

Provisions of the *Educational Childcare Regulation* Concerning a Child's Education Record

Under the *Educational Childcare Act* (CQLR, c. S-4.1.1) (the "Act"), childcare providers ("providers") must now keep an education record for each child in their care. The *Educational Childcare Regulation* (CQLR, c. S-4.1.1, r. 2) (the "Regulation") clarifies this requirement.

Child's education record

Content

- Each child's education record must include only the following documents and information (section 123.0.1 of the Regulation):
 - the child's name and date of birth, the name of the parent or tutor, and the date on which the provision of childcare services began;
 - the periodic portraits of the child's development ("periodic portraits"), the content of which is discussed below;
 - if applicable, documents or information related to the special support granted to the child and taken into account when drawing up the periodic portrait, namely:
 - in whole or in part, documents that can support observations related to the child's development, such as a report by a health and social services network professional or an integration plan prepared by the provider in cooperation with the parents;
 - other documents selected based on the special support granted to the child, such as information on the specialized resources involved.
- Entering information or filing documents in a child's education record can be done only (section 123.0.2 of the Regulation):
 - in an establishment: by a person who applies the educational program or sees to its application;
 - in home childcare: by the home childcare provider or the provider's assistant.

Format (section 123.0.1 of the Regulation)

- There is no prescribed format for the education record (or the periodic portraits).
- Providers who wish to do so can use the model produced by the Ministère de la Famille.

Periodic portrait of the child's development

Content (section 123.0.3 of the Regulation)

- The periodic portrait is in line with the broad guidelines of the *Accueillir la petite enfance* education program.
- It must contain a brief description of the child's development in each area of development (physical and motor, cognitive, language, and social and emotional).
- It is used to provide a qualitative assessment of the child's evolution in each area during the period (since the last periodic portrait and/or since his or her arrival at the provider) and can be written in the form of comments pointing out the child's strengths, interests, progress or challenges.

- All the periodic portraits forming part of the education record must be able to show the evolution of the child's overall development, help detect any difficulties the child may have (if the educational staff finds that, despite their intervention, the child is making little or no progress in one or more areas) and facilitate the child's various transitions.

Preparation

- A periodic portrait is written up, dated and signed by the person applying the educational program in respect of a child (educator in charge of the child's group or home childcare provider) (section 123.0.3 of the Regulation).
- It must be prepared in November and May, and sent to the parent not later than December 15 and June 15 of each year (sections 123.0.3 and 123.0.4 of the Regulation).
 - However, a provider is not required to prepare a periodic portrait for a child for whom he or she has been providing childcare for less than 60 days (section 123.0.3 of the Regulation).

A child's first periodic portrait must be completed by all childcare providers as of May 2021 and be given to the parent not later than June 15, 2021.

Communication to the parent and retention of the child's education record

- The provider may send a periodic portrait electronically or in paper form. He or she must keep proof of its communication to the parent (section 123.0.4 of the Regulation).
- If the parent so requests, the provider must make him or herself available for a meeting concerning the periodic portrait of the child's development (section 123.0.5).
- When childcare services are no longer provided, the original copy of the education record is given to the parent. The provider is required to keep a copy for one year, as well as proof of its communication to the parent. At the end of this period, the provider must destroy the copy of the education record (sections 123.0.4 and 123.0.6 of the Regulation).
- The parent is free to make use of the education record as needed.

Confidentiality, communication and reproduction of a child's education record

- Subject to the provisions of section 57.1 of the Act, access to each child's education record is restricted because of the type of information that it contains (section 123.0.7 of the Regulation).
 - Before communicating a child's education record to a third party (e.g.: school system, other childcare provider, physician, speech therapist), a provider must first obtain the parent's authorization in writing. However, when the child is changed to another group with the same provider, the parent does not need to authorize communication of the record (section 123.0.7 of the Regulation). The same applies when the record is required as part of the performance of the duties of an inspector from the Ministère de la Famille.
 - Before reproducing all or part of a child's education record, a provider must first obtain the parent's authorization in writing. However, if reproduction of the record is required for internal use where the childcare is provided, the parent's authorization is not needed (section 123.0.7 of the Regulation).