



**MISSOURI DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
OFFICE OF CHILDHOOD - CHILD CARE COMPLIANCE
COMPLAINT INVESTIGATION OF
SUBSTANTIATED STATUTE OR RULE VIOLATIONS**

DATE OF REPORT
10/25/2021

DVN
002505186

FACILITY NAME

DUNCAN ACADEMY EAST, INC.

FACILITY ADDRESS

1103 SW 1ST ST

CITY

OAK GROVE

ZIP CODE

64075-9127

PHONE NUMBER

(816) 625-0186

COUNTY

JACKSON

ASSIGNED SPECIALIST

GREER, JOHN

RULE/STATUTE VIOLATION(S)

VIOLATION(S)

5 CSR 25-500.112(1)(A)

Birth Through Two (2) Years. Groups composed of mixed ages through two (2) years shall have no less than one (1) adult to four (4) children, with no more than eight (8) children in a group;

CONCLUSION SUMMARY

Compliance Inspector (CI) JD Greer and Compliance Inspection Supervisor (CIS) Tony Nurnberg conducted an unannounced investigation of the allegation that the facility is out of ratio in the Infant/ Toddler classrooms. The allegation is substantiated based on the following allegations:

5 CSR 25-500.112(1)(A) which states, "Birth Through Two (2) Years. Groups composed of mixed ages through two (2) years shall have no less than one (1) adult to four (4) children, with no more than eight (8) children in a group."

On November 3, 2021, Infant Teacher Tatyana Elliott stated a staff member may briefly step out of the classroom when they have 5 infants. The Infant Classroom was last out of ratio 1-2 weeks ago.

On November 3, 2021, Toddler Teacher Kylie Hawkins stated staff will sometimes step out of the room causing the classroom to be out of staff/child ratio. The classroom will also be out of ratio while staff take bathroom breaks. The director is notified if they are going to be out of ratio. The facility is out of ratio 1-2 times a day depending on the person. Ms. Hawkins also admitted that she briefly stepped out of the classroom on November 3, 2022, to go grab worksheets from the office leaving one staff member in the room supervising seven toddlers.

VIOLATION(S)

5 CSR 25-500.182(2)(C)4.F.

Pacifiers, if used, shall not be hung around the infant's neck. Pacifier mechanisms or pacifiers that attach to infant clothing shall not be used with sleeping infants;

5 CSR 25-500.092(1)(B)2.G.

Cribs, portable cribs, and playpens shall be free of soft objects, loose bedding, or any object that can increase the risk of entrapment, suffocation, or strangulation. Examples include bumper pads, pillows, quilts, comforters, sleep positioning devices, sheepskins, blankets, flat sheets, cloth diapers, bibs, pillow-like toys, wedges, infant positioners, special mattresses, special sleep surfaces, and other similar items.

5 CSR 25-500.092(1)(B)2.H.

Blankets or other soft or loose bedding shall not be hung on the sides of cribs or put under the fitted sheet. Only sleep clothing that is designed to keep an infant warm without the possible hazard of covering the head or face may be used during sleep or nap time.

5 CSR 25-500.092(1)(B)2.I.

Sitting devices such as car safety seats, strollers, swings, infant carriers, infant slings, and other sitting devices shall not be used for sleep/nap time. Infants who fall asleep anywhere other than a crib, portable crib, or playpen shall be placed in the crib or playpen for the remainder of their sleep or nap time.

CONCLUSION SUMMARY

Compliance Inspector (CI) JD Greer and Compliance Inspection Supervisor (CIS) Tony Nurnberg conducted an unannounced investigation of the allegation of teachers swaddling children and leaving them in bouncy seats, large blankets being used in swings, cribs, and bouncy seats, and children using pacifier clips during sleep. The allegation is substantiated based on the following evidence:

5 CSR 25-500.182(2)(C)4.F. which states, "Pacifiers, if used, shall not be hung around the infant's neck. Pacifier mechanisms or pacifiers that attach to infant clothing shall not be used with sleeping infants"

On November 3, 2021, CI JD Greer observed three toddler cots with pacifiers attached to their blankets.

On November 3, 2021, CI JD Greer found two photos on Duncan Academy East's Facebook page. The pictures show a baby sleeping in a bouncer. The baby has a pacifier in their mouth that has a clip attached to their clothing. (Dated October 21, 2021). A second picture shows a baby sleeping in a bouncer. The baby has a pacifier next to them with a plush animal attached to it. (Dated October 21, 2021)

5 CSR 25-500.092(1)(B)2.G. which states, "Cribs, portable cribs, and playpens shall be free of soft objects, loose bedding, or any object that can increase the risk of entrapment, suffocation, or strangulation. Examples include bumper pads, pillows, quilts, comforters, sleep positioning devices, sheepskins, blankets, flat sheets, cloth diapers, bibs, pillow-like toys, wedges, infant positioners, special mattresses, special sleep surfaces, and other similar items."

On November 2, 2021, facility staff Sadie Moss stated she has seen blankets in cribs. Ms. Moss also stated that today was the first time she had seen a pillow in a crib.

On November 3, 2021, CI JD Greer observed Child A, sleeping with a blanket over them and a pillow propping them up.

On November 3, 2021, CI JD Greer found a photo on Duncan Academy East's Facebook page with a baby sleeping in a bouncer. The baby has a blanket on them. (Dated May 13, 2021)

5 CSR 25-500.092(1)(B)2.H. which states, "Blankets or other soft or loose bedding shall not be hung on the sides of cribs or put under the fitted sheet. Only sleep clothing that is designed to keep an infant warm without the possible hazard of covering the head or face may be used during sleep or nap time."

On November 3, 2021, facility staff Sadie Moss stated that sometimes blankets are hanging on the sides of cribs in the infant room.

On November 3rd, 2021, CI JD Greer observed a blanket draped over the railing of a crib in the infant room.

5 CSR 25-500.092(1)(B)2.I. states, "Sitting devices such as car safety seats, strollers, swings, infant carriers, infant slings, and other sitting devices shall not be used for sleep/nap time. Infants who fall asleep anywhere other than a crib, portable crib, or playpen shall be placed in the crib or playpen for the remainder of their sleep or nap time."

On November 3, 2021, CI JD Greer found two photos on Duncan Academy East's Facebook page. The first picture shows a baby sleeping in a bouncer. The baby has a pacifier in their mouth that has an attached clip to their clothing. (Dated October 21, 2021). The second picture shows a baby sