

Draft Regulations

Draft Regulation

Educational Childcare Act
(chapter S-4.1.1)

Act to amend the Educational Childcare Act to improve access to the educational childcare services network and complete its development
(2022, chapter 9)

Access to Educational Childcare Services

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Access to Educational Childcare Services Regulation, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation determines the terms and conditions under which educational childcare providers must register with the single window for access to educational childcare services and contains a requirement for permit holders for childcare centres or day care centres delivering subsidized childcare to develop an admission policy compliant with the Regulation. As a consequence, the draft Regulation provides for the creation of a waiting list for each of a permit holder's facilities and for the matching and admission of children by the permit holder on the conditions set out in the Regulation.

The draft Regulation also proposes to establish a client reserve for each permit holder for a day care centre that does not provide subsidized childcare and for each home educational childcare provider. They may choose to use the client reserve to fill their childcare services offerings.

Study of the draft Regulation has shown no negative impact on enterprises, including small and medium-sized businesses and in all likelihood will allow for savings. For citizens, the creation of waiting lists for all permit holders providing subsidized childcare and the standardisation of the rules governing the classification of children registered on the lists will result in greater equity in access to those facilities. The draft Regulation will also contribute to parents being able to rely on improved transparency in the childcare access process.

Further information concerning the draft Regulation may be obtained by consulting the page dedicated to it on the “Ça commence ici, bâtir le nouveau guichet

d'accès aux services de garde” website available at <https://consultation.quebec.ca/processes/cacommenceici/f/209/> or by contacting Daniel Lavigne, coordinator, Direction de l'encadrement du réseau, Ministère de la Famille, 600, rue Fullum, 6^e étage, Montréal (Québec) H2K 4S7; telephone: (514) 873-7200, extension 86111; email: encadrement@mfa.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Patrick Thierry Grenier, Assistant Deputy Minister, Sous-ministériat des politiques et programmes, Ministère de la Famille, 425, rue Jacques-Parizeau, 4^e étage, Québec (Québec) G1R 4Z1.

SUZANNE ROY
Minister of Families

Access to Educational Childcare Services Regulation

Educational Childcare Act
(chapter S-4.1.1, ss. 59.2, 59.4, 3rd and 4th pars., ss. 59.5, 59.7, 59.9, 2nd par., and s. 106, 1st par., subpars. 1, 12, 14 to 14.0.6, 29, 30 and 31)

Act to amend the Educational Childcare Act to improve access to the educational childcare services network and complete its development
(2022, chapter 9, ss. 35 and 58)

CHAPTER I SINGLE WINDOW FOR ACCESS TO EDUCATIONAL CHILDCARE SERVICES

DIVISION I TECHNOLOGICAL MEDIUM

1. The single window for access to educational childcare services referred to in section 59.1 of the Educational Childcare Act (chapter S-4.1.1) is on a web-accessible medium.

2. All information to be communicated to the administrator of the single window under this Regulation must be communicated using the online services that exist for that purpose, or by telephone.

DIVISION II EDUCATIONAL CHILDCARE PROVIDER INFORMATION ENTERED

3. The following information concerning a permit holder for a childcare centre or day care centre is entered by the administrator in the single window:

(1) the name of the permit holder and the name and address of every facility;

(2) the maximum number of children per age class or per age class group who may be received in each of the facilities;

(3) whether or not the permit holder receives subsidies to offer reduced contribution childcare spaces.

4. The administrator enters in the single window the information referred to in section 3 relating to a permit applicant, with the necessary modifications, as long as the following conditions are met:

(1) the feasibility, relevance and quality of the applicant's project is to the Minister's satisfaction or the Minister has decided to allocate subsidized childcare spaces to the applicant;

(2) the Minister has approved the plans of any facility in which the applicant proposes to offer childcare services or has authorized the applicant to provide childcare in a temporary facility under section 16.4 of the Act.

Once the information referred to in the first paragraph has been entered, the applicant may register with the single window according to the procedure and terms set out in Division III of this Chapter, with the necessary modifications.

