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chapter S-4.1.1, r. 2

Educational Childcare Regulation

Educational Childcare Act
(chapter S-4.1.1, s. 106).

Note *The fees prescribed in the Regulation have been indexed as of 1 April 2024 pursuant to the notice published in Part 1 (French) of the Gazette officielle du Québec of 16 March 2024, page 175. (ss. 13, 15)*

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SCHEDULE I

SCHEDULE II *(Revoked)*

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CHAPTER I

GENERAL

1. In this Regulation,

"attestation establishing that no impediment exists" means the document issued by a police force in Québec confirming that the data banks accessible to the force do not contain any information needed to verify the existence of an impediment; (*attestation d'absence d'empêchement*)

"attestation of information that may establish an impediment" means the document issued by a police force in Québec setting out information contained in the data banks accessible to the force that is needed to verify the existence of an impediment; (*déclaration de renseignements pouvant révéler un empêchement*)

"facility" means an integral group of premises including all play, service and traffic areas, and an outdoor play space if it is not situated in a public park, reserved exclusively for educational childcare provided by a permit holder and, where applicable, for the operations of a home educational childcare coordinating office during operating hours; (*installation*)

"impediment" means grounds for permit refusal set out in paragraphs 2 and 3 of section 26 and in the second paragraph of section 27 of the Act. (*empêchement*)

O.C. 582-2006, s. 1; O.C. 1314-2013, s. 1.

2. An applicant for a childcare centre permit or day care centre permit must have an investigation of information needed to verify the existence of an impediment carried out in respect of its directors and its shareholders, in the case of a legal person or in respect of himself or herself in the case of a natural person, and provide the Minister with a copy of the consent to investigation and the attestation establishing that no impediment exists or, as the case may be, an attestation of information that may establish an impediment, for the Minister's assessment.

Every director or shareholder must consent in writing to an investigation of the information and communication of the consent to investigation and of the attestation establishing that no impediment exists or, after examining the attestation and if he or she maintains his or her candidacy or interest, to the attestation of information that may establish an impediment being provided to the permit applicant and to the Minister for the Minister's assessment.

O.C. 582-2006, s. 2; S.Q. 2010, c. 39, s. 24; O.C. 249-2016, s. 1.

3. A person applying for recognition as a home educational childcare provider must have an investigation of the information needed to verify the existence of an impediment carried out in respect of himself or herself and every person of full age residing in the private residence where the childcare is to be provided.

The applicant must give to the accredited home educational childcare coordinating office for the territory in which the residence where the person proposes to provide the childcare is situated, for each person, a copy of the consent to investigation and an attestation establishing that no impediment exists or, as the case may be, after examining the attestation and if the applicant maintains his or her application, an attestation of information that may establish an impediment for its assessment.

The coordinating office must ensure that the consent allows investigation of all the information provided for in the second paragraph of section 27 of the Act.

O.C. 582-2006, s. 3; O.C. 1314-2013, s. 2.

4. A permit applicant or permit holder must ensure that no person of full age working in the applicant's or holder's facility during the hours when childcare services are provided, including a trainee or volunteer who is present on a regular basis, has an impediment related to the abilities and conduct required to hold a position in a childcare centre or a day care centre, unless the impediment relates to an indictable or criminal offence other

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than an offence listed in Schedule 2 to the Criminal Records Act (R.S.C. 1985, c. C-47) for which a pardon has been granted.

The same applies, with the necessary modifications, to the home educational childcare coordinating office staff members assigned to manage the office, to recognize or to monitor or provide technical and pedagogical support to the home educational childcare providers the office has recognized.

Before being hired, those persons must consent in writing to an investigation of the information needed to verify the existence of such an impediment and provide to the permit applicant or permit holder or coordinating office, as the case may be, a copy of the consent to investigation to allow the applicant, holder or coordinating office to ensure that the consent allows investigation of all the information listed in the second paragraph of section 27 of the Act. Those persons must also, if applicable, consent to communication of the attestation establishing that no impediment exists to the permit applicant, permit holder or coordinating office, as the case may be, or submit the attestation of information that may establish an impediment to the applicant, holder or office for assessment, after examining the attestation and if they maintain their application.

This section also applies to a person who regularly transports children on behalf of a permit holder.

O.C. 582-2006, s. 4; O.C. 1314-2013, s. 3.

4.1. A permit holder must ensure that, when a minor works in the facility, the minor is at all times accompanied by a person of full age when in the presence of children receiving childcare.

O.C. 1314-2013, s. 3.

4.2. A permit holder who has recourse to an organization or enterprise providing replacement childcare staff members must ensure that the organization or enterprise that dispatched the replacement staff members has carried out the investigations provided for in section 4, in the manner provided for in that section, before allowing the replacement staff members to work in the facility.

In the case of a replacement staff member, the permit holder must ensure that the replacement staff member has in his or her possession a copy of the consent and attestation, not older than 3 years, referred to in the third paragraph of section 4.

O.C. 1314-2013, s. 3.

5. The first paragraph of section 4 applies, with the necessary modifications, to a person assisting or occasionally replacing a home educational childcare provider, and to a trainee or a volunteer who is present on a regular basis in the residence where the childcare is provided.

Before taking up the position, those persons must consent in writing to an investigation of the information needed to verify the existence of such an impediment and provide to the coordinating office a copy of the consent to investigation to allow the coordinating office to ensure that the consent allows investigation of all the information listed in the second paragraph of section 27 of the Act. Those persons must also consent to communication of the attestation establishing that no impediment exists to the person applying for recognition as a home educational childcare provider and to the coordinating office, or submit the attestation of information that may establish an impediment to that person or office for assessment, after examining the attestation and if they maintain their application.

O.C. 582-2006, s. 5; O.C. 1314-2013, s. 4.

6. A permit holder or home educational childcare provider must ensure that a new consent to investigation and a new attestation are provided if

(1) the last attestation dates back 3 years or more;

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(2) the person who provided the attestation or the educational childcare provider is made aware that the information it contains has changed; or

(3) the person to whom it must be provided or the Minister, on being made aware that the information it contains has changed, requires a new attestation.

In the case of a change of director or shareholder, a permit holder must, within 60 days of the change, provide a consent to investigation and one of the attestations referred to in section 2 in respect of the new director or the new shareholder.

Sections 2, 3, 4 and 5 apply, as the case may be and with the necessary modifications, to the obtaining of the attestation referred to in this section.

O.C. 582-2006, s. 6; S.Q. 2010, c. 39, s. 25; O.C. 1314-2013, s. 5; O.C. 249-2016, s. 2.

CHAPTER I.1

UNRECOGNIZED HOME CHILDCARE

S.Q. 2017, c. 31, s. 24.

DIVISION I

INVESTIGATION ESTABLISHING THAT NO IMPEDIMENT EXISTS

S.Q. 2017, c. 31, s. 24.

6.1. The person referred to in section 6.1 of the Act must have an investigation establishing that no impediment exists carried out in respect of himself or herself and every person of full age residing in the private residence where the childcare is provided.

He or she must, for each person, provide the police force with a copy of the consent to investigation of all of the information provided for in the second paragraph of section 27 of the Act that may establish an impediment.

S.Q. 2017, c. 31, s. 24.

6.2. For every person referred to in the first paragraph of section 6.1, the police force must issue an attestation establishing that no impediment exists or, where applicable, an attestation of information that may establish an impediment. In the latter case, the person may then decide not to offer childcare services or provide the attestation to the Minister for the Minister's assessment.

The police force must notify the Minister in writing when it issues an attestation of information that may establish an impediment.

S.Q. 2017, c. 31, s. 24.

6.3. On request, the Minister assesses the attestation of information that may establish an impediment provided by the person referred to in section 6.1 of the Act. If the Minister concludes that the content of the attestation is not related to the abilities and conduct required for home childcare or that it will not impede the carrying out of the person's responsibilities or constitute a moral or physical danger for the children to whom the person proposes to provide childcare, an attestation establishing that no impediment exists is issued to the person. Otherwise, the Minister notifies the person in writing that he or she does not have the capacity to provide childcare.

S.Q. 2017, c. 31, s. 24.

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6.4. The person must keep the consent to investigation and the attestation establishing that no impediment exists and provide parents with a copy of the attestation issued.

S.Q. 2017, c. 31, s. 24.

6.5. The person must ensure that he or she obtains a new attestation if

(1) the last attestation dates back 3 years or more;

(2) the information it contains has changed; or

(3) the Minister, on being made aware the information it contains has changed, requires a new attestation.

Sections 6.1 to 6.3 apply, with the necessary modifications, to the obtaining of the new attestation referred to in the first paragraph.

S.Q. 2017, c. 31, s. 24.

DIVISION II

FIRST AID COURSE

S.Q. 2017, c. 31, s. 24.

6.6. The person referred to in section 6.1 of the Act must hold a certificate not older than 3 years attesting that the person has successfully completed a minimum 8-hour early childhood first aid course including a component on the management of severe allergic reactions or a minimum 6-hour refresher course updating the knowledge acquired as part of the early childhood first aid course.

The person must provide parents with a copy of the certificate.

S.Q. 2017, c. 31, s. 24.

DIVISION III

CIVIL LIABILITY INSURANCE

S.Q. 2017, c. 31, s. 24.

6.7. The person referred to in section 6.1 of the Act must be covered by a civil liability insurance policy for an amount of at least $1,000,000 per claim with coverage extending to the person's activities as an educational childcare provider.

The person must provide parents with a copy of his or her proof of insurance.

S.Q. 2017, c. 31, s. 24.

DIVISION IV

NOTICE TO PARENTS

S.Q. 2017, c. 31, s. 24.

6.8. The person referred to in section 6.1 of the Act must provide parents with the notice required under that section. In addition to the particulars required under subparagraph 7 of the first paragraph of that section, the notice must include the following information:

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(1) the name, address and telephone number of the person providing the childcare services;

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

(3) the child's name and address if it differs from the parent's address;

(4) that a copy of the notice must be kept in the residence where the childcare services are provided for as long as the services are provided to the child there; and

(5) that the person is subject to the provisions of section 6.2 of the Act.

S.Q. 2017, c. 31, s. 24; O.C. 479-2019, s. 1.

CHAPTER I.2

EDUCATIONAL PROGRAM

O.C. 479-2019, s. 2.

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 an educational 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 educational 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.

O.C. 479-2019, s. 2.

6.10. In accordance with a global and integrated process, an educational 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;

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(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.

O.C. 479-2019, s. 2.

6.11. An educational 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.

O.C. 479-2019, s. 2.

6.12. When providing childcare, an educational 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.

O.C. 479-2019, s. 2.

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

O.C. 479-2019, s. 2.

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6.14. An educational 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.

O.C. 479-2019, s. 2.

CHAPTER II

CHILDCARE CENTRE AND DAY CARE CENTRE PERMITS

DIVISION I

PERMIT

§ 1. — *Capacity*

7. A holder of a childcare centre permit or day care centre permit is authorized to provide childcare to not more than 100 children in a facility as per the following age class groups:

(1) from birth to under 18 months of age;

(2) from 18 months of age to under 4 years of age;

(3) from 4 years of age to under 5 years of age on 30 September; and

(4) from 5 years of age and older on 30 September.

O.C. 582-2006, s. 7; S.Q. 2022, c. 9, s. 86.

8. The maximum number of children that may receive childcare in a facility is determined according to the net area and layout of the permit holder's play areas and outdoor play space as well as the layout of the service and traffic areas.

O.C. 582-2006, s. 8.

9. A building may not house more than 2 facilities.

O.C. 582-2006, s. 9.

