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Interpretation

Question: If a day care center has a policy that it will not dispense medications and that policy results in a child with a disability being excluded from the center because the child requires medication, is this a violation of the licensing standards?

Applicable To: Licensed Day Care Centers

Policy Citation: 89 IAC 407.250(a)

The day care center shall enroll only those children eligible under the center's written enrollment policies. The center shall not use eligibility criteria which screen out children with disabilities, and shall make reasonable modifications in policies, practices and procedures to accommodate children with disabilities.

Discussion: The above standard means that a day care center cannot adopt a policy that effectively screens out a child with a disability. If a day care center policy has the effect of screening out a child with a disability recognized by the Americans with Disabilities Act, the center must modify its policy.

In the case of medications, a day care center may determine that, as a general policy, it will not dispense medications to children. However, if a parent seeks enrollment of a child with a disability who requires medication during the course of his or her daily care, the day care center must make an exception to its policy and provide the prescribed medication to the child with a disability.

Response: A day care center with a policy of not dispensing medications must adapt or modify that policy to accept a child with a disability for enrollment. The day care center may not use its "no medications" policy to exclude a child with a disability who may require medication.