5. The administrator enters in the single window the following information for each home educational childcare provider recognized by a home educational childcare coordinating office:

(1) the name of the provider and the address where the childcare may be provided;

(2) the number of children to whom childcare is to be provided;

(3) if applicable, the number of subsidized childcare spaces that have been assigned.

DIVISION III REGISTRATION OF EDUCATIONAL CHILDCARE PROVIDERS

6. Every educational childcare provider must register with the single window by entering the days and times when childcare is provided, telephone number and email address to be used to communicate with parents, the contribution requested and the amount of any fee or any other extra contribution that may be requested.

7. Registration in the single window by a permit holder delivering subsidized childcare entails the creation, for each facility, of a waiting list compliant with this Regulation on which a parent may register their child.

A permit holder delivering subsidized childcare must refer to the waiting list that applies to the facility in which the holder intends to admit a child, in accordance with Chapter II.

8. Registration in the single window by a day care centre permit holder not delivering subsidized childcare or by a home educational childcare provider entails the creation, for the registrant, of a client reserve compliant with this Regulation on which a parent may register their child.

A holder or provider referred to in the first paragraph is free to refer to the list, in accordance with Chapter III.

9. As of the registration of an educational childcare provider with the single window, and subject to the second paragraph, the information referred to in sections 3 to 8 is published in the single window.

As regards a home educational childcare provider, the administrator publishes an approximate indication of the place of the residence that does not enable the residence to be identified, as well as the days and times when childcare is provided. The other information is published only with the authorization of the provider concerned.

DIVISION IV REGISTRATION OF A PARENT WITH THE SINGLE WINDOW

10. A parent wishing to register a child with the single window must personally register with the single window, providing the information and documents required by the administrator, in particular what is necessary to establish the parent's identity and to communicate with an educational childcare provider with a view to the child's admission.

The parent must also specify the desired means of communication, whether by email or by telephone, for communications enabling the child to be matched with an educational childcare provider.

DIVISION V

REGISTRATION OF A CHILD WITH THE SINGLE WINDOW

11. A parent wishing to have a child receive childcare from an educational childcare provider must register the child with the single window by providing the information and documents requested by the administrator, in particular what is necessary to establish the child's identity and the relationship between child and parents, the child's classification in a class described in section 1 of the Schedule and the calculation of the child's rank in accordance with section 2 of the Schedule.

If the child has already been registered by a parent, another parent may add to the existing information. A parent may not, however, access information entered by another parent nor modify the information without that other parent's authorization.

DIVISION VI

INDICATION OF THE CHILDCARE NEEDS OF A CHILD

12. The parent of a child registered with the single window must specify the childcare needs for the attendance periods and the date desired for childcare services to begin, which may not be prior to the date on which that information is entered. Failing that, the parent may not enter the child on an educational childcare provider's waiting list or client reserve.

The parent may also enter in the single window

(1) the special needs of the child which must be taken into account by the provider so as to anticipate the measures that could be required to facilitate the integration of the child; and

(2) the parent's interest in accepting a childcare space that does not fully meet the childcare needs, as regards attendance periods, while waiting for a childcare space that does satisfy those needs.

DIVISION VII

REGISTRATION OF A CHILD ON A WAITING LIST

13. A parent may specify a choice in the single window for any facility of a permit holder delivering subsidized childcare with whom the parent would like to have their child registered. When the permit holder determines criteria to be applied so that a child may be given attendance priority in the facility pursuant to section 26, the parent must indicate whether or not the child meets the criteria.

The parent may specify more than one choice and at any time modify a stated choice or add another.

A parent's choice expressed in accordance with this section is entered on the waiting list of the relevant permit holder's facility.

DIVISION VIII

REGISTRATION OF A CHILD ON A CLIENT RESERVE

14. A parent may specify a choice in the single window for any day care centre permit holder not delivering subsidized childcare or any home educational childcare provider with whom the parent would like to have their child registered. The parent may specify more than one choice and at any time modify a stated choice or add another.

A parent's choice expressed in accordance with this section is entered on the client reserve of the day care centre permit holder or the home educational childcare provider, as applicable.