§ 2. — *Application*

10. A permit applicant must send an application in writing to the Minister together with the following information and documents, as applicable:

(1) the applicant's name and address;

(2) the name and address of the childcare centre or day care centre;

(3) a certified true copy of its incorporating act;

(4) a copy of the registration declaration or initial declaration entered in the enterprise register under the Act respecting the legal publicity of enterprises (chapter P-44.1) and of any declaration amending the declaration;

(5) a certified true copy of the resolution authorizing the application;

(6) the name and address of the residence of each member of the board of directors and each shareholder and, where applicable, their position as an officer of the legal person;

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(7) for the applicant or for each director or shareholder, consent to an investigation of the information needed to verify the existence of an impediment along with the attestation establishing that no impediment exists or the attestation of information that may establish an impediment, current to the date of the application;

(8) the name and the address of the residence of each related person who is a permit holder;

(9) the name and address of each facility where the children will receive childcare;

(10) for each facility,

(a) the age classes and maximum number of children to be accommodated in each class;

(b) a copy of a duly registered title of ownership, a lease whose term is at least 5 years, or an authorization to occupy the premises without charge for at least 5 years, including the outdoor play space;

(c) a plan of the layout of the premises signed and sealed by an architect; and

(d) a true plan, to scale, of the outdoor play space referred to in section 39 together with a site plan for the play space showing its location in relation to the facility;

(10.1) the implementation schedule, implementation budget, funding, and means implemented to ensure sound, effective management of human, material, financial and information resources;

(11) proof that the childcare staff meets the qualification requirements referred to in sections 20 and 22;

(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;

(13) the operating hours of the childcare centre or day care centre;

(14) the general orientations and the policies governing the admission and expelling of children that will be applied;

(15) the typical schedule of the activities to implement the educational program, including all outings and the meal and snack times;

(16) the applicant's procedure for processing complaints; and

(17) where applicable, mention that the applicant already holds a permit issued under the Act or the Act respecting private education (chapter E-9.1).

O.C. 582-2006, s. 10; S.Q. 2010, c. 39, s. 26; O.C. 1314-2013, s. 6; S.Q. 2017, c. 31, s. 25; O.C. 479-2019, s. 3.

11. The applicant must, once the layout of the premises is complete, provide a certificate attesting to its compliance with the plans approved by the Minister in accordance with section 19 of the Act. The certificate must be issued by an architect or any other professional accredited by law to issue it.

O.C. 582-2006, s. 11; S.Q. 2010, c. 39, s. 27; O.C. 1314-2013, s. 6.

12. An applicant for a childcare centre permit must in addition provide

(1) a certified true copy of a resolution certifying that the composition of the board of directors meets the requirements of section 7 of the Act, and stating the position of each member; and

(2) a certified true copy of the general by-laws or, as the case may be, of the internal by-laws.

O.C. 582-2006, s. 12.

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§ 3. — *Fees*

13. A non-refundable fee of $1,830 is payable on the filing of a permit application.

That amount is adjusted on 1 April of each year based on a rate corresponding to the annual change in the average all-items Consumer Price Index for Québec excluding alcoholic beverages, tobacco products and recreational cannabis for the 12-month period ending on 31 December of the preceding year, as determined by Statistics Canada.

The adjusted amount is reduced to the nearest dollar if it contains a fraction of a dollar less than $0.50; it is increased to the nearest dollar if it contains a fraction of a dollar equal to or greater than $0.50.

The Minister is to publish the results of the adjustment in the *Gazette officielle du Québec* or give notice by such other means as the Minister considers appropriate.

O.C. 582-2006, s. 13; O.C. 1314-2013, s. 7; O.C. 249-2016, s. 3; S.Q. 2020, c. 5, s. 214.

§ 4. — *Permit modification and renewal*

14. A permit renewal application must be made at least 90 days prior to the expiry date of the permit. It must be accompanied by the information and documents required under sections 10 and 12 if the information and documents previously submitted are no longer accurate or are incomplete or outdated.

O.C. 582-2006, s. 14; O.C. 1314-2013, s. 8.

15. A non-refundable fee of $586 is payable on the filing of a renewal application.

That amount is adjusted as provided in section 13.

O.C. 582-2006, s. 15; O.C. 1314-2013, s. 9.

16. A permit holder must apply in writing to the Minister before increasing the number of children beyond the maximum stated on the permit and submit with the application an attestation from an architect or other professional authorized to do so establishing that the proposed capacity is not restricted by reason of an applicable Act or regulation and, if the increase entails an alteration of the facility, the plans required by section 18 of the Act.

O.C. 582-2006, s. 16.

16.1. A permit holder who, in accordance with sections 18, 21 and 21.1 of the Act, wishes to alter a facility or add a new facility must apply in writing to the Minister and include the plans provided for under section 18.

The permit holder must, within 10 days after the layout of the premises is completed, provide a certificate attesting that they comply with the plans approved by the Minister in accordance with section 19 of the Act. The certificate must be issued by an architect or any other professional accredited by law to issue a certificate.

O.C. 1314-2013, s. 10; S.Q. 2017, c. 31, s. 26.

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§ 5. —

(Revoked).

O.C. 582-2006, Sd. 5; S.Q. 2022, c. 9, s. 87.

17. *(Revoked).*

O.C. 582-2006, s. 17; S.Q. 2022, c. 9, s. 87.

DIVISION II

ADMINISTRATION OF A CHILDCARE CENTRE OR DAY CARE CENTRE

18. A permit holder must have the qualified staff necessary to ensure sound management and see to the operation of the childcare centre or day care centre in compliance with the obligations and responsibilities assigned to the permit holder by the Act and its regulations.

O.C. 582-2006, s. 18.

18.1. The permit holder is required to comply with the policy governing the admission and expelling of children and the procedure for processing complaints provided to the Minister.

Despite the provisions of section 14, any change to the elements described in the first paragraph must be sent to the Minister within 30 days after being adopted.

O.C. 1314-2013, s. 11; O.C. 479-2019, s. 4.

§ 1. — *Childcare staff members*

19. In this subdivision, "childcare staff member" means a staff member of a childcare centre or day care centre assigned to the implementation of the educational program for the children receiving childcare in the facility.

O.C. 582-2006, s. 19.

20. A permit holder must ensure that each childcare staff member holds a certificate not older than 3 years attesting that the member has successfully completed a minimum 8-hour early childhood first aid course including a component on the management of severe allergic reactions or a minimum 6-hour refresher course updating the knowledge acquired as part of the early childhood first aid course.

O.C. 582-2006, s. 20; O.C. 1314-2013, s. 12.

20.1. A permit holder who has recourse to an organization or enterprise providing replacement childcare staff members must ensure that the replacement staff member has in his or her possession the certificate provided for in section 20 and, where applicable, proof that the replacement staff member holds the qualification provided for in section 22 before allowing the replacement staff member to work in the facility.

O.C. 249-2016, s. 4.

21. A permit holder must ensure that the minimum number of childcare staff members present to look after the children receiving childcare in the holder's facility respects the ratio of

(1) one member for 5 or fewer children present under 18 months of age;

(2) one member for 8 or fewer children present from 18 months of age to under 4 years of age;

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(3) one member for 10 or fewer children present from 4 years of age to under 5 years of age on 30 September; and

(4) one member for 20 or fewer children present from 5 years of age and older on 30 September.

The permit holder must ensure that the same ratios are complied with when the children take part in an outing or an activity elsewhere than in the holder's facility.

O.C. 582-2006, s. 21; O.C. 1464-2022, s. 1.

22. A childcare staff member holding a diploma of college studies in early childhood education or any other equivalent training recognized by the Minister, is qualified.

In assessing the equivalency, the Minister may take into consideration any of the following facts:

(1) the applicant holds one or more diplomas obtained in Québec or elsewhere;

(2) the applicant has successfully completed continuous training or refresher training activities; and

(3) the applicant has acquired relevant experience.

O.C. 582-2006, s. 22.

23. A permit holder must ensure that at least 2 childcare staff members out of 3 are qualified and present each day with the children while childcare is being provided, subject to section 23.1.

In all circumstances, if the number of childcare staff members is less than 3, at least 1 of the members must be qualified.

O.C. 582-2006, s. 23; O.C. 879-2021, s. 1; O.C. 102-2024, s. 1.

23.1. Under the conditions and in the circumstances provided for herein, a permit holder is exempted from ensuring compliance with the ratio referred to in the first paragraph of section 23 and must ensure that the minimum number of qualified childcare staff members present each day with the children while childcare is being provided respects the ratio of

(1) at least 1 childcare staff member out of 2, until 31 March 2027;

(2) at least 1 childcare staff member out of 3,

(a) until 5 years have elapsed since the initial issuance of the permit;

(b) until 5 years have elapsed since the permit was modified to increase, by 8 or more, the maximum number of children that may be provided with childcare in the permit holder's facility;

(c) until 5 years have elapsed since a first subsidy agreement was entered into by the Minister and the holder of a day care centre permit, provided that the agreement was entered into after 31 October 2023;

(d) while childcare is being provided during the first and last business hour of the permit holder's core hours.

O.C. 1314-2013, s. 13; O.C. 249-2016, s. 5; O.C. 102-2024, s. 2.

23.2. *(Replaced).*

O.C. 1314-2013, s. 13; O.C. 249-2016, s. 6; O.C. 102-2024, s. 2.

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24. When only one childcare staff member is present in a facility, the permit holder must ensure that an adult is available to replace the member if the member is required to leave owing to an emergency.

O.C. 582-2006, s. 24.

§ 2. — *Staff member records*

25. A permit holder must keep the following up-to-date documents at the address where the holder operates a childcare centre or, in the case of a day care centre, at the address where childcare is provided,:

(1) proof that the childcare staff members meet the requirements of sections 20 and 22; and

(2) for persons working in the facilities who must provide them, including a trainee and a volunteer who are present on a regular basis, a copy of the consent and attestation establishing that no impediment exists, not older than 3 years, and the attestation of information that may establish an impediment, not older than 3 years, accompanied, if applicable, by a certified true copy of the board of directors' resolution certifying that the person covered by the attestation has no impediment. However, if the attestation does not reveal any new impediment, the previous resolution is sufficient.

However, the permit holder is not bound by the obligations provided for in the first paragraph with respect to a replacement who holds in his or her possession the documents required under sections 4.2 and 20.1.

O.C. 582-2006, s. 25; O.C. 1314-2013, s. 14; O.C. 249-2016, s. 7.

26. The documents must be kept for 3 years after a staff member has left.

O.C. 582-2006, s. 26.

§ 3. — *Special provisions relating to the administration of a childcare centre*

27. The members of the board of directors of a childcare centre permit holder elect from among their number a chair who must be a parent of a child receiving childcare.

O.C. 582-2006, s. 27.

28. A decision of the board of directors is validly made only if it is made by a majority of directors forming the majority required of parents of children receiving childcare.

O.C. 582-2006, s. 28.

DIVISION III

LAYOUT OF A CHILDCARE CENTRE OR DAY CARE CENTRE FACILITY

29. In this Division,

"outdoor play area" means the outdoor play space with play equipment intended for the children; (*aire extérieure de jeu*)

"play area" means the dining room, rest room and spaces, other than service or traffic areas, intended solely for the games and activities of the children during the hours of childcare; (aire de jeu)e, staff room, kitchen, laundry room, storage spaces and other common utility spaces; (*aire de service*).

"traffic area" means corridors and hallways, halls, entrances and other clearly delimited spaces that link the rooms or that lead outside. (*aire de circulation*)

O.C. 582-2006, s. 29.

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30. A permit holder must ensure that

(1) the facility is provided with a mechanism for controlling access at all times during the hours of childcare;

(2) room temperature is constant at not less than 20 °C; and

(3) the relative humidity in a basement is not greater than 50% in any season.

