

## 10. RIGHTS FOR CHILDREN IN CHILD CARE FACILITIES

10.1. Right to freedom from abuse and neglect. Children shall be free from mental, verbal, physical and/or sexual abuse, neglect and exploitation.

10.2. Right to confidentiality. Children's records and information kept by the Child Care Facility are confidential. Child Care Facilities must follow the rules regarding confidentiality in Section 9.14 of these rules.

10.3. Right to freedom from harmful actions or practices. Each child has the right to freedom from harmful actions or practices that are detrimental to the child's welfare, and to practices that are potentially harmful to the child.

10.4. Right to a safe and healthy environment. Each child has a right to an environment that meets the health and safety standards in these rules.

10.5. Right to be free from discrimination. A child shall be provided child care services without regard to race, age, national origin, religion, disability, sex or family composition.

10.6. Right to consideration and respect. Children shall be treated with dignity, consideration and respect in full recognition of their individuality. This includes the use of developmentally appropriate practices by the Child Care Facility.

10.7. Right to be informed of services provided by the Child Care Facility. A child's legal guardian shall be fully informed of items or services which are included in the rate they pay for childcare services.

10.8. Right to information regarding the Child Care Facility's deficiencies. A child's legal guardian has the right to be fully informed of findings of the most recent licensing review conducted by the department. The Child Care Facility must inform children's legal guardians that the licensing review results are public information and available for examination upon request. Legal guardians shall be notified in a timely manner by the Child Care Facility of any actions proposed or taken against the Child Care Facility by the department, including but not limited to, decisions to issue conditional licenses, refusal to renew a license or to impose fines or other sanctions.

10.9. Right to a service plan. Each child has the right to expect the licensee to assist him/her in implementing any reasonable plan of service developed with community or state agencies.

10.10. Right to a variety of appropriate activities, materials and equipment. Each child has a right to a variety of activities, materials, and equipment that meets the child's interests and capabilities.

10.11. Mandatory report of rights violations. Any person or professional who provides health care, social services or mental health services or who administers a Child Care Facility or program who reasonably believes that the rules pertaining to children's rights, and the conduct of childcare have been violated, must report this information to the Division of Licensing and Regulatory Services. Any person reporting suspected abuse and neglect shall report this information to Child Protective Intake Services, pursuant to Title 22 M.R.S.A chapter 1071 and Section 21of these rules. Documentation must be maintained in the facility that a report has been made.

10.12. Reasonable modifications and accommodations. To afford individuals with disabilities the opportunity to participate in a childcare program, the Child Care Facility must act as follows:

10.12.1. 1. The Child Care Facility must make reasonable modifications to their policies and practices to include children, parents and guardians with disabilities, unless to do so would be a fundamental alteration of their program.

10.12.2. The Child Care Facility must make the facility accessible to people with disabilities. Existing facilities must remove any readily achievable barriers, while newly constructed facilities and any altered portions of existing facilities must be fully accessible. If existing barriers can be easily removed without much difficulty or expense, licensees must remove those barriers immediately even if there are no children with disabilities using the program. (Installing offset hinges to widen a door opening, installing grab bars in toilet stalls, or rearranging tables, chairs or other furniture are all examples of readily achievable barrier removal.)