DIVISION IX

UPDATING OF INFORMATION

§1. Updating of information concerning educational childcare providers and transfer of waiting lists and client reserves

15. An educational childcare provider must update the information entered at the time of registration as soon as any change occurs in the information, or at the request of the administrator made by email or through the online service, within the time specified by the administrator.

Should the provider fail to reply to a request made under the first paragraph, and until the update has been completed, no contact information of a parent in connection with the admission of a child may be given to the provider pursuant to section 33.

16. On the issue of a permit or a permit modification, the information contained in the permit and referred to in section 3 is entered or updated in the single window by the administrator.

If the modification concerns information referred to in paragraph 3 of section 3, a new waiting list or client reserve, as applicable, is created and the previous waiting list or client reserve terminates.

The administrator proceeds in the manner provided in the first paragraph for any permit suspension, revocation or non-renewal.

17. The administrator proceeds in the manner provided in section 16, with the necessary modifications, for authorizations given

(1) to a permit holder to provide childcare services elsewhere than at the address appearing on the permit, in accordance with the second paragraph of section 16 of the Act;

(2) to a childcare centre or day care centre permit holder to maintain the provision of childcare services to the children who would otherwise not have any, in accordance with section 16.1 of the Act;

(3) to a childcare centre permit holder or a person already holding a day care centre permit to provide childcare to children in a temporary facility, in accordance with section 16.4 of the Act; or

(4) to a permit holder for a permit modification, in accordance with section 21 or 21.1 of the Act.

In the cases described in subparagraphs 1 to 3 of the first paragraph, the administrator is not required to enter or update the information if the authorization is valid for a period of 90 days or less. The information must be updated when such an authorization expires.

18. In the event that a permit holder ceases operations and, pursuant to section 16.1 of the Act, the Minister authorizes a childcare centre or day care centre permit holder, or a permit applicant, to maintain the provision of childcare services to the children who would otherwise not have any,

(1) if the permit holder ceasing operations had a client reserve, the reserve terminates; or

(2) if the permit holder ceasing operations had a waiting list,

(a) it becomes the waiting list of the permit holder maintaining the provision of childcare services, if they are provided at the same address; or

(b) it terminates if the provision of childcare services is maintained at another address.

The administrator informs the parent of each child entered on the relevant waiting list or client reserve of its status.

19. The administrator proceeds in the manner provided in section 16, with the necessary modifications, when a permit is issued to an applicant who acquires the assets of a permit holder and continues to provide childcare in accordance with the second paragraph of section 11 of the Act.

The waiting list or client reserve, as applicable, of the permit holder transferring assets then becomes the waiting list or client reserve of the acquirer once the permit is issued, and the administrator informs the parent of each child entered on the relevant waiting list or client reserve of its status.

20. The administrator updates the information published in the single window following any suspension, revocation or non-renewal of recognition of a home educational childcare provider.

§2. Updating of information concerning parents and children

21. A parent must update the information provided under Divisions IV to VIII of this Chapter as soon as any change occurs in the information, or at the request of the administrator. Should the parent fail to reply to the request, the child's registration is suspended on every waiting list or client reserve until the updating has been completed.

If the parent has failed to comply with a request made under the first paragraph for more than 6 months, the child's registration is removed from every waiting list or client reserve.

22. When a child is admitted by an educational childcare provider, the administrator must request the parent to indicate, in the single window, for every waiting list or client reserve on which the child is registered, whether the child is to remain on the waiting list or client reserve.

Should the parent fail to indicate choices within the time allowed, the child's registration is suspended on every waiting list and client reserve until the parent has complied with the request.

If the failure continues for a period of 6 months, the child's registration is removed from every waiting list or client reserve.

23. The requests made by the administrator under the first paragraph of section 21 or the first paragraph of section 22 must be sent to the parent by email or, that failing, by telephone, and be made with a minimum 30-day compliance period.

The administrator must, where applicable, follow up with a reminder between the fifteenth and tenth day before the period expires; failing that, the period is suspended until such follow-up is done.

The administrator must, in the same manner, follow up with a reminder before the end of the period provided for in the second paragraph of section 21 or the third paragraph of section 22; failing that, the period is suspended until such follow-up is done.