O.C. 582-2006, s. 30.

§ 1. — *Play areas*

31. A permit holder must have play areas in the facility that have a minimum net area determined as follows:

(1) if the children are under 18 months of age, the minimum net area required is 4 m^2 per child and for each group of 15 or fewer children, the space must be divided into at least 2 rooms, one for playing and the other for resting. The rooms must be separate, adjacent and closed, and must allow a direct view of the children, through a glass opening, from the play area to the rest room. Not more than 15 children at a time may be accommodated in each room; and

(2) if the children are 18 months of age and older, the minimum net area required is 2.75 m^2 per child. The space may be divided into a number of rooms and not more than 30 children at a time may be accommodated in each room, except for special activities.

O.C. 582-2006, s. 31.

32. The permit holder must ensure that the play area

(1) have at least one window that remains unobstructed at all times and allows a general view of the play area;

(2) if the play area is situated in part below ground level, all the bases of the windows referred to in paragraph 6 must be not more than 1.20 m from the floor and be situated entirely above ground level;

(3) have a minimum floor/ceiling clearance of 2.30 m over at least 75% of its net area and a minimum floor/ceiling clearance of at least 2.10 m at any given point in that area;

(4) have walls covered with smooth, washable materials;

(5) have floors covered with a washable material other than carpeting and that are not concrete, ceramic, terrazzo or other similar material;

(6) have windows opening directly to the outside with a glass area that is never less than 10% of the floor area of a room. A windowless room is considered to be part of an adjoining room with windows provided that 60% of the common wall is entirely open; if any part of one of those rooms is more than 6 m from a source of natural light, the minimum glass area lighting the room must be equal to at least 15% of the total floor area;

(7) be equipped with an artificial lighting system providing a minimum light level of 320 lux measured 1 m above the floor; and

(8) be maintained at a relative humidity of at least 30% in the winter.

O.C. 582-2006, s. 32; O.C. 1314-2013, s. 15; O.C. 1464-2022, s. 2.

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§ 2. — *Service area*

33. A permit holder must have service areas in the facility that consist of

(1) a kitchen if the meals are prepared by the staff, or a kitchenette; the kitchen or kitchenette must be closed or isolated by a door, a dutch door or a half-wall preventing the children from entering the kitchen or kitchenette;

(2) a cloakroom for the children, unless the facility has a cloakroom in a traffic area that is not an exit;

(3) one toilet and washbasin per group of 15 children for exclusive use by the childcare centre or day care centre during the hours of childcare, including at least one toilet and washbasin on each storey to which children have access if the facility has more than one storey. For the purposes of this paragraph, a mezzanine is considered to be a storey if it occupies more than 40% of the floor area of the storey on which it is located;

(4) separate closed storage spaces for

(a) food; and

(b) cleaning accessories and products; and

(5) *(paragraph revoked);*

(6) an administration office if more than 20 children may receive childcare.

O.C. 582-2006, s. 33; O.C. 1314-2013, s. 16.

§ 3. — *Equipment and furnishings*

34. A permit holder must equip the premises of every facility operated by the permit holder with

(1) a refrigerator, a stove or hot plate and a sink installed in the kitchen or kitchenette;

(2) a working telephone accessible at all times to staff members;

(3) a first aid kit that contains the items listed in Schedule I, is unlocked, kept out of the reach of the children, accessible at all times to staff members, and suitable in terms of quantities to the number of the children provided with childcare; and

(4) at least one carbon monoxide detector on each storey, complying with the "CAN/CSA-6.19-Residential Carbon monoxide Alarming Devices" standard, installed and replaced in accordance with the manufacturer's instructions.

O.C. 582-2006, s. 34; O.C. 1314-2013, s. 17; O.C. 249-2016, s. 8; O.C. 1464-2022, s. 3.

35. A permit holder must have, for the children receiving childcare,

(1) games and educational material relevant to the educational program and suitable to the age and number of the children;

(2) a sufficient number of seats and tables of a suitable size for the children;

(3) a sufficient quantity of bedding, facecloths and towels; and

(4) storage within the reach of the children for games and material.

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On the premises where children under 18 months of age receive childcare, a permit holder must have a washable diaper changing table installed at a suitable height near a washbasin, and a closed container for soiled diapers. The same applies to premises where children 18 to 35 months of age receive childcare.

O.C. 582-2006, s. 35.

36. A permit holder must have, for each child under 18 months of age, a crib with posts and slats as described in section 37 and for each of the other children, a cot or a mattress having a washable cover.

The use of bunk beds, bassinets or cradles is prohibited.

O.C. 582-2006, s. 36; O.C. 1314-2013, s. 18.

37. When providing a crib with posts and slats or a playpen, a permit holder must ensure that the crib or playpen complies with the standards in the relevant regulations made under the Canada Consumer Product Safety Act (S.C. 2010, c. 21).

A modified crib or playpen must comply with those regulations and meet the requirements set out therein. In addition, the permit holder must be able to show that the crib or playpen has been tested according to the standards established in the regulations.

O.C. 1314-2013, s. 19.

38. A permit holder must ensure that circulation areas, play areas and service areas are safe, clean, well maintained and free of all obstacles that may block circulation or limit their use.

O.C. 582-2006, s. 38; O.C. 1314-2013, s. 20.

38.1. A permit holder must ensure that all equipment, furnishings and play materials on the premises are kept clean, in good condition or repaired so that they may be used as originally intended and disinfected regularly when the children are absent. The permit holder must also ensure that they are used safely and do not present any potential dangers by reason of their nature, the place where they are used and the presence of children.

O.C. 1314-2013, s. 20.

§ 4. — *Outdoor play spaces and outdoor play areas*

39. A permit holder must provide the children with

(1) an outdoor play space, enclosed by a safety fence at least 1.20 m in height, situated less than 500 m from the facility to which the permit holder has access during the hours childcare is provided and whose minimum area must be 4 m^2 per child, allowing for at least one third of the maximum number of children stated on the permit to be accommodated at a time; or

(2) an outdoor children's play space in a public park within 500 m of the facility, accessible during the hours of childcare and, subject to section 39.2, delimited by a fence.

The play space must be suitably and safely laid out and, if it has an outdoor play area, that area must be adapted to the age of the children.

The distance of 500 m is measured by the shortest route taken to walk the distance safely.

O.C. 582-2006, s. 39; O.C. 1464-2022, s. 4.

39.1. A permit holder must ensure, where the outdoor play space is that referred to in subparagraph 1 of the first paragraph of section 39, that all the elements located therein are in good condition, kept clean and

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used safely and do not present any potential dangers by reason of their nature, the place where they are used and the presence of children.

O.C. 249-2016, s. 9.

39.2. A permit holder who, in accordance with subparagraph 2 of the first paragraph of section 39, has an outdoor children's play space in a public park is exempted from the requirement that the space be delimited by a fence if, during its use, the permit holder ensures that the children are accompanied by at least 2 staff members, at least 1 of whom is a childcare staff member within the meaning of section 19.

O.C. 1464-2022, s. 5.

40. A permit holder must ensure that an outdoor play space and the play equipment it contains comply with the "CAN/CSA-Z614-Children's Playspaces and Equipment" standard of the Canadian Standards Association, as it reads on the day on which they are laid out.

The permit holder must, in addition, comply with the standard in connection with inspections and maintenance, draft the annual report mentioned and keep all the registers provided for therein.

A permit holder who modifies a play area or the play equipment it contains must apply the "CAN/CSA-Z614-Children's Playspaces and Equipment" standard to the modification, as it reads on the day of the modification.

O.C. 582-2006, s. 40; O.C. 1314-2013, s. 21.

41. A permit holder who equips the outdoor play space with an outdoor play area and play equipment must, within 30 days of laying out the area, provide the Minister with a current layout certificate certifying that the outdoor play area and its play equipment comply with the requirements of the second paragraph of section 39 and the first paragraph of section 40. The certificate must be issued by an architect, engineer or technologist who is a member of his or her respective professional order or by a landscape architect who is a member of the Association des architectes paysagistes du Québec under which the landscape architect is authorized for that purpose.

O.C. 582-2006, s. 41.

42. A permit holder must, not later than 31 December of the third year following the year in which the certificate was issued, provide the Minister with a new certificate not older than 4 months.

O.C. 582-2006, s. 42; O.C. 1314-2013, s. 22.

43. A permit holder must notify the Minister in writing within 10 days of any change affecting the outdoor play area or play equipment. The permit holder must, on request, provide the Minister with a new certificate.

O.C. 582-2006, s. 43.

44. Sections 40 to 43 do not apply to an outdoor play area located in a public park.

O.C. 582-2006, s. 44.

DIVISION IV

TEMPORARY FACILITIES

S.Q. 2022, c. 9, s. 89.

44.1. A permit holder authorized, under section 16.4 of the Act, to provide childcare to children in a temporary facility must be sure to comply with all the standards applicable under this Regulation, except the standards set out in the following provisions:

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(1) subparagraphs *c* and *d* of paragraph 10 of section 10;

(2) section 16.1;

(3) paragraphs 2, 4 and 7 of section 32; and

(4) paragraph 6 of section 33.

The permit holder is also exempt from the application

(1) of paragraph 1 of section 33 and paragraph 1 of section 34, provided the holder has a refrigerator and, if the holder provides childcare to children under 18 months of age, a hot plate in his or her facility;

(2) of paragraph 2 of section 33, provided the holder, if the holder provides childcare to children under 18 months of age, reserves space for a cloakroom for those children; and

(3) of the obligation set out in paragraph 3 of section 33 to have one toilet and washbasin on each storey to which children have access, to the extent that that equipment is not located more than one storey from the storey to which children have access.

S.Q. 2022, c. 9, s. 89.

CHAPTER III

HOME CHILDCARE

DIVISION I

HOME EDUCATIONAL CHILDCARE COORDINATING OFFICE

45. A home educational childcare coordinating office must send to the Minister

(1) within 30 days of accreditation, the contact information for each of its establishments and the business hours of the office;

(2) within 6 months of accreditation, a certified true copy of a resolution certifying that the members of its board of directors meet the requirements of section 40.1 or 40.2 of the Act, as applicable; and

(3) within 10 days of the Minister's request, a description of the means the office takes to fulfil the obligations under section 42 of the Act.

The office must also notify the Minister of any change regarding the documents and information within 10 days of the change.

O.C. 582-2006, s. 45; S.Q. 2009, c. 36, s. 102.

46. A coordinating office must have the qualified personnel necessary to ensure the sound management of the office and fulfil the obligations and responsibilities assigned to the office by the Act and its regulations, in particular in relation to the monitoring and technical and pedagogical support offered to the providers it has recognized.

O.C. 582-2006, s. 46.

47. A person assigned to the monitoring of home educational childcare providers may not be assigned to the technical and pedagogical support offered to the providers.

O.C. 582-2006, s. 47.

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48. A coordinating office must keep the following up-to-date information and documents at its principal establishment:

(1) the register required under section 59 of the Act;

(2) the documents certifying that the persons referred to in sections 46 and 47 meet the requirements of section 4;

(3) a list of the persons the coordinating office has refused to recognize and the persons whose recognition has not been renewed or has been suspended or revoked or who have ceased their operations, and the reasons for the refusal, non-renewal, suspension or revocation;

(4) a record of the complaints received regarding the home educational childcare providers it has recognized and the documents relating to the follow-up of the complaints;

(5) a record for each home educational childcare provider it has recognized containing

(a) the documents required under section 60 and, if applicable, the documents certifying that the person designated pursuant to section 81 to occasionally replace the educational childcare provider meets the requirements of section 5;

(b) the documents certifying the coordinating office's decision following the assessment of an attestation of information that may establish an impediment;

(c) a copy of the notices, decisions, applications and replies the home educational childcare provider must send to the coordinating office or that the office must send to the provider under the Act or under sections 61, 62, 64, 65, 67, 68, 71, 72, 74, 76 to 79, 84, 86 and 97.1;

(d) the reports referred to in sections 53, 66, 70, 73, 80 and 86; and

(e) the documents certifying that the office meets the requirements of sections 57 and 59; and

(6) a copy of the record of any person recognized as a home educational childcare provider who has ceased his or her operations in the territory of the office but has established a home childcare service in another territory.

