



MISSOURI DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION  
OFFICE OF CHILDHOOD - CHILD CARE COMPLIANCE

COMPLAINT INVESTIGATION OF  
SUBSTANTIATED STATUTE OR RULE VIOLATIONS

DATE OF REPORT  
11/13/2017

DVN  
001118632

FACILITY NAME

BOEUFF PRESBYTERIAN CHILD CARE

FACILITY ADDRESS

407 S PINE STREET

CITY

GERALD

ZIP CODE

63037

PHONE NUMBER

(573) 764-4165

COUNTY

FRANKLIN

ASSIGNED SPECIALIST

DIXON, LEATRICE L

RULE/STATUTE VIOLATION(S)

VIOLATION(S)

RSMo 210.254.2(5)

The notice of parental responsibility shall include the following: The disciplinary philosophy and policies of the child-care facility.

CONCLUSION SUMMARY

Based on the investigation, the allegation that on November 10, 2017, Child A (5-years-old) had been restrained by a teacher, Tabitha Hupsfeld, is substantiated.

On November 14, 2017, Parent A (parent of Child A) stated that she was aware of the incident that occurred with Child A being restrained but the incident actually occurred on November 9, 2017. Family Member A is a family member of Child A and also works at the daycare. Child A does not get along with Family Member A and Family Member A uses what she knows about Child A to embarrass him at family gatherings. She has asked Center Director Danah Budnick to not put Child A in the same room with Family Member A while in care. Because of this, Child A is often sent to be cared for in the preschool space, rather than the latchkey space. On November 9, 2017, Ms. Danah contacted her to report that Child A was again misbehaving and was involved with 5 or 6 kids who had been pushing and hitting. Ms. Danah asked her if she could she pick up Child A so she called Grandparent A to pick up Child A. Grandparent A had already been planning on picking up Child A and was there in just a few minutes. Upon arrival, Grandparent A saw Child A being restrained by Ms. Tabitha. No other children were in time out and that no one was running around the room. Ms. Tabitha was holding Child A tightly with his arms down by his sides. Ms. Danah told her that the school's protocol for misbehavior was that teachers would hold kids down.

On November 14, 2017, Child A (5-years-old) stated that he got in trouble at daycare pushing some kids. His friends were wrestling and the teacher said to stop. Some kids tattle-tailed to the teacher and the teacher told him to go to time out. There is a chair for time out by the table and you have to stay there until the teacher says to get out. He didn't get in time out so the teacher started holding him hard and he was trying to get down because he wanted to get to the carpet so he could do something else. The teacher was holding him on her lap. The teacher was holding his arms down by the side and her legs wrapped around him. It hurt and he was scared.

On November 14, 2017, Grandparent A (grandparent of Child A) stated that on November 9, 2017, she went to the facility to pick up Child A. Child A is normally downstairs in the latchkey room and when going to that room she did see a very heavy set teacher sitting in a chair but did not notice the child on her lap. As she went down the hall to go downstairs, another child told her that Child A was upstairs. When she went back to the daycare room, she saw Child A on the large teacher's lap, being held down with his arms pinned to his side, like in a bear hug. She was surprised that Child A had not called out to her when she had walked past him. The teacher tried to explain about his day but she didn't talk to the teacher, she just took Child A and left. When she got out to the car with Child A she asked him why he hadn't spoken to her when she walked past and he just shrugged, acted scared and didn't answer her. She didn't like the way the teacher was holding Child A down and so she told Parent A about it.