CHAPTER II

ADMISSION OF CHILDREN BY A PERMIT HOLDER DELIVERING SUBSIDIZED CHILDCARE

DIVISION I

ADMISSION POLICY

§1. *Establishment of admission policy*

24. A permit holder delivering subsidized childcare must establish an admission policy that complies with this Chapter. A child cannot be admitted if the policy has not been adhered to.

Any provision of an admission policy of a permit holder delivering subsidized childcare that is inconsistent with this Chapter is deemed to be absolutely null.

25. Where a childcare centre operates more than one facility, this Chapter and the Schedule apply to each facility as if it were a childcare centre, with the necessary modifications, except subparagraph 3 of the first paragraph of section 30.

§2. *Priority based on mission or agreement*

26. Subject to section 29, a permit holder delivering subsidized childcare may, in the admission policy, give priority to certain children in keeping with the object of the Act, set out in section 1, if the holder has entered into a written agreement to that effect with a third person, other than a natural person, or the priority is consistent with the permit holder's mission.

To do so, the permit holder determines

(1) any criterion to be applied so that a child may be assigned such a priority childcare space; and

(2) for each criterion, the maximum ratio of childcare spaces offered to children given priority under this section.

27. A permit holder delivering subsidized childcare may enter into an agreement with a public health and social services institution under which childcare spaces are reserved to meet urgent needs.

The ratio of childcare spaces reserved for children under this section may not be greater than 5% of the number of childcare places stated on the permit of the permit holder referred to in the first paragraph.

28. A permit holder delivering subsidized childcare must indicate in the single window any criterion and ratio determined pursuant to the second paragraph of section 26 as well as the choice made to reserve childcare spaces under section 27. The information is published in the single window.

Where a criterion gives priority to children with special needs requiring adapted measures to facilitate the integration of the children, the permit holder may request the Minister to use the special method of child identification provided for in section 37 for children meeting the criterion. In that case, sections 35 and 36 do not apply.

29. In order to be able to apply the criteria determined in relation to an agreement entered into under section 26 or to admit a child who is the subject of an agreement under section 27, a permit holder must first provide the Minister with a copy of the relevant agreement along with, if applicable, an indication of the form or amount of any contribution received from the third person. The information referred to in section 28 must also be indicated.

DIVISION II

CHILD REFERRAL, MATCHING AND ADMISSION

§1. *Identification by a permit holder of the child to be admitted*

30. A permit holder may admit a child who has not been identified by the administrator, in priority to any other child, only if

(1) the child has been admitted to another of the holder's facilities where subsidized childcare is offered;

(2) the child is admitted pursuant to an agreement under the first paragraph of section 27;

(3) the child is among the first children admitted to the first facility of a new childcare centre and subparagraph 2 of the first paragraph of section 7 of the Act applies to the parent as a future client of the childcare centre; or

(4) the child is among the clientele of an educational childcare provider who ceases operations in a situation described in the second sentence of the second paragraph of section 11, in section 16.1 or in section 93.0.8 of the Act.

Subdivisions 2 and 3 of this Division do not apply in such situations.

§2. *Identification by the administrator of an admissible child*

31. A permit holder delivering subsidized childcare and intending to admit a child must identify the characteristics of the childcare space offered, namely

(1) the date on which provision of childcare begins, which cannot be more than 6 months later;

(2) the available attendance periods;

(3) whether or not the childcare space must be filled by a child meeting the conditions referred to in section 26 for filling a childcare space, and, where applicable, the criterion that applies among those determined under that section; and

(4) the minimum and maximum age of the admissible child on the date indicated under subparagraph 1, in compliance with the following conditions:

(a) the minimum age must be 0 months, 9 months or a number of months that is a multiple of 6 equal to or greater than 18, without exceeding 48 months;

(b) the maximum age must be 9 months less a day, 18 months less a day or a number of months greater than 18 months that is a multiple of 6 months, less a day, except if the minimum age is 48 months, in which case there is no maximum age.

The permit holder must then ensure the needs are met of every parent whose child has already been admitted and who wishes the child to have extended attendance time within the attendance periods identified in subparagraph 2 of the first paragraph, if the age of the child is included in the interval referred to in subparagraph 4 of the first paragraph.