O.C. 582-2006, s. 48; S.Q. 2007, c. 30, s. 20; O.C. 1314-2013, s. 23; O.C. 249-2016, s. 10.

48.1. A coordinating office must keep the record of a recognized home educational childcare provider or a copy of the record kept under paragraphs 5 and 6 of section 48 for 6 years following the date on which the home educational childcare provider ceases his or her operations, except the notices of contravention, complaints, follow-up documents and reports concerning the home educational childcare provider, which are destroyed 6 years after the end of their processing.

O.C. 1314-2013, s. 24; O.C. 1464-2022, s. 6.

49. *(Revoked).*

O.C. 582-2006, s. 49; S.Q. 2009, c. 36, s. 103; S.Q. 2022, c. 9, s. 90.

50. *(Revoked).*

O.C. 582-2006, s. 50; S.Q. 2022, c. 9, s. 90.

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DIVISION II

RECOGNITION OF A PERSON AS A HOME EDUCATIONAL CHILDCARE PROVIDER

§ 1. — *Conditions for recognition*

§§ 1. — *Qualities required*

51. To be recognized, a natural person must

(1) be at least 18 years of age and authorized to work in Canada;

(2) be able to be present at the home childcare service for all the hours of childcare, except in the cases provided for in section 81 and 81.1;

(3) show the ability to communicate and establish a meaningful affective relationship with the children and to collaborate with the parents and the coordinating office;

(4) have the physical and mental health necessary to provide childcare;

(5) be capable of offering a childcare environment that ensures the health, safety and well-being of the children to whom the person proposes to provide childcare;

(6) have, in the private residence where the person proposes to provide childcare, sufficient space for the number and age of the children;

(6.1) provide childcare services in a private residence where childcare services are not already provided;

(7) be capable of accompanying and supporting the children in their games and explorations to implement the educational program;

(8) hold a certificate not older than 3 years attesting successful completion of a minimum 8-hour early childhood first aid course including a component on the management of severe allergic reactions or a minimum 6-hour refresher course updating the knowledge acquired as part of the early childhood first aid course;

(8.1) have successfully completed the training program specified in section 57 and, where applicable, the refresher training specified in section 59;

(9) be covered by a civil liability insurance policy for an amount of at least $1,000,000 per claim with coverage extending to the person's activities as an educational childcare provider and, where applicable, the activities of any adult assistant and the replacement staff members listed in section 81;

(10) show that the natural person and the persons residing in the residence where the natural person proposes to provide childcare do not have an impediment related to the abilities and the conduct required for home childcare and that they will not impede the carrying out of the natural person's responsibilities or constitute a moral or physical danger for the children to whom the person proposes to provide childcare; and

(11) show that the natural person was not convicted of an offence under section 108.2 of the Act during the 2 years preceding the application.

O.C. 582-2006, s. 51; S.Q. 2010, c. 39, s. 28; O.C. 1314-2013, s. 25; I.N. 2014-05-01; O.C. 1464-2022, s. 7.

52. A natural person whose recognition has been revoked under section 75 or whose permit has been revoked under section 28 of the Act or has not been renewed pursuant to paragraphs 4 and 5 of that section in the 3 years preceding the application for recognition may not be recognized.

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The same applies to a person who is a member of the board of directors of a permit holder whose permit has been revoked under section 28 of the Act or has not been renewed pursuant to paragraphs 4 and 5 of that section in the 3 years preceding the application for recognition.

O.C. 582-2006, s. 52.

53. Before a person is recognized as a home educational childcare provider, a coordinating office must first interview that person and each person over 14 years of age residing in the residence where the person proposes to provide childcare.

The coordinating office must, in addition, after making an appointment, visit the entire residence where the childcare will be provided and, where applicable, any outdoor yard that is to be used for the provision of childcare services and any outbuildings in the yard to ensure that they are safe and suitable in light, in particular, of the number and age of the children.

A report on the visit and interviews must be drawn up.

O.C. 582-2006, s. 53; O.C. 1314-2013, s. 26.

54. If the person applying for recognition intends to be assisted by another person, that person must

(1) be at least 18 years of age;

(2) have the ability to establish a meaningful affective relationship with the children and adequately meet their needs;

(2.1) be able to help the home educational childcare provider in the implementation of the educational program;

(3) have the physical and mental health necessary to provide childcare; and

(4) hold a certificate not older than 3 years attesting successful completion of a minimum 8-hour early childhood first aid course including a component on the management of severe allergic reactions or a minimum 6-hour refresher course updating the knowledge acquired as part of the early childhood first aid course.

O.C. 582-2006, s. 54; O.C. 1314-2013, s. 27; O.C. 1464-2022, s. 8.

54.1. The home educational childcare provider must keep the following documents concerning any assistant:

(1) a copy of the assistant's act of birth or of any other document establishing the assistant's identity and date of birth;

(2) *(subparagraph revoked);*

(3) *(subparagraph revoked);*

(4) *(subparagraph revoked);*

(5) the documents showing that the assistant meets the requirements of paragraph 4 of section 54 and of section 58.

The home educational childcare provider must, on request, allow the coordinating office to consult and make copies of the documents. The home educational childcare provider must keep the documents for 3 years after the end of the employment relationship with the assistant.

O.C. 1314-2013, s. 28; O.C. 249-2016, s. 11; S.Q. 2020, c. 6, s. 75; O.C. 1464-2022, s. 9.

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55. A coordinating office may refuse to grant recognition if the person applying for recognition, a person who is of full age residing in the residence where the childcare is to be provided or the person who is to assist or occasionally replace the person, if applicable, has an impediment.

O.C. 582-2006, s. 55.

56. The home educational childcare provider must submit proof of insurance coverage once a year to the recognizing coordinating office.

O.C. 582-2006, s. 56.

§§ 2. — *Training*

57. A home educational childcare provider, unless qualified as provided for in section 22, must have completed, in the 3 years preceding the application for recognition, a training program of at least 45 hours pertaining to

(1) the role of a home educational childcare provider;

(2) child development;

(3) safety, health and diet; and

(4) the educational program provided for in the Act.

At least 30 of the 45 hours of training must pertain to child development and the educational program.

O.C. 582-2006, s. 57; O.C. 1314-2013, s. 29.

58. The home educational childcare provider must ensure that the assistant, unless the latter holds the qualification referred to in section 22, has completed at least 12 hours of child development training.

If the assistant, on beginning employment, has not successfully completed the training referred to in the first paragraph, the home educational childcare provider must ensure that it is completed not later than 6 months after the assistant begins employment.

O.C. 582-2006, s. 58; O.C. 1314-2013, s. 30; O.C. 1464-2022, s. 10.

59. The home educational childcare provider must take 6 hours of refresher training every year on the topics listed in subparagraphs 1 to 4 of the first paragraph of section 57, including at least 3 hours on child development and the educational program provided for in the Act.

A first aid course, or the training on food hygiene and safety required by the Regulation respecting food (chapter P-29, r. 1), may not be considered as refresher training.

O.C. 582-2006, s. 59; O.C. 1314-2013, s. 31.

§ 2. — *Terms and conditions of recognition*

§§ 1. — *Granting of recognition*

60. To be recognized, a natural person must submit a written application to the coordinating office accredited for the territory in which the residence where the person proposes to provide the childcare is situated, together with

(1) a copy of the act of birth, Canadian citizenship certificate, permanent resident card or any other document establishing the applicant's identity, date of birth and right to work in Canada;

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(2) a copy of the act of birth or any other document establishing the identity and date of birth of each child under 18 years of age who ordinarily lives with the applicant and an indication of the hours during which the child is present at the residence where the applicant proposes to provide the childcare;

(3) a description of the applicant's work experience and education;

(4) a declaration signed by the applicant attesting that the applicant has the physical and mental health necessary to provide childcare;

(5) *(paragraph revoked);*

(6) the address of the residence where the applicant proposes to provide the childcare;

(7) the total number of children and, where applicable, the number of children under 18 months of age to whom the person proposes to provide childcare;

(8) the days and hours of the childcare service including meal and snack times for the children and the scheduled closing days;

(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;

(10) the documents certifying that the applicant meets the requirements of paragraphs 8, 8.1, 9 and 10 of section 51;

(11) the emergency evacuation procedure established under section 90;

(12) if the applicant is assisted by another person, the assistant's name, address of the residence and telephone number;

(13) for the applicant and, if applicable, the person who is to assist the applicant, and for each person of full age residing in the residence where the applicant proposes to provide the childcare, the attestation establishing that no impediment exists or, as the case may be, a copy of the consent to investigation of the information required to establish that no impediment exists and the attestation of information that may establish an impediment, current to the date of the application; and

(14) a copy of the registration certificate issued under the Firearms Act (S.C. 1995, c. 39) or the registration number assigned to the firearm under the Firearms Registration Act (chapter I-0.01), as the case may be, for any firearm kept in the residence where the childcare is to be provided.

O.C. 582-2006, s. 60; S.Q. 2007, c. 30, s. 21; O.C. 1314-2013, s. 32; O.C. 249-2016, s. 12; O.C. 1180-2017, s. 1; O.C. 479-2019, s. 5; S.Q. 2020, c. 6, s. 76; O.C. 1464-2022, s. 11.

61. The coordinating office must notify the applicant in writing of its decision.

O.C. 582-2006, s. 61.

62. The notice of acceptance must contain

(1) the effective date and expiry date of the recognition;

(2) the number of children under 18 months of age and the maximum number of children to whom the applicant may provide childcare; and

(3) the address of the residence where the childcare will be provided.

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The coordinating office must send with the notice of acceptance the information referred to in subparagraph 1 of the first paragraph of section 45 and a description of the means the coordinating office proposes to take to satisfy the requirements of section 42 of the Act, and a copy of its accreditation.

The coordinating office must notify the recognized home educational childcare provider of any change regarding the information within 10 days of the change.

O.C. 582-2006, s. 62.

63. Subject to sections 68 to 71, a home educational childcare provider must operate in the territory of the recognizing coordinating office.

O.C. 582-2006, s. 63.

§§ 2. — *Changes affecting recognition*

64. A home educational childcare provider must notify the recognizing coordinating office in writing of any change that may affect the terms and conditions of the recognition, within 10 days of the change.

The home educational childcare provider must within that same period send to the coordinating office the information and documents required under sections 51 and 60 if the information and documents previously submitted are no longer accurate or are incomplete or outdated.

In the case of a change of address, the home educational childcare provider must so notify the coordinating office and the parents of the children at least 30 days in advance.

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

O.C. 582-2006, s. 64; O.C. 479-2019, s. 6.

64.1. A coordinating office that has reasonable grounds to believe that a recognized home educational childcare provider no longer meets the condition set out in paragraph 4 of section 51 may request that a physician's or specialized nurse practitioner's certificate attesting that the provider has the physical and mental health necessary to provide childcare be provided.

O.C. 1314-2013, s. 33; S.Q. 2020, c. 6, s. 77; O.C. 1464-2022, s. 12.

65. A home educational childcare provider wishing to increase the number of children to whom childcare is to be provided must so notify the coordinating office.

O.C. 582-2006, s. 65.