On November 14, 2017, Center Director Danah Budnick stated that she was aware of the incident that occurred with Child A being restrained but the incident actually occurred on November 9, 2017. Child A had been having behavioral issues at the facility for several months and she had spoken to Parent A frequently regarding Child A's behaviors. Parent A has asked her to move Child A out of Family Member A's room so Child A is often in the daycare room rather than the latchkey room. On

November 8, 2017, she spoke to Parent A about Child A not listening and Parent A stated that she felt teachers should be able to handle these issues. She (Ms. Danah) feels that Child A may need medication in the afternoons to control his behavior. On November 9, 2017, Child A was sent from the latchkey room to the daycare room when he wasn't listening to staff in the latchkey room. At 4:25pm she spoke with Ms. Tabitha in the daycare room asking how she should manage Child A's behavior as he was running away from her, hitting other children and not listening. She instructed Ms. Tabitha to hold Child A on her lap. At 4:30pm she received a text from Ms. Tabitha stating that Child A was just picked up and that she had tried to explain what was going on to Grandparent A. She met with Parent A on November 10, 2017, and listened to her concerns. She thinks her teachers have gone above and beyond dealing with the Child A's behavioral issues. No staff members have had any training on how to restrain children but she is considering having staff trained in restraining children. The facility's discipline policies are to engage and redirect children, use time out when needed and if a child runs away or refuses to go to time out, teachers are to hold a child on their lap. She thinks that Ms. Tabitha was holding Child A in a bear hug grip because he was head butting her.

On November 14, 2017, caregiver Tabitha Hupsfeld stated that Child A has been having behavioral issues at the facility for several months. She has worked with Child A before and can usually get him to respond appropriately. On November 9, 2017, after she arrived, Family Member A told her that Child A was already causing problems. After coming in from outside, she had to grab Child A by the back pack as they were going up the stairs from the latchkey to the daycare because he was pushing on the steps. Once they got upstairs Child A was running around, pushing kids, and not listening. She contacted Ms. Danah who instructed her to hold Child A on her lap. Child A was still wearing his coat and backpack so she pulled him by the backpack on to her lap. Child A flailed back and she wrapped her arms around his stomach, holding his arms to his side, and then wrapped one of her legs around his body to control him. She saw a lady come in, walk past her, and go downstairs to the latchkey room but she did not know who it was. She was still holding Child A when Grandparent A walked in. She had been holding Child A for about 5 or 6 minutes. She tried to explain to Grandparent A but Grandparent A did not ask any questions but told the child "let's go" and left. She has never restrained a child before and has not been trained in how to restrain a child.

On November 14, 2017, caregiver Skylyn Helmig stated that she was with Child A and Ms. Tabitha on November 9, 2017. Child A wouldn't listen to any one and had been running around the room. Ms. Tabitha called Ms. Danah for instructions and Ms. Danah told her to hold Child A on her lap or next to her. At this time, Child A was not running around but was sitting on the floor playing with legos and yelling that he didn't have to listen. Then, Child A got up to go play somewhere else and began running again so Ms. Tabitha had Child A sit on her lap. Ms. Tabitha was holding Child A loosely, by the arms. When Grandparent A arrived, Child A began squirming, head butting, and kicking all while yelling that he didn't have to listen. At this point, Ms. Tabitha let Child A go. Child A had been sitting on Ms. Tabitha's lap for about 5 minutes. No kids were wrestling or in time out when Grandparent A arrived.

On November 14, 2017, CCFS Dixon reviewed Child A's file and the signed Notice of Parental Responsibility (NPR). The NPR is a written document for the facility to notify parents of their discipline philosophy. The NPR in Child A's file makes no note of the facility restraining children, but instead indicates the following:

"Our staff is instructed to use positive methods of discipline, encouraging the child to develop self control. Therefore corporal punishment is not used at any time. We first try redirecting the child to another activity. If the problem continues the child may be given timeout. The child's age determines how long they have to sit. Every year of age equals one minute in time-out. After time out the teacher and child will discuss how to make better choices."

## CORRECTIVE MEASURES

CORRECTIVE MEASURE	COMPLETED (Y/N)	COMPLETED DATE
Boeuff Presbyterian Child Care shall provide a statement to the Section for Child Care Regulation that they will follow their Notice of Parental Responsibility (NPR) or shall submit a new NPR with an updated discipline policy.	Yes	1/5/2018

DISPOSITION	DISPOSITION DATE
SUBSTANTIATED	12/12/2017

**APPROVING SUPERVISOR**  
AHLEMEYER, CARON