If the needs are met or the available attendance periods do not allow greater needs to be met, the permit holder must request the administrator to identify the admissible child and indicate to the administrator the characteristics of the childcare space offered that are identified in the first paragraph.

32. The administrator receiving a request pursuant to section 31 identifies the admissible child, that is, the child who

(1) is able to fill the available childcare space within the meaning of the second paragraph;

(2) is in the most predominant class, according to section 1 of the Schedule, in which there is at least one child able to fill the available childcare space; or

(3) occupies the highest rank, according to section 2 of the Schedule, within the class referred to in paragraph 2 of this section.

A child is able to fill the available childcare space if the child is registered on the permit holder's waiting list, the information entered in the single window concerning the child corresponds to the characteristics of the childcare space offered, indicated in the request, and the childcare needs are included in the periods at which the childcare space is available. The childcare needs expressed by the

parent may only partially correspond to the periods at which the childcare space is available if the parent has expressed an interest, pursuant to subparagraph 2 of the second paragraph of section 12, in accepting a childcare space that does not fully meet the childcare needs while waiting for a childcare space that does satisfy the needs.

33. The administrator sends to the permit holder the parent's contact information and the name of the child the administrator has identified pursuant to section 32. At the same time, the administrator informs the parent who registered the child on the waiting list.

34. If a tie in ranks occurs at the time the administrator is to identify the admissible child, the child who is in a precarious socio-economic situation within the meaning of the second paragraph has priority.

A child is considered to be in a precarious socio-economic situation where a person having parental authority over the child receives benefits under a last resort financial assistance program established under the Individual and Family Assistance Act (chapter A-13.1.1) or receives the maximum amount as a family allowance under Division II.11.2 of Chapter III.1 of Title III of Book IX of Part I of the Taxation Act (chapter I-3), taking into account the number of dependent children and custodial time in their respect but not the supplement for handicapped children.

If the tie persists, the older child to the day has priority and, if the children are the same age, the child first registered on the permit holder's waiting list has priority.

35. In addition to the communication provided for in section 33, where the date on which the provision of childcare is to begin, identified by the permit holder under subparagraph 1 of the first paragraph of section 31, is 30 days or less after the date of the request made under the third paragraph of that section, the administrator sends to the permit holder the contact information of the parents of the second and third children that would be identified by the administrator for the same childcare space under section 32, but does not inform the parents. The administrator must specify the order of the children.

The permit holder may communicate with the parents once that information has been received, but no new matching is to take place with the second child, on the conditions set out in subdivision 3 of this Division, until after the permit holder has informed the administrator that the first child has been refused pursuant to section 46. For the purpose of the application of this Division, the second child is considered, without further formality, to be the child for whom the administrator sent the parent's contact information, pursuant to section 33, for that childcare space and the administrator informs the parent.

As soon as the permit holder has informed the administrator of refusal of the second child pursuant to section 46, the permit holder proceeds in the manner provided for in the second paragraph for the third child.

36. For as long as a child has not been admitted by the permit holder referred to in section 35, the child for whom the administrator sent the parent's contact information pursuant to the first paragraph of that section is deemed to occupy the highest rank within his or her class within the meaning of the Schedule for any available childcare space with the same permit holder if the child is able to fill that childcare space.

Where such an advantage is given to a number of children at the same time, the child identified as second under section 35 prevails over the child identified as third and, if other children have obtained that advantage, the child who has obtained the advantage first has precedence.

37. A special method of child identification applies where the permit holder

(1) has requested it pursuant to the second paragraph of section 28; and

(2) has specified, in the request to identify the admissible child, pursuant to subparagraph 3 of the first paragraph of section 31, that a criterion to give priority to children with special needs must be applied.

In that case, in addition to the communication provided for in section 33, the administrator sends to the permit holder the contact information of the parents of the second and third children that would be identified by the administrator for the same childcare space under section 32 and informs the parents. The administrator must specify the order of the children.

