest medical emergency service” at the end of the first paragraph by “the emergency services or Info-Santé”.

10. Section 9 is amended by replacing “The childcare provider shall lock medication, toxic and household cleaning products” by “Medication, toxic products and household cleaning products shall be locked”.

11. Section 10 is amended

(1) in the first paragraph

(a) by replacing the portion before subparagraph 1 by “A list of the following telephone numbers shall be posted near the telephone:”

(b) by replacing subparagraphs 1 to 6 by the following:

“(1) the Centre anti-poison du Québec;

(2) the emergency services;

(3) the Info-Santé service;

(4) the nearest health services and social services centre or the centre serving the territory.”;

(2) by replacing the portion before subparagraph 1 of the second paragraph by “The following must also be kept close to the telephone:”.

12. Section 12 is amended

(1) by inserting “, safe and adapted to the needs of the children” after “condition”;

(2) by adding the following paragraph at the end:

“As part of the proposition concerning the use of premises or immovables made available to the school submitted by the principal to the governing board, the principal shall provide for a sufficient number of premises for childcare services. The principal may, to that end, resort to the sharing of premises.”.

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

“Every departure of a child shall comply with the terms and conditions provided for that purpose in the rules of operation determined under section 4.”.

14. Section 15 is amended by replacing the second and third paragraphs by the following:

“A registration card of all the children attending childcare services shall also be kept and updated daily.

A parent has a right of access, on request, to the cards or a right to receive written or verbal communication thereof.”.

15. Section 16 is amended by replacing paragraph 3 by the following:

“(3) the child’s grade for the school year concerned;”.

16. The following is inserted after section 17:

**“DIVISION IV.1
FINANCIAL CONTRIBUTIONS**

17.1. The financial contribution required for children attending childcare services for a period during a day of the school year devoted to educational services may not exceed the amount obtained by multiplying \$3.00 by the total number of hours of that period.

The financial contribution required for children attending childcare services for more than 1 period during such a day, among the usual before-class, lunch and after-class periods, may not exceed \$8.55.

The amount referred to in the second paragraph does not include the financial contribution that may be required where the childcare services are offered for more than 5 hours during such a day. The additional financial contribution may not exceed the amount obtained by multiplying \$3.00 by the total number of hours offered beyond 5 hours on the same day.

17.2. The financial contribution required for children attending childcare services during a pedagogical day may not exceed \$14.60.

The amount does not include the financial contribution that may be required where the childcare services are offered for more than 10 hours during such a day. The additional financial contribution may not exceed the amount obtained by multiplying \$3.00 by the total number of hours offered beyond 10 hours on the same day.

The amount also does not include the financial contribution that may be required for outings, for activities similar to an outing conducted with the participation of a person who is not a childcare staff member or for a special activity organized by the childcare staff and involving additional costs. The additional financial contributions required for such outings or activities may not exceed the actual cost of the outing or activity.

17.3. The financial contribution required for children attending childcare services during the school break week or any other day not referred to in section 17.1 or 17.2 may not exceed the actual cost of the service, including any outing or activity.

17.4. An additional financial contribution not exceeding the actual cost may be required where a child is attending the childcare services beyond the hours the service is open.

17.5. The governing board must consult the childcare parents’ committee, where a committee is established, before requiring any financial contribution for

(1) an outing or activity during a pedagogical day; or

(2) a period of childcare services offered during a day devoted to educational services outside the usual before-class, lunch and after-class periods.

17.6. No financial contribution may be required for services of an administrative nature related to childcare, in particular those relating to registration or the opening of a file, or for using technological means of communication.

The first paragraph does not prevent charging fees for late payment or non-payment.

17.7. The amounts referred to in this Division shall be indexed on 1 July of each year by a rate corresponding to the annual change in the overall average Québec consumer price index, excluding alcoholic beverages, tobacco products and recreational cannabis, for the 12-month period ending on 31 March of the preceding year. The result shall be rounded to the nearest multiple of \$0.05 or, if it is equidistant from two such multiples, to the higher of the two. The Minister shall publish the result of the indexation in the *Gazette officielle du Québec*.”.

17. Section 5 of the Regulation respecting childcare services provided at school (chapter I-13.3, r. 11), as amended by section 6 of this Regulation, applies to the holder of an attestation valid on 1 July 2023 only as of the obtaining of a new attestation in accordance with the time period provided for therein.

18. This Regulation comes into force on 1 July 2022, except section 5, as it concerns section 4.1 of the Regulation respecting childcare services provided at school (chapter I-13.3, r. 11), and sections 6 and 8, which come into force on 1 July 2023.

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