66. On receiving notification of a change pursuant to section 64 or 65, the coordinating office may interview the home educational childcare provider or any other person concerned or, after making an appointment, verify the elements listed in section 53 concerning the change, in the manner provided for therein.

The coordinating office may require the home educational childcare provider to submit any information and document required under the Act and its regulations relating to the changes.

A report must be drawn up on the visit and interviews.

O.C. 582-2006, s. 66; O.C. 1314-2013, s. 34.

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67. A home educational childcare provider who permanently ceases to provide childcare to a child must immediately so notify the recognizing coordinating office.

O.C. 582-2006, s. 67.

68. A home educational childcare provider who plans to cease to operate in the territory of the recognizing coordinating office and to establish a childcare service in another territory served by another coordinating office must so notify the coordinating offices at least 30 days in advance. The notice must state the coordinating office to which the record established under paragraph 5 of section 48 must be transferred, the address at which the home educational childcare provider intends to establish the new childcare service, and the date on which services will resume.

The home educational childcare provider must resume services not later than 90 days after the date on which operations cease in the territory of the coordinating office the home educational childcare provider is leaving.

O.C. 582-2006, s. 68; O.C. 1314-2013, s. 35; O.C. 1464-2022, s. 13.

69. The coordinating office must, within 10 days following receipt of the home educational childcare provider's notice of cessation of operations, send, to the coordinating office in the territory where the home educational childcare provider proposes to operate, the original of the record established under paragraph 5 of section 48, and keep a copy of the record.

O.C. 582-2006, s. 69; O.C. 1314-2013, s. 36.

70. Not later than 15 days preceding the date scheduled for resumption of the home educational childcare provider's operations, the coordinating office must interview the person concerned, visit the residence where the person proposes to provide childcare and, after making an appointment, verify for the same purposes the elements listed in section 53 in the manner provided for in that section.

The coordinating office may request that any information and document required under the Act and its regulations be submitted if the information and documents in the record are no longer accurate or are incomplete or outdated.

A report must be drawn up on the visit and interview.

O.C. 582-2006, s. 70; O.C. 1314-2013, s. 37.

71. The coordinating office must notify the home educational childcare provider that the recognition is maintained, unless it establishes the existence of a circumstance described in section 75, in which case sections 76 and 77 apply with the necessary modifications.

O.C. 582-2006, s. 71.

§§ 3. — *Renewal of recognition*

72. The coordinating office must notify the home educational childcare provider that the recognition is to expire at least 150 days before the recognition expires.

A home educational childcare provider wishing to renew recognition must apply in writing not later than 120 days before the expiry of the recognition.

The application must contain the information and documents listed in section 60 if the documents previously submitted are no longer accurate or are incomplete or outdated.

O.C. 582-2006, s. 72.

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73. The coordinating office must, before renewing recognition, interview the home educational childcare provider and each person over 14 years of age residing in the residence where the childcare is provided who has not already been interviewed under this Regulation.

The coordinating office must also, after making an appointment, visit the residence while childcare is being provided to verify the premises and equipment used to provide childcare services so as to ensure that they are safe and suitable in light, in particular, of the number and age of the children. It must also ensure compliance with the Act and the regulations, in particular compliance with the conditions of recognition.

The coordinating office may require that any information and document required under the Act and its regulations be submitted if the documents in the record are no longer accurate or are incomplete or outdated.

A report must be drawn up on the visit and interviews.

O.C. 582-2006, s. 73; O.C. 1314-2013, s. 38; O.C. 1464-2022, s. 14.

74. On receiving a renewal application, the coordinating office must, not later than 30 days before the expiry of the recognition, render its decision and notify the home educational childcare provider in writing.

The coordinating office is to renew recognition if the home educational childcare provider meets the requirements and satisfies the terms and conditions of the Act and this Regulation for recognition. The coordinating office must so notify the home educational childcare provider as provided in section 62.

O.C. 582-2006, s. 74.

§§ 4. — *Refusal, non-renewal, suspension and revocation of recognition*

O.C. 582-2006, Sd. 4; S.Q. 2022, c. 9, s. 91.

75. The coordinating office may refuse to renew recognition or suspend or revoke the recognition of a home educational childcare provider if any of the following circumstances exist:

(1) the provider has committed or authorized, consented to or participated in the commission of an offence under any of sections 2.2, 5.2, 53, 53.1, 54, 58, 86 and 95 of the Act;

(2) the provider refuses or neglects to comply with a notice of non-compliance issued by the Minister under section 65 of the Act;

(3) the provider has committed or authorized, consented to or participated in the commission of an offence under any of sections 6, 54.1, 64, 65, 67, 78, 81 to 84, 87 to 108, 110 to 116 and 118 to 123;

(4) the provider no longer meets the conditions or terms for recognition under the Act or this Regulation;

(5) the health, safety or well-being of the children is endangered;

(6) the provider made a false declaration or distorted a material fact in the application for recognition or in a document or information required under the Act or its regulations; or

(6.1) the provider acts in such a way as to falsely suggest that the childcare services the provider provides are subsidized;

(7) the provider failed to remedy non-compliance with the Act or this Regulation observed during a visit made under section 86.

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The coordinating office may attach conditions to the suspension of the recognition as well as time limits to be complied with to have the suspension lifted.

O.C. 582-2006, s. 75; O.C. 1314-2013, s. 39; S.Q. 2017, c. 31, s. 27; S.Q. 2021, c. 15, s. 102; S.Q. 2022, c. 9, s. 92; S.Q. 2024, c. 6, s. 44.

76. Before refusing to renew recognition or suspending or revoking the recognition of a home educational childcare provider or before refusing to issue a recognition, the coordinating office must notify the person concerned in writing of the reasons and give the provider an opportunity to submit observations within 15 days following receipt of the notice.

Despite the first paragraph, the coordinating office must immediately suspend the recognition of a home educational childcare provider if the provider or, if applicable, the provider's assistant or a person residing in the residence where the childcare is provided, is implicated by a report that has been accepted for evaluation by the director of youth protection. The same applies in cases where any of those persons is implicated by a report leading to a disclosure of confidential information by the director of youth protection to the Director of Criminal and Penal Prosecutions or to a police force under section 72.7 of the Youth Protection Act (chapter P-34.1).

In the cases referred to in the second paragraph, the coordinating office must notify the provider as well as the parents of the children it provides homecare to of the suspension in writing without delay, and give the provider an opportunity to submit observations as soon as possible and, in all cases, within 10 days.

A person whose recognition is suspended under the second paragraph may not, on penalty of revocation of recognition, provide childcare during the suspension.

O.C. 582-2006, s. 76; O.C. 1314-2013, s. 40; S.Q. 2017, c. 18, s. 114; S.Q. 2022, c. 9, s. 93.

77. A certified true copy of the coordinating office's decision with reasons must be sent to the home educational childcare provider. The decision must, where applicable, inform the provider of the right to contest the decision before the Administrative Tribunal of Québec and of the time limit set under section 104 of the Act.

O.C. 582-2006, s. 77.

78. A home educational childcare provider wishing to give up the recognition must so notify the recognizing coordinating office and the parents of the children, in writing, at least 30 days in advance.

The coordinating office is to revoke the recognition as of the day indicated by the provider.

O.C. 582-2006, s. 78.

79. A home educational childcare provider wishing to interrupt operations may apply in writing to the recognizing coordinating office to have the recognition suspended.

Except in the case of a preventive withdrawal of a pregnant home educational childcare provider, the application must be made at least 30 days before the scheduled date of the interruption and the parents of the children must be informed thereof within that period. In an emergency, the home educational childcare provider must apply to the coordinating office and inform the parents as soon as possible.

The coordinating office suspends recognition from the date indicated in the application for the period determined in the application.

In the case of the preventive withdrawal of a pregnant home educational childcare provider, the coordinating office suspends recognition from the date of receipt of the certificate provided for in section 40 of the Act respecting occupational health and safety (chapter S-2.1) confirming the home educational

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childcare provider's condition, and informs her of the suspension in writing. The home educational childcare provider must notify the parents of the children without delay.

O.C. 582-2006, s. 79; O.C. 1314-2013, s. 41; S.Q. 2020, c. 6, s. 78; O.C. 1464-2022, s. 15.

79.1. The suspension of recognition under section 79 cannot exceed 24 months, except in the case of a preventive withdrawal or an illness or in order to enable the home educational childcare provider to take part in the negotiations or association activities provided for in the Act respecting the representation of certain home educational childcare providers and the negotiation process for their group agreements (chapter R-24.0.1).

O.C. 1314-2013, s. 41; O.C. 1464-2022, s. 16.

79.2. *(Replaced).*

O.C. 1314-2013, s. 41; O.C. 1464-2022, s. 16.

79.3. A home educational childcare provider whose recognition has been suspended pursuant to section 79 and whose recognition expires during the suspension must, at least 60 days before the date scheduled for resumption of operations, submit an application for the renewal of recognition to the recognizing coordinating office, along with the information and documents listed in section 60, when those previously submitted are no longer accurate or are incomplete or outdated.

O.C. 1314-2013, s. 41; O.C. 1464-2022, s. 17.

80. Within 30 days of the date scheduled for resumption of the operations of the home educational childcare provider whose recognition has been suspended, the home educational childcare provider must provide the coordinating office with a declaration attesting to the changes or lack of changes that may affect the terms and conditions of the recognition.

Failing production of the declaration or if changes have occurred, the coordinating office must interview the provider and verify the elements listed in section 73 in the manner provided for in that section, with the necessary modifications. The coordinating office may require any document required under the Act and its regulations if the available documents are no longer accurate or are incomplete or outdated.

A report must be drawn up on the visit and interviews.

O.C. 582-2006, s. 80; O.C. 1314-2013, s. 42; O.C. 1464-2022, s. 18.

§ 3. — *Replacement of provider*

81. A home educational childcare provider must be able to rely on a person of full age available to replace the provider or the person assisting the provider if either person is required to leave owing to an emergency.

The provider may also designate a person of full age to occasionally replace the provider, or to replace an assistant.

O.C. 582-2006, s. 81; O.C. 1314-2013, s. 43.

81.1. A home educational childcare provider may only be replaced by an occasional replacement for a number of days representing 20% of the total number of days during which the home childcare service is open, calculated annually from the date of recognition of the home educational childcare provider.

O.C. 1314-2013, s. 44.

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81.2. A home educational childcare provider must keep a register of replacements, indicating the name of the replacement staff member, the number of days of replacement and the number of hours per day of replacement.

The information in the register must be kept for a period of 3 years.

O.C. 1314-2013, s. 44.

81.3. A home educational childcare provider must, on request, allow the coordinating office to consult and make copies of the register.

O.C. 1314-2013, s. 44.

82. The occasional replacement must

(1) be at least 18 years of age;

(2) have the ability to establish a meaningful affective relationship with the children and adequately meet their needs;

(3) have the physical and mental health necessary to provide childcare; and

(4) hold a certificate not older than 3 years attesting successful completion of a minimum 8-hour early childhood first aid course including a component on the management of severe allergic reactions or a minimum 6-hour refresher course updating the knowledge acquired as part of the early childhood first aid course.

O.C. 582-2006, s. 82; O.C. 1314-2013, s. 45; O.C. 1464-2022, s. 19.

82.1. The occasional replacement must, unless holding the qualification mentioned in section 22, have completed child development training of a duration of at least 12 hours not later than 6 months after beginning work.

O.C. 1314-2013, s. 45.

82.2. A home educational childcare provider must keep the following documents concerning an occasional replacement:

(1) a copy of the occasional replacement's act of birth or of any other document establishing the occasional replacement's identity and date of birth;

(2) *(subparagraph revoked);*

(3) *(subparagraph revoked);*

(4) *(subparagraph revoked);*

(5) the documents showing that the occasional replacement meets the requirements of paragraph 4 of section 82 and of section 82.1.