The second and third children the administrator has identified are conferred, in that order, admission priority for the next available childcare space with the permit holder that must be filled by a child who meets the same criterion indicated pursuant to subparagraph 2 of the first paragraph, if the child is able to fill that childcare space. Where such a priority applies to a number of children at the same time, the children who have obtained the priority first have precedence.

For the purpose of the application of this Division, the child who has priority to fill a childcare space under the second paragraph is considered, without further formality, to be the child for whom the administrator sent the parent's contact information, pursuant to section 33, for that childcare space, and sections 35 to 36 do not apply to the child.

38. Despite sections 31, 32, 36 and 37, the admission by a permit holder delivering subsidized childcare of a child having a brother or sister born as a result of a single pregnancy or adopted on the same day by the same parent confers on the brother or sister an admission priority for the next available childcare space with the same permit holder, if the child's age corresponds to the age class or age class group for the childcare space.

Where several children obtain such a priority at the same time, the administrator asks the parent to indicate the selection order for the children given the priority.

39. Where pursuant to subparagraph 1 of the second paragraph of section 12, the parent has specified special needs of the child which must be taken into account by the educational childcare provider so as to anticipate the measures that could be required to facilitate the integration of the child, the information is sent to the permit holder at the time the parent's contact information is sent pursuant to section 33, 35 or 37.

§3. Matching of a child identified by the administrator with a permit holder

40. When the administrator has sent the parent's contact information to the permit holder pursuant to section 33, the permit holder communicates with the parent using the means of communication described in the second paragraph of section 10 to propose a childcare space for the child. The permit holder must document all steps taken to reach the parent.

The matching and admission procedure must take place in accordance with sections 41 to 51.

If the parent does not reply to the communication sent by permit holder pursuant to the first paragraph, the holder must make another attempt to reach the parent in the 2 following days.

41. When communicating with the parent for the first time as part of the process provided for in this subdivision, the permit holder must provide the parent with an opportunity to visit the facility, during childcare hours, in the 3 following days.

The permit holder may require that such a visit take place. In that case, the permit holder must mention it when communicating with the parent for the first time and the period provided for in the first paragraph must be a minimum of 5 days.

42. The permit holder gives a parent a minimum of 2 days to reply to the proposal.

The period begins as soon as the visit takes place, as soon as the period provided for in the first paragraph of section 41 has expired, if the visit is optional, or as soon as the parent declines the visit, if possible to do so. The period may also begin at any other date, after those dates, set by the permit holder.

43. Where the date on which the provision of childcare is to begin, identified by the permit holder under subparagraph 1 of the first paragraph of section 31, is 15 days or less after the date of the request made under the third paragraph of that section, sections 40, 41 and 42 are to be read by replacing “2 days”, “3 following days” and “5 days” by “1 day”, “2 following days” and “3 days” respectively, with the necessary modifications.

44. A parent may accept the permit holder’s proposal for all or part of the attendance period offered. The parent must mention that choice to the permit holder on accepting the proposal; the holder cannot refuse the child because of the choice made by the parent pursuant to this section.

45. Once the reply period set under the first paragraph of section 42 has expired, the permit holder may refuse to admit a child for the reason that the proposal has expired.

46. A permit holder delivering subsidized childcare who refuses to admit a child for whom the administrator has sent the parent’s contact information in accordance with section 33 and who informs the administrator of that fact under section 59.12 of the Act must do so without delay and briefly provide the reasons for the refusal; failing that, the permit holder cannot again attempt to fill the same childcare space before informing the administrator.

The permit holder must record the reasons for the decision in writing and notify them to the parent at the latest on the fifteenth day following the refusal.

A child cannot be refused solely for the reason that, after the parent’s contact information has been sent pursuant to section 33, the child or the parent’s situation has changed so that the child no longer meets the conditions or characteristics that enabled the childcare space to be offered to the child, or that the child has been outranked by another child.

47. Should the permit holder refuse by reason of the fact the holder’s proposal has expired, the child’s registration on the permit holder’s waiting list is suspended and the administrator sends an update request complying with section 21 to the parent.

In any other case of refusal by the permit holder, or if the permit holder has refused the same child for a second time because the proposal has expired, the child is removed from the waiting list.

