

CHAPTER 1675

NURSERY SCHOOLS

§8401. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1989, c. 700, Pt. A, §98 (NEW).]

1. Children.

[PL 2001, c. 645, §9 (RP).]

2. Nursery school. "Nursery school" has the same meaning as in section 8301-A, subsection 1-A, paragraph D.

A. [PL 2001, c. 645, §9 (RP).]

B. [PL 2001, c. 645, §9 (RP).]

C. [PL 2001, c. 645, §9 (RP).]

D. [PL 2001, c. 645, §9 (RP).]

[PL 2001, c. 645, §9 (AMD).]

SECTION HISTORY

PL 1975, c. 709, §2 (NEW). PL 1989, c. 700, §A98 (AMD). PL 2001, c. 645, §9 (AMD).

§8402. Licensure

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

1. License required.

[PL 1983, c. 386, §4 (RP).]

2. Term of license.

[PL 1983, c. 386, §4 (RP).]

3. Requirements. In order to receive a license from the department, a nursery school must meet the requirements of chapter 1673 applicable to nursery schools and the following requirements.

A. **(TEXT EFFECTIVE UNTIL 9/1/21)** The department shall adopt rules regarding the health of staff as required to protect the health and safety of the children. The rules must include a requirement that every 2 years each licensee, administrator or other staff member of the nursery school who provides care for children be declared free from communicable disease by a licensed physician, except that this requirement may be waived for a person who objects on the grounds of sincerely held religious or philosophical belief. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter II-A. [PL 2001, c. 645, §10 (AMD).]

A. **(TEXT EFFECTIVE 9/1/21)** The department shall adopt rules regarding the health of staff as required to protect the health and safety of the children. The rules must include a requirement that every 2 years each licensee, administrator or other staff member of the nursery school who provides care for children be declared free from communicable disease by a licensed physician, nurse practitioner or physician assistant. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [PL 2019, c. 154, §10 (AMD); PL 2019, c. 154, §12 (AFF).]

B. Drinking water that is taken from sources other than a public water system must pass a test for bacteria, nitrates and nitrites every year and must pass a partial chemical test every 4 years. [PL 2001, c. 645, §10 (AMD).]

C. The nursery school carries minimum liability insurance of \$100,000 per person and \$300,000 per occurrence. [PL 2001, c. 645, §10 (AMD).]

D. [PL 2001, c. 645, §10 (RP).]

E. The nursery school meets, biennially, the fire safety requirements specified in section 8403, subsection 2. [PL 2005, c. 640, §5 (AMD).]

F. [PL 2001, c. 645, §10 (RP).]

[PL 2005, c. 640, §5 (AMD); PL 2019, c. 154, §10 (AMD); PL 2019, c. 154, §12 (AFF).]

3-A. Rules. The department shall establish routine technical rules pursuant to Title 5, chapter 375, subchapter II-A for the safe operation of nursery schools. These rules must be reasonably related to the health and safety of children cared for in nursery schools. [PL 2001, c. 266, §1 (NEW).]

4. License issued promptly. The department shall issue with reasonable promptness a license to each nursery school from which the department has received and verified documentation indicating that the nursery school has met the requirements included in subsection 3. [PL 1975, c. 709, §2 (NEW).]

5. Fee.

[PL 1993, c. 353, §6 (RP); PL 1993, c. 353, §7 (AFF).]

6. Relationship to licensing of child care facilities. A nursery school must be licensed as a child care facility under chapter 1673. [PL 2001, c. 645, §11 (AMD).]

SECTION HISTORY

PL 1975, c. 709, §2 (NEW). PL 1977, c. 497, §8 (AMD). PL 1983, c. 386, §4 (AMD). PL 1993, c. 353, §6 (AMD). PL 1993, c. 353, §7 (AFF). PL 2001, c. 266, §1 (AMD). PL 2001, c. 645, §§10,11 (AMD). PL 2005, c. 640, §5 (AMD). PL 2019, c. 154, §10 (AMD). PL 2019, c. 154, §12 (AFF).

§8402-A. Rules and regulations

The department shall establish rules and regulations for the administration of medication in nursery schools. [PL 1977, c. 497, §9 (NEW).]

SECTION HISTORY

PL 1977, c. 497, §9 (NEW).

§8403. Fire safety

1. Inspection required. A license may not be issued by the department for a nursery school until the department has received from the Commissioner of Public Safety a written statement signed by one of the officials designated in Title 25, section 2360, 2391 or 2392 to make fire safety inspections. [PL 1997, c. 728, §14 (AMD).]

2. Requirements. This written statement must be furnished biennially to the department and must indicate that the nursery school has complied with at least the requirements of the Life Safety Code of the National Fire Protection Association that are specified in:

A. The family day care homes section, if the nursery school has at least 3 but no more than 6 children per session; [PL 1997, c. 728, §14 (AMD).]

B. The group day care homes section, if the nursery school has at least 7 but no more than 20 children per session; or [PL 1975, c. 709, §2 (NEW).]

C. The child day care centers section, if the nursery school has more than 20 children per session. [PL 1975, c. 709, §2 (NEW).]

[PL 2005, c. 640, §6 (AMD).]

3. Fees. The department shall establish and pay reasonable fees to the Department of Public Safety or municipal officials for each such inspection. Fees collected by the Department of Public Safety must be deposited into a special revenue account to defray expenses in carrying out this section. Any balance of fees may not lapse but must be carried forward as a continuing account to be expended for the same purposes in the following fiscal years.

[PL 1997, c. 728, §14 (AMD).]

SECTION HISTORY

PL 1975, c. 709, §2 (NEW). PL 1997, c. 728, §14 (AMD). PL 2005, c. 640, §6 (AMD).

§8404. Existing nursery schools

(REPEALED)

SECTION HISTORY

PL 1975, c. 709, §2 (NEW). PL 1981, c. 470, §A119 (RP).

§8405. Exemption from certain requirements for accredited Montessori schools

Notwithstanding any provision of this chapter or chapter 1673 or rules adopted pursuant to this chapter or chapter 1673, a nursery school that is accredited as a Montessori school by a national or international accreditation organization may apply to the commissioner for an exemption from those requirements of this chapter or chapter 1673 or rules adopted pursuant to this chapter or chapter 1673 that conflict with the recognized tenets of the Montessori philosophy. [PL 2005, c. 224, §2 (NEW).]

The commissioner shall adopt rules to implement this section. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [PL 2005, c. 224, §2 (NEW).]

SECTION HISTORY

PL 2005, c. 224, §2 (NEW).

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