The home educational childcare provider must, on request, allow the coordinating office to consult and make copies of the documents. The home educational childcare provider must keep the documents for 3 years after the end of the employment relationship with the occasional replacement.

O.C. 1314-2013, s. 45; O.C. 249-2016, s. 13; S.Q. 2020, c. 6, s. 79; O.C. 1464-2022, s. 20.

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83. A home educational childcare provider who designates an occasional replacement must, prior to being replaced for the first time, submit proof to the coordinating office that the person meets the requirements of section 5.

O.C. 582-2006, s. 83.

84. A home educational childcare provider must notify the coordinating office of any change concerning the occasional replacement that relates to the requirements of this Regulation; if the change affects the information needed to verify the existence of an impediment, the coordinating office must require a new attestation.

O.C. 582-2006, s. 84.

85. A home educational childcare provider being replaced must take all reasonable means to inform the parents of the children as soon as possible.

O.C. 582-2006, s. 85.

§ 4. — *Monitoring*

86. The coordinating office must make 3 unannounced visits per year to the residence while the childcare services are being provided to verify compliance with the Act and the regulations, including compliance with the conditions for recognition. The first visit must take place within 3 months after recognition is granted.

During each visit, the coordinating office verifies the premises and equipment used to provide childcare services, wherever they are located. It may also verify the compliance of the other elements provided for in the Act and regulations.

Unless it is acting in response to a complaint, the coordinating office does not verify any other rooms.

If the coordinating office finds that the Act or regulations are not being complied with, it must notify the home educational childcare provider in writing so that the provider remedies the non-compliance as soon as possible. The coordinating office must follow up on the situation.

The coordinating office may also make an unannounced visit to a home educational childcare provider following a complaint to verify the object and validity of the complaint. It must at that time inform the provider of the nature of the complaint during the visit.

A report must be drawn up on the visits and follow-up to a complaint.

O.C. 582-2006, s. 86; O.C. 1314-2013, s. 46.

DIVISION III

HOME CHILDCARE RESIDENCE, EQUIPMENT AND FURNISHINGS

O.C. 582-2006, Div. III; O.C. 1314-2013, s. 47.

87. A home educational childcare provider must ensure that the residence include a kitchen, an area designated for eating, a room with sanitary facilities and a room for children's games and activities with a window to the outside.

Any room the use of which is reserved solely to members of the home educational childcare provider's family and that is not part of the residence's common spaces must be equipped with a door that is closed at all

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times or an expansion gate that complies with section 105 while childcare is being provided, unless an adult is in the room.

O.C. 582-2006, s. 87; O.C. 1314-2013, s. 48.

88. A home educational childcare provider must ensure that the rooms and shared spaces are safe clean, properly maintained, well ventilated and at a temperature of at least 20 °C.

O.C. 582-2006, s. 88; O.C. 1314-2013, s. 49.

89. If children in diapers are accommodated, the residence must include at least one area designated for diaper changing.

O.C. 582-2006, s. 89; O.C. 1314-2013, s. 50.

90. A home educational childcare provider must establish emergency evacuation procedures and organize drills for that purpose each time a new child is accepted or at least once every 6 months.

O.C. 582-2006, s. 90.

91. A home educational childcare provider must equip the residence where the childcare is provided with

(1) an accessible working telephone;

(2) a first aid kit that contains the items listed in Schedule I, is unlocked, kept out of the reach of the children, accessible to the home educational childcare provider and any replacement or assistant, and is suitable in terms of quantities to the number of the children receiving childcare;

(3) at least 1 smoke detector on each storey;

(3.1) at least 1 carbon monoxide detector on each storey, complying with the "CAN/CSA-6.19-Residential Carbon monoxide Alarming Devices" standard, installed and replaced in accordance with the manufacturer's instructions;

(4) at least 1 easily accessible fire extinguisher; and

(5) games and educational material suitable for the age and number of children and relevant to the implementation of the educational program.

O.C. 582-2006, s. 91; O.C. 1314-2013, s. 51; O.C. 249-2016, s. 14; O.C. 1464-2022, s. 21.

92. A home educational childcare provider must ensure that the equipment, furnishings and play material used are kept clean. The provider must also keep them in good condition or repair them so that they may be used as originally intended.

O.C. 582-2006, s. 92.

93. A home educational childcare provider must provide a crib with posts and slats or a playpen to each child under 18 months of age.

The provider must provide a bed, a cot or a mattress with a washable cover suitable for the child's size to each child 18 months of age or older.

The provider must also provide the bedding to cover each child that must be used only by that child until the bedding is washed.

O.C. 582-2006, s. 93; O.C. 1464-2022, s. 22.

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94. Cribs with posts and slats, cradles and playpens used by a home educational childcare provider must comply with the standards enacted by the relevant regulations made under the Canada Consumer Product Safety Act (S.C. 2010, c. 21).

A modified crib or playpen must comply with those Regulations, be tested according to the standards and meet all the requirements set out therein.

O.C. 582-2006, s. 94; O.C. 1314-2013, s. 52.

95. A home educational childcare provider who uses a playpen at times other than during the child's sleep periods may do so only for short periods.

O.C. 582-2006, s. 95.

96. A home educational childcare provider must not place a child for a sleep or rest period in a room with a person over 14 years of age.

O.C. 582-2006, s. 96.

97. A home educational childcare provider must ensure that any climbing apparatus, swing, slide or similar equipment installed outdoors has smooth surfaces with no sharp edges, is safe and is installed according to the manufacturer's instructions.

O.C. 582-2006, s. 97.

97.1. If a firearm is kept in the residence where childcare is provided, the home educational childcare provider must ensure that it is stored out of the sight and reach of the children. In addition, the home educational childcare provider must notify the parents of this in writing, and send a copy of the notice, duly signed by the parents, to the coordinating office that recognized the provider.

S.Q. 2007, c. 30, s. 22.

CHAPTER IV

PROVISIONS APPLICABLE TO ALL EDUCATIONAL CHILDCARE PROVIDERS

98. An educational childcare provider must allow the parent of a child to have access at all times to the childcare premises or residence, as the case may be, when the child is present.

O.C. 582-2006, s. 98; O.C. 1314-2013, s. 53.

99. An educational childcare provider must ensure that no alcoholic beverage is drunk in the facility or in the residence where childcare is provided, during the hours when childcare is provided. In the case of a home educational childcare provider, that obligation extends to the outdoor yard, if it is sometimes used while childcare is being provided, and to the outbuildings in the yard, if applicable. If the yard and outbuildings are shared, the home educational childcare provider must make sure no alcohol is consumed there by any person residing with the home educational childcare provider.

O.C. 582-2006, s. 99; O.C. 1314-2013, s. 54; S.Q. 2024, c. 6, s. 47.

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DIVISION I

SAFETY AND SALUBRITY

100. An educational childcare provider must ensure that the children to whom childcare is provided are constantly supervised and that special attention is given to the children when they are using play equipment or when they take part in an outdoor activity or an outing.

O.C. 582-2006, s. 100; O.C. 1464-2022, s. 23.

101. An educational childcare provider must post, in a conspicuous and accessible place, a list of the telephone numbers for

(1) the Centre antipoison du Québec;

(2) the person designated as the emergency replacement person under section 24 or the first paragraph of section 81; and

(3) the nearest health and social services centre, or the health and social services centre serving the territory.

The educational childcare provider must also ensure that the following lists are kept in an accessible place:

(1) a list of the telephone numbers of the regular staff members and replacements if applicable; and

(2) a list of the telephone numbers of the parent of each child.

O.C. 582-2006, s. 101; O.C. 1314-2013, s. 55; O.C. 1464-2022, s. 24.

102. In the case of an illness or serious accident, the necessary medical assistance must immediately be called and, if possible, the child must be isolated from the group and placed under the supervision of an adult.

The educational childcare provider must notify the parent or any other person designated by the parent as soon as possible.

O.C. 582-2006, s. 102.

103. An educational childcare provider must ensure that toys are safe, non toxic, washable, robust, suitable for the age of the children and in proper operating condition, and comply with the safety standards prescribed by the relevant regulation under the Canada Consumer Product Safety Act (S.C. 2010, c. 21).

O.C. 582-2006, s. 103; O.C. 1314-2013, s. 56.

103.1. An educational childcare provider must ensure that the bedding used by each child is identified and stored separately and does not come into contact with the bedding of another child.

O.C. 1314-2013, s. 56.

104. An educational childcare provider must ensure and be able to demonstrate at all times that any climbing apparatus, swing, slide or similar equipment installed indoors has smooth surfaces with no sharp edges, is safe and is installed and used according to the manufacturer's instructions and conditions of use.

O.C. 582-2006, s. 104; O.C. 1314-2013, s. 57.

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105. An educational childcare provider must ensure that any expansion gates, expandable enclosures, carriages and strollers for babies and children used comply with the relevant regulations made under the Canada Consumer Product Safety Act (S.C. 2010, c. 21).

O.C. 582-2006, s. 105; O.C. 1314-2013, s. 58.

106. An educational childcare provider who uses a portable wading pool must disinfect the pool prior to use and ensure that it is emptied when not in use.

O.C. 582-2006, s. 106; O.C. 1314-2013, s. 59.

107. An educational childcare provider must ensure that no child is left in a bed or on a mattress at times other than the scheduled sleep and rest periods, unless the child is ill or has had an accident.

O.C. 582-2006, s. 107.

108. An educational childcare provider must ensure that no child placed in a bed is restrained.

O.C. 582-2006, s. 108.

109. An educational childcare provider other than a home educational childcare provider must not allow animals on the premises.

O.C. 582-2006, s. 109.

110. An educational childcare provider must, when providing meals and snacks to children, ensure that the meals and snacks comply with Canada's Food Guide published by Health Canada.

O.C. 582-2006, s. 110.

111. If a child is on a special diet prescribed by a member of the Collège des médecins du Québec or by a specialized nurse practitioner, the educational childcare provider must follow the parent's written instructions for the meals and snacks to be served to that child.

O.C. 582-2006, s. 111; S.Q. 2020, c. 6, s. 80.

112. An educational childcare provider other than a home educational childcare provider must post the weekly menu for consultation by the staff and parents and ensure that the meals and snacks served to the children conform to the menu.

A home educational childcare provider must inform parents of the contents of the meals and snacks served to the children.

O.C. 582-2006, s. 112.

113. All food prepared on or brought onto the premises must be kept and served by the educational childcare provider under sanitary conditions at the appropriate temperature.

O.C. 582-2006, s. 113.

114. An educational childcare provider must ensure that the children are taken outdoors at least 60 minutes every day to a safe place where they can be supervised, unless there are conditions that compromise the children's health, safety or well-being.

O.C. 582-2006, s. 114; O.C. 1464-2022, s. 25.

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114.1. The educational childcare provider must ensure that access to the facility or residence where childcare is provided is controlled during the hours when childcare is provided.

O.C. 1314-2013, s. 61.

115. An educational childcare provider may make available to children a television, computer, tablet computer or any other audiovisual equipment only if its use is part of the educational program and occurs sporadically, without exceeding 30 minutes in a same day. Their use is however prohibited for children under 2 years of age.

O.C. 582-2006, s. 115; O.C. 1464-2022, s. 26.

DIVISION II

MEDICATION AND OTHER PRODUCTS

O.C. 582-2006, Div. II; O.C. 1314-2013, s. 62; S.Q. 2024, c. 6, s. 48.

