

Section XII RIGHTS FOR CHILDREN IN NURSERY SCHOOLS

- A. **Right to freedom from abuse and neglect.** Children shall be free from mental, verbal, physical and/or sexual abuse, neglect and exploitation.
- B. **Right to confidentiality.** Children's records and information kept by the Nursery School is confidential. Nursery Schools shall follow the rules regarding confidentiality as outlined in Section XI.D of these Rules.
- C. **Right to freedom from harmful actions or practices.** Each child has the right to freedom from harmful actions or practices that are detrimental to his/her welfare and to practices that are potentially harmful to the child.
- D. **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.
- E. **Right to be free from discrimination.** A child shall be provided Nursery School's services without regard to race, age, national origin, religion, disability, sex or family composition.
- F. **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 Nursery School.
- G. **Right to be informed of services provided by the Nursery School.** A child's legal guardian shall be fully informed of items or services which are included in the rate they pay for Nursery School services.
- H. **Right to information regarding the Nursery School'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 Nursery School shall inform children's legal representatives that the licensing review results are public information and available for examination upon request. Legal representatives shall be notified in a timely manner by the Nursery School of any actions proposed or taken against the Nursery School by the Department, including but not limited to, decisions to issue Conditional licenses, refusal to renew a license or to impose other sanctions.
- I. **Right to a service plan.** Each child has the right to expect the provider to assist him/her in implementing any reasonable plan of service developed with community or state agencies.
- J. **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.
- K. **Mandatory report of rights violations.** Any person or professional who provides health care, social services or mental health services or who administers a Nursery School program who believes that the rules pertaining to children's rights and the conduct of child care have been violated, shall report this information to the Department of Health and Human Services, Child Care Licensing Unit. Any person reporting suspected abuse and neglect shall report this information to Child Protective Intake Services, pursuant to

Title 22 M.R.S.A. § 4011-A and Section XXIII of these Rules. Documentation shall be maintained in the facility that a report has been made.

- L. **Reasonable modifications and accommodations.** To afford individuals with disabilities the opportunity to participate in a Nursery School program, the Nursery School shall act as follows:
1. The Nursery School 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.
 2. The Nursery School must make the Nursery School accessible to people with disabilities. Existing Nursery Schools must remove any readily achievable barriers, while newly constructed Nursery Schools and any altered portions of existing Nursery Schools must be fully accessible. If existing barriers can be easily removed without much difficulty or expense, providers must remove those barriers immediately even if there are no children with disabilities using the program. (Rearranging tables, chairs or other furniture are all examples of readily achievable barrier removal).