48. A parent’s refusal to accept their child being admitted by a permit holder delivering subsidized childcare entails removal of the child from the corresponding waiting list.

Despite the first paragraph, the child is not removed from the waiting list if the parent refuses a childcare space that does not correspond to the needs specified under the first paragraph of section 12 and the childcare space was offered because, pursuant to subparagraph 2 of the second paragraph of section 12, the parent expressed an interest in accepting a childcare space that does not fully meet the childcare needs while waiting for a childcare space that does satisfy those needs. In such a case, the parent is deemed, for the future and for that waiting list, to not have expressed that interest.

§4. Admission of a child

49. A permit holder must, as soon as a child is admitted and the permit holder informs the administrator of that fact under section 59.10 of the Act, indicate the scheduled attendance periods and, if the child has been admitted pursuant to section 30, indicate which of the situations described in that section authorizes the admission.

In addition, the permit holder must inform the administrator as soon as the provision of services to the child begins.

50. Where a child is admitted in a situation described in section 26 or 30, the permit holder must keep proof that the child meets the criteria determined under the applicable provision.

The permit holder must keep that proof for a period of 6 years following the end of the provision of childcare to the child.

51. Where, before provision of the childcare services begins, the permit holder or the administrator becomes aware that the information entered by the parent in the single window was false or inaccurate and the information enabled the matching, the child concerned cannot be admitted, and if a childcare service agreement has been entered into and its implementation has not begun, it is terminated as of right and the permit holder informs the parent accordingly. If it is the permit holder who becomes aware of the falsity or inaccuracy, the holder informs the administrator accordingly.

Despite the second paragraph of section 47, if a permit holder refuses to admit a child pursuant to the first paragraph of this section, the child’s registration on the permit holder’s waiting list is suspended and the administrator requests the parent to update the information in accordance with section 21.

DIVISION III EXPRESSION OF RANK

52. The administrator expresses the ranks assigned to the children on a waiting list in such a way that the parents are able to know approximately where their children are placed on the waiting list for the various types of childcare spaces offered by a permit holder delivering subsidized childcare. The administrator makes the methodology available.

CHAPTER III ADMISSION OF CHILDREN BY AN EDUCATIONAL CHILDCARE PROVIDER OTHER THAN A PERMIT HOLDER DELIVERING SUBSIDIZED CHILDCARE

53. The administrator makes available to a day care centre permit holder not delivering subsidized childcare or to a home educational childcare provider, through the online service and as regards the children registered on the holder's or provider's client reserve,

(1) the contact information for communication with their parents and the first 3 characters in their postal code;

(2) which children reside with another child receiving childcare in the facility or home;

(3) the names and ages of the children;

(4) the dates desired by the parents for the provision of childcare services to begin;

(5) the childcare needs specified by the parents pursuant to the first paragraph of section 12; and

(6) the indications of the parents regarding their interest in accepting a childcare space that does not fully meet the childcare needs while waiting for a childcare space that does satisfy those needs, pursuant to subparagraph 2 of the second paragraph of section 12.

54. A parent's refusal to accept their child being admitted by a permit holder not delivering subsidized childcare or by a home educational childcare provider must be communicated to the administrator by the educational childcare provider. The refusal entails, at the request of the holder or provider, the removal of the child from the client reserve.

The holder or provider may in addition, if a child's admission has been refused following communication with the parent, request the administrator to remove the child from the client reserve.

55. A day care centre permit holder not delivering subsidized childcare and a home educational childcare provider must, on admitting a child, inform the administrator accordingly and indicate the scheduled attendance periods.

In addition, the permit holder or childcare provider must inform the administrator as soon as the provision of services to the child begins.

CHAPTER IV CESSATION OF THE PROVISION OF CHILDCARE

56. An educational childcare provider must, within 15 days, inform the administrator of the cessation of the provision of childcare services to a child, and briefly state the reasons for the cessation.

CHAPTER V CALCULATION OF TIME PERIODS

57. In calculating a time period provided for in this Regulation, except for the Schedule,

(1) the day that marks the start is not counted but the terminal day is;

(2) if the time period is less than 15 days, holidays are not counted; and

(3) if the time period is equal to or greater than 15 days, holidays are counted but, if the last day is a holiday, the time period is extended to the first working day following.