§ 1. — *Keeping, administration and labelling of medication and natural products*

O.C. 582-2006 sd. 1; O.C. 1314-2013, s. 62; S.Q. 2024, c. 6, s. 56.

116. An educational childcare provider may not keep any medication or natural product that is not in its original container or packaging, as the case may be, clearly labelled and marked with the name of the person for whom it is intended.

However, a home educational childcare provider is only subject to the provisions of the first paragraph with regard to medication and natural products for the children receiving childcare.

In this Division, "natural product" means any supplement, vitamin, essential oil, hormone, homeopathic or cosmetic product or other similar product in which active substances are found and that is meant to be ingested, to be applied on the skin or to come into contact with mucous membranes.

O.C. 582-2006, s. 116; O.C. 1314-2013, s. 62; S.Q. 2024, c. 6, s. 49.

117. Subject to the provisions of section 120, the educational childcare provider must ensure that only medication or natural product provided by a parent of the child for whom it is intended is administered to that child.

The label on the container must clearly state the child's name, the name of the medication or the natural product, the expiry date, the dose and the duration of the treatment.

O.C. 582-2006, s. 117; O.C. 1314-2013, s. 62; S.Q. 2024, c. 6, s. 56.

118. The educational childcare provider must ensure that medication or natural products intended for a child receiving childcare is only kept and administered if its administration is authorized in writing by the parent and by a health care professional authorized by law to prescribe the medication or the natural product. The information recorded by the pharmacist on the label identifying the medication or the natural product is proof of the authorization by the health care professional.

An educational childcare provider may not keep medication or natural products for children that has expired. If the medication or the natural product was provided by a parent, it must be returned to the parent.

O.C. 582-2006, s. 118; O.C. 1314-2013, s. 62; S.Q. 2024, c. 6, s. 56.

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119. The written authorization from the parent must include the child's name, the name of the medication or the natural product to be administered, the instructions for administration, the duration of the authorization and the parent's signature.

O.C. 582-2006, s. 119; O.C. 1314-2013, s. 62; S.Q. 2024, c. 6, s. 56.

120. Despite section 118, the educational childcare provider may administer saline nasal drops, an oral hydration solution, diaper rash cream, lubricant jelly in single-dose packs for taking a child's temperature, moisturizing cream, lip balm, calamine lotion or sunscreen cream to a child without the authorization of an accredited health care professional.

With the exception of a saline nasal drops, moisturizing cream and lip balm, the educational childcare provider may supply the medication referred to in the first paragraph. However, if the medication is provided by the parent, the container must be clearly marked with the name of the child concerned.

Despite the provisions of the second paragraph of section 117, the information on the original container or packaging for the lubricant jelly, lip balm and moisturizing cream is sufficient.

O.C. 1314-2013, s. 62.

121. Despite section 116 and the first paragraph of section 118, an educational childcare provider may supply, keep and administer medication or a natural product to any child without the authorization of a health professional, but only in accordance with a written authorization signed by the parent and only if the medication or the natural product is covered by a protocol established in accordance with section 108.0.1 of the Act.

If, in such a case, the medication or the natural product is provided by the parent, its container must be clearly marked with the name of the child for whom it is intended.

O.C. 582-2006, s. 121; O.C. 1314-2013, s. 62; S.Q. 2024, c. 6, s. 50.

121.1. A permit holder must designate one or more persons, in writing, to administer medication or natural products in each facility.

The permit holder must ensure that only a designated person administers medication or natural products to a child.

A home educational childcare provider and any assistant or, in their absence, the replacement referred to in section 81 may administer medication or natural products to a child receiving childcare.

O.C. 1314-2013, s. 62; O.C. 1464-2022, s. 27; S.Q. 2024, c. 6, s. 56.

121.2. The educational childcare provider must keep a medication or a natural product administration sheet for each child receiving childcare.

The medication or the natural product administration sheet must contain the name of the child, the name of the parent, the name of the medication or the natural product for which the parent authorizes administration, the date and hour of administration to the child, the dose administered, the name of the person who administered the medication or the natural product, and that person's signature.

However, the educational childcare provider is not required to record information, on the sheet, concerning the administration of a medication provided for in section 120, except calamine lotion and oral hydration solution.

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The educational childcare provider must ensure that a person who administers medication or natural products records that fact on the sheet.

O.C. 1314-2013, s. 62; S.Q. 2024, c. 6, s. 56.

121.3. The educational childcare provider must keep the medication or the natural product administration sheet, the administration protocols and the authorizations, if required, in a file reserved for that purpose, kept on the premises and available for consultation by a person administering medication or natural products.

The original copy of the file and the documents it contains must be given to the parent when childcare services are no longer required for the child. A copy of the file and of the documents it contains must be kept for 3 years after the childcare ceases.

O.C. 1314-2013, s. 62; S.Q. 2024, c. 6, s. 56.

§ 2. — *Storage of medication and natural products*

O.C. 1314-2013, s. 62; S.Q. 2024, c. 6, s. 56.

121.4. An educational childcare provider must ensure that medication or natural products are stored in a storage space out of the reach of children and away from food, toxic products and cleaning products. The permit holder must keep the storage space locked.

However, oral hydration solutions need not be stored away from food or under lock and key.

Similarly, saline nasal drops, diaper rash cream, lubricant jelly, moisturizing cream, lip balm and sunscreen cream need not be stored under lock and key.

Epinephrine auto-injectors need not be stored under lock and key and must be accessible to staff members and the home educational childcare provider, a replacement or an assistant.

O.C. 1314-2013, s. 62; S.Q. 2024, c. 6, s. 56.

121.5. A home educational childcare provider must store the medication or the natural products intended for children receiving care separately from other medication or natural products used in the residence where childcare is provided.

O.C. 1314-2013, s. 62; S.Q. 2024, c. 6, s. 56.

§ 3. — *Keeping, administration and storage of insect repellents*

O.C. 1314-2013, s. 62.

121.6. The educational childcare provider must ensure that no insect repellent is kept or administered to a child receiving childcare except in accordance with a written authorization signed by the parent and only if the insect repellent is covered by a protocol established in accordance with section 108.0.1 of the Act.

The educational childcare provider must ensure that the insect repellent is clearly labelled, kept in its original container, and stored in a storage space out of the reach of children and away from food, medication and natural products. The permit holder must keep the storage space locked.

O.C. 1314-2013, s. 62; S.Q. 2024, c. 6, s. 51.

121.7. The permit holder must designate, in writing, one or more persons to apply insect repellent in each facility.

The permit holder must ensure that only a designated person applies insect repellent.

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A home educational childcare provider and any assistant or, in their absence, the replacement referred to in section 81 may apply insect repellent to a child receiving childcare in accordance with section 121.6.

O.C. 1314-2013, s. 62; O.C. 1464-2022, s. 28; S.Q. 2024, c. 6, s. 52.

121.8. The educational childcare provider must ensure that a person who applies insect repellent records that fact on the sheet provided for in section 121.2.

O.C. 1314-2013, s. 62.

§ 4. — *Labelling and storage of toxic products and cleaning products*

O.C. 1314-2013, s. 62.

121.9. The educational childcare provider must ensure that toxic products and cleaning products are clearly labelled and stored out of the reach of children in a locked storage space reserved for that purpose.

For the purposes of the first paragraph, a product stored in a locked storage space, in a room that is not accessible to the children receiving care and is locked at all times when the staff are not present, is considered to be out of the reach of children.

Similarly, a product stored under lock and key in the residence where home educational childcare is provided is considered to be out of the reach of children.

Despite le first paragraph, an alcohol-based hand sanitizer dispenser, provided it is out of the reach of children, need not be stored under lock and key.

O.C. 1314-2013, s. 62.

DIVISION III

REGISTRATION AND ATTENDANCE CARDS

122. An educational childcare provider must keep for each child, in accordance with section 58 of the Act, a registration card recording

(1) the name, date of birth, address and telephone number of the child and the language understood and spoken by the child;

(2) the names, addresses and telephone numbers of the parent, a person authorized to pick up the child and a person designated as an emergency contact;

(3) the date of admission of the child and the days or half-days of attendance per week;

(4) the parent's instructions concerning the measures to be taken for the child's health in an emergency and any conditions for authorizing the participation of the child in organized outings while the childcare is being provided; and

(5) information on the health and diet of a child who requires special care and, where applicable, the name, address and telephone number of the child's physician or specialized nurse practitioner.

The card must be signed by the parent and kept on the premises where the childcare is provided and given to the parent when childcare is no longer required.

O.C. 582-2006, s. 122; O.C. 1314-2013, s. 63; S.Q. 2020, c. 6, s. 81.

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123. An educational childcare provider must keep, in accordance with section 58 of the Act, an attendance card recording

(1) the names of the parent and child;

(2) the dates and days or half-days of the child's attendance; and

(3) the date as of which childcare is no longer required.

The attendance card must be updated daily and signed by the parent every 4 weeks if the child is receiving childcare from a permit holder or every 2 weeks if the child is receiving childcare from a home educational childcare provider. The card must be accessible on the premises where the childcare is provided and kept for 6 years after termination of childcare.

O.C. 582-2006, s. 123; O.C. 249-2016, s. 15; O.C. 1464-2022, s. 29.

DIVISION IV

EDUCATION RECORD

O.C. 479-2019, s. 7.

123.0.1. In accordance with section 57.1 of the Act, educational 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.

O.C. 479-2019, s. 7.

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 educational childcare provider or the provider's assistant may access a child's education record, enter information and file documents in it.

O.C. 479-2019, s. 7.

123.0.3. An educational 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 educational 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.

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However, an educational 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.

O.C. 479-2019, s. 7.

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

O.C. 479-2019, s. 7.

123.0.4.1. Despite sections 123.0.3 and 123.0.4, a periodic portrait of the child's development need not be prepared in November 2020 nor sent to the parent at the latest by the following 15 December.

O.C. 1228-2020, s. 1.

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

O.C. 479-2019, s. 7.

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

When childcare is no longer required, an educational 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 educational childcare provider must destroy the copy.

O.C. 479-2019, s. 7.

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.

O.C. 479-2019, s. 7.

DIVISION V

CHILDCARE AT NIGHT

O.C. 1464-2022, s. 30.

123.0.8. This section applies to an educational childcare provider who provides childcare to a child who is put to bed for the night or part of the night.

O.C. 1464-2022, s. 30.

123.0.9. With respect to a child who receives childcare at night in accordance with this Division, the educational childcare provider is exempted from the application of the first paragraph of section 23, section 24, the first paragraph of section 36 and sections 93, 100 and 114 when the child is in bed or preparing for bed. In addition, the educational program does not apply during sleep and the provisions of the child's education record do not apply to a child who is only receiving childcare during sleep, the immediate preparation for sleep and wake time.

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Despite the first paragraph, the following standards apply to an educational childcare provider referred to in this Division:

(1) a permit holder must ensure that at least 1 childcare staff member out of 3 is qualified and present with the children while childcare is provided;

(2) a permit holder must ensure that at least 2 childcare staff members are present in the facility of the permit holder while childcare is provided;

(3) a permit holder must ensure that the children are under constant auditory supervision and under visual supervision every 30 minutes or less;

(4) a home educational childcare provider must ensure that the space reserved for putting a child to bed is situated on the same storey as the space the provider occupies for bed;

(5) a home educational childcare provider must ensure that the children are under constant electronic auditory supervision while they are sleeping;

(6) an educational childcare provider must have, for each child under 18 months of age, a crib with posts and slats as defined in section 37 and, for each of the other children accommodated, a bed;

(7) an educational childcare provider must provide the bedding to cover each child that must be used only by that child until the bedding is washed, unless the parent wishes, on the parent's own initiative, to provide bedding which the provider considers appropriate and safe.

O.C. 1464-2022, s. 30.