For the purpose of the application of subparagraphs 2 and 3 of the first paragraph, Saturday is considered a holiday, as are 2 January and 24, 26 and 31 December.

CHAPTER VI PENAL PROVISIONS AND ADMINISTRATIVE PENALTIES

58. An educational childcare provider that contravenes any of the provisions of section 6, the first paragraph of section 15, the first paragraph of section 24, the first paragraph of section 28, sections 29 and 30, the second paragraph of section 31, sections 40, 41, 42, 44, 46, 49 and 50, the first paragraph of section 51, the first paragraph of section 54, and section 55 or 56 is guilty of an offence punishable under section 117 of the Act.

59. A person designated by the Minister for the purpose may impose an administrative penalty after ascertaining that an educational childcare provider has failed to comply with a non-compliance notice given under section 65 of the Act with respect to the contravention of any of the provisions of section 6, the first paragraph of

section 15, the first paragraph of section 24, the first paragraph of section 28, sections 29 and 30, the second paragraph of section 31, sections 40, 41, 42, 44, 46, 49 and 50, the first paragraph of section 51, the first paragraph of section 54, and section 55 or 56.

The amount of the administrative penalty is \$500 in the case of a natural person and \$1,000 in other cases.

CHAPTER VII AMENDING PROVISIONS

60. Section 10 of the Educational Childcare Regulation (chapter S-4.1.1, r. 2) is amended by striking out “admission and” in paragraph 14.

61. Section 18.1 of the Regulation is amended by striking out “admission and” in the first paragraph.

CHAPTER VIII TRANSITIONAL AND FINAL

62. In order for a permit holder delivering subsidized childcare to be able to admit, as of the date of coming into force of this Regulation, the child of a parent to whom a childcare space was offered before that date, the permit holder must inform the administrator of the date of the beginning of the provision of services not later than (*insert the date that occurs 2 months after the date of coming into force of this Regulation*).

In that case, the permit holder is not required to comply with Chapter II of this Regulation, other than section 49, for the child to be admitted.

63. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

SCHEDULE

(Sections 11, 25, 32, 36 and 57)

CLASSIFICATION OF CHILDREN REGISTERED ON A WAITING LIST

1. For each waiting list, the administrator places the children registered on that list in one of the classes presented in the following table. Each child is placed in a single class. If a child qualifies for more than one class, he or she is placed in the class with the most predominant level. Level 1 has predominance over all other levels, and so on until level 5, which does not have predominance over any other level.

Level	Class
1	Children who meet the conditions of level 2 and 3 classes.
2	Children who have a parent who is a staff member of the facility referred to in the waiting list on which the children are registered.
3	Children who, if they are admitted, will receive childcare at the same time and in the same facility as another child residing at the same address who is already attending the facility.
4	Children who are not admitted by a permit holder delivering subsidized childcare.
5	Children who are not part of a level 1 to 4 class.

2. Within each category, children are classified by rank based on the time elapsed on the waiting list since the date desired by the parent for the provision of childcare services to begin. The ranking order goes from the child with the most days, as calculated under the second paragraph, to the child with the fewest days, as calculated under the second paragraph, who occupies the last rank in his or her class.

For the purpose of establishing the children’s rank within a class, the administrator calculates the number of days elapsed since the date desired by the parent for the provision of childcare services to begin, expressed in accordance with the first paragraph of section 12 of this Regulation or the date, if later, on which the child was registered on the permit holder’s waiting list, up to the date of the beginning of the provision of childcare services identified by the permit holder under subparagraph 1 of the first paragraph of section 31 of this Regulation. Despite the foregoing, the number of days during which the child’s registration on the permit holder’s waiting list was suspended pursuant to section 21, 22 or 47 of this Regulation are not taken into account.

106447

Draft Regulation

Environment Quality Act
(chapter Q-2)

Cap-and-trade system for greenhouse gas emission allowances — 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 a cap-and-trade system for greenhouse gas emission