CHAPTER IV.1

ADMINISTRATIVE PENALTIES

S.Q. 2010, c. 39, s. 29.

123.1. A person designated by the Minister for that purpose may impose an administrative penalty after ascertaining that a permit holder has failed to comply with a non-compliance notice issued under section 65 of the Act for a contravention of any of sections 4, 4.1, 6, 6.9 to 6.14, 16.1, 18.1, 20, 21, 23, 23.1, 25, 30 to 43, 100 to 123, 123.0.1 to 123.0.7 and 123.0.9.

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

S.Q. 2010, c. 39, s. 29; O.C. 1314-2013, s. 64; O.C. 479-2019, s. 8; O.C. 1464-2022, s. 31; O.C. 102-2024, s. 3.

123.2. A person who owes a recoverable amount is required to pay the following fees:

(1) $50 for a certificate issued under section 101.15 of the Act;

(2) $175 for each measure taken to secure a debt pursuant to Title III of Book VI of the Civil Code and for each measure taken pursuant to Chapter IV of Title 1 of Book VIII of the Code of Civil Procedure (chapter C-25.01).

O.C. 1314-2013, s. 65; I.N. 2016-01-01 (NCCP).

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CHAPTER V

OFFENCES

124. A permit holder that contravenes any of the provisions of sections 4, 4.1, 6, 20, 21, 23 to 26, 30, 34, 38 to 38.1, 39.2 to 43, 98 to 123, 123.0.2, 123.0.6, 123.0.7 and 123.0.9 commits an offence under section 117 of the Act.

O.C. 582-2006, s. 124; O.C. 1314-2013, s. 66; O.C. 479-2019, s. 9; S.Q. 2022, c. 9, s. 94; O.C. 1464-2022, s. 32.

125. The holder of an accreditation as a home educational childcare coordinating office that contravenes any of sections 45 and 47 to 48.1 commits an offence under section 117 of the Act.

O.C. 582-2006, s. 125; S.Q. 2022, c. 9, s. 95.

CHAPTER VI

TRANSITIONAL AND FINAL

126. A permit holder who, on 30 August 2006, is authorized to provide childcare in a facility that does not meet the requirements of the definition of the word “facility” in section 1, may continue to provide the childcare in that facility and apply for renewal of the permit on the same conditions if the other requirements of the Act and its regulations are met.

O.C. 582-2006, s. 126.

127. Despite section 7, a permit holder who, on 30 August 2006, is authorized under the permit to provide childcare to more than 100 children in a facility may apply for renewal of the permit for the same number of children if the other requirements of the Act and its regulations are met.

O.C. 582-2006, s. 127; S.Q. 2022, c. 9, s. 96.

128. The prohibition in section 9 respecting the number of facilities in the same building does not apply to the facilities operated by a permit holder on 30 August 2006.

O.C. 582-2006, s. 128.

129. The following persons are deemed to be qualified as provided by section 22:

(1) a member of the childcare staff who, on 30 August 2006, has the qualifications required by sections 17, 18 and 18.1 of the Regulation respecting childcare centres (O.C. 1069-97, 97-08-20) or sections 9, 9.0.1 and 9.0.2 of the Regulation respecting day care centres (O.C. 1971-83, 83-09-28) as they read on that date;

(2) a person who, since 31 May 2004, has been enrolled in a program of studies leading to one of the qualification requirements set out in section 17 of the Regulation respecting childcare centres or section 9 of the Regulation respecting day care centres as they read on that date, as of the date the person completes the program; and

(3) a person who, since 31 May 2004, has been enrolled in any of the courses leading to the qualification requirement set out in subparagraph 4 of the first paragraph of section 17 of the Regulation respecting childcare centres or subparagraph 4 of the first paragraph of section 9 of the Regulation respecting day care centres as they read on that date, as of the date on which the person completes the course.

O.C. 582-2006, s. 129.

130. Every person who, since 31 May 2004, has obtained an attestation in childcare studies or family studies or is in the process of acquiring the experience leading to the qualification requirement set out referred to in subparagraph 5 of the first paragraph of section 17 of the Regulation respecting childcare centres (O.C.

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1069-97, 97-08-20) or subparagraph 4 of the first paragraph of section 9 of the Regulation respecting day care centres (O.C. 1971-83, 83-09-28) as they read on that date is deemed to have the qualifications required on the date the person acquires the 3 years of experience required therein.

O.C. 582-2006, s. 130.

131. A person who, on 30 August 2006, holds a day care permit has until 31 August 2011 to comply with the requirements of section 23.

During that time, at least 1 of the permit holder's childcare staff members out of 3 must have one of the qualifications required by that section.

O.C. 582-2006, s. 131.

132. *(Revoked).*

O.C. 582-2006, s. 132; O.C. 1314-2013, s. 67.

133. *(Revoked).*

O.C. 582-2006, s. 133; O.C. 1314-2013, s. 68.

134. Sections 31 and 32 apply to a person holding a permit on 30 August 2006, subject to the vested rights recognized and any waiver granted by the Minister under the Act respecting childcare centres and childcare services (chapter C-8.2), the Regulation respecting childcare centres (O.C. 1069-97, 97-08-20) or the Regulation respecting day care centres (O.C. 1971-83, 83-09-28).

O.C. 582-2006, s. 134.

135. Two permit holders who, on 30 August 2006, occupy the same outdoor play space described in subparagraph 1 of the first paragraph of section 39 may continue to occupy the space provided that the surface area of the space is at least 4 m^2 per child, allowing for at least one third of the sum of the maximum number of children stated on each permit to be accommodated.

O.C. 582-2006, s. 135.

135.1. The holder of a permit issued before 1 September 2022 is exempted from the requirement prescribed by paragraph 1 of section 32 to the extent that the play area referred to in that section is equipped with a window that remains unobstructed at all times through which the play area may be viewed. The permit holder is also exempted from the requirement prescribed by paragraph 2 of section 32 to the extent that the play area referred to in that section has, on average, at least half of its floor/ceiling height above ground level.

The same applies for a permit holder whose plans for the premises of a facility were approved by the Minister before that date in accordance with sections 18 and 19 of the Act, provided a permit is issued.

The exemptions referred to in the first and second paragraphs remain valid until changes to the structures covered by the exemptions require the approval of new plans, in accordance with sections 18 and 19 of the Act, and the work covered by the plans has been carried out.

O.C. 1464-2022, s. 33.

136. *(Obsolete).*

O.C. 582-2006, s. 136.

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137. This Regulation replaces the Regulation respecting childcare centres made by (O.C. 1069-97, 97-08-20), and the Regulation respecting day care centres (O.C. 1971-83, 83-09-28).

O.C. 582-2006, s. 137.

138. *(Omitted).*

O.C. 582-2006, s. 138.

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SCHEDULE I

(ss. 34 and 91)

FIRST AID KIT CONTENTS

A basic first-aid manual

At least 1 pair of bandage scissors

At least 1 pair of splinter forceps

Several pairs of disposable gloves

A disposable protective device used for cardiopulmonary resuscitation

Individually wrapped sterile adhesive bandages of various shapes and sizes

Sterile gauze compresses (102 mm × 102 mm)

Individually wrapped sterile bandage compresses

Roll of hypoallergenic adhesive tape (25 mm × 9 m)

Rolls of sterile gauze bandage (50 mm × 9 m and 102 mm × 9 m)

Eye bandages

Individually wrapped antiseptic swabs to disinfect hands

Alcohol swabs to disinfect instruments

At least one digital thermometer with disposable tips to take axillary temperature

Triangular bandages

Safety pins

Sealable plastic bags to hold contaminated objects

O.C. 582-2006, Sch. I; O.C. 1314-2013, s. 69.

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SCHEDULE II

(Revoked)

O.C. 582-2006, Sch. II; O.C. 1314-2013, s. 69; S.Q. 2020, c. 6, s. 82; O.C. 1464-2022, s. 34; S.Q. 2024, c. 6, s. 55.

TRANSITIONAL

2022

(O.C. 1464-2022) **SECTION 35**. A home educational childcare coordinating office that, on 1 September 2022, has not yet ruled on an application for the suspension of recognition made by a home educational childcare provider must render its decision under sections 79 to 80 of the Educational Childcare Regulation (chapter S-4.1.1, r. 2), as amended by sections 16 to 19 of this Regulation.

SECTION 36. A home educational childcare provider who, on 1 September 2022, provides childcare to a child to be put to bed for the night or part of the night and for whom the provider does not meet the requirement provided for in subparagraph 4 of the second paragraph of section 123.0.9 of the Educational Childcare Regulation, enacted by section 30 of this Regulation, may continue to provide childcare to the child without complying with the requirement until 1 September 2023.

2019

(O.C. 479-2019) **SECTION 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.

SECTION 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.

2013

(O.C. 1314-2013) **SECTION 70**. Despite section 15 of the Educational Childcare Regulation as amended by section 9 of this Regulation, a fee of $88 is payable on the filing of an application for a permit renewal application between 1 April 2013 and 31 March 2014. The fee increases to $225 for an application filed between 1 April 2014 and 31 March 2015 and to $365 for an application filed between 1 April 2015 and 31 March 2016.

SECTION 71. The provisions of section 57 of the Educational Childcare Regulation as it read before the amendment made by section 29 of this Regulation apply to a person who, on 1 April 2014, is a recognized home childcare provider, for as long as that person remains a recognized home childcare provider.

SECTION 72. The provisions of section 58 of the Educational Childcare Regulation as it read before the amendment made by section 30 of this Regulation apply to a person who, on 1 April 2014, assists a recognized home childcare provider, for as long as that person remains an assistant.

SECTION 73. A home childcare coordinating office that, in accordance with the provisions of paragraph 12 of section 60 of the Educational Childcare Regulation as it read before the amendment made by section 32 of this Regulation, holds the documents listed in that paragraph has until 30 June 2014 to transfer them to a recognized home childcare provider.

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SECTION 74. A person who, on 1 April 2014, acts as an occasional replacement has until 30 September 2014 to comply with section 82.1 of the Educational Childcare Regulation, as introduced by section 45 of this Regulation.

SECTION 75. A home childcare provider who designated an occasional replacement on or before 1 April 2014 has until 30 September 2014 to comply with the provisions of section 82.2 of the Educational Childcare Regulation, as introduced by section 45 of this Regulation.

UPDATES
O.C. 582-2006, 2006 G.O. 2, 2161
S.Q. 2007, c. 30, ss. 20 to 22
S.Q. 2009, c. 36, ss. 102 and 103
S.Q. 2010, c. 39, ss. 24 to 29
S.Q. 2010, c. 7, s. 282
S.Q. 2010, c. 40, s. 92
O.C. 1314-2013, 2014 G.O. 2, 15
O.C. 249-2016, 2016 G.O. 2, 1435
S.Q. 2017, c. 31, ss. 25 to 27
O.C. 1180-2017, 2017 G.O. 2, 3825
S.Q. 2017, c. 31, s. 24
S.Q. 2017, c. 18, s. 114
O.C. 479-2019, 2019 G.O. 2, 797
S.Q. 2020, c. 5, s. 214
O.C. 1228-2020, 2020 G.O. 2, 3111A
S.Q. 2020, c. 6, ss. 75 to 82
S.Q. 2021, c. 15, s. 102
O.C. 879-2021, 2021 G.O. 2, 2586
S.Q. 2022, c. 9, ss. 86, 87, 89 to 97
S.Q. 2022, c. 9, ss. 86, 88 and 92
O.C. 1464-2022, 2022 G.O. 2, 3373
O.C. 102-2024, 2024 G.O. 2, 379
S.Q. 2024, c. 6, ss. 44, 47 to 52, 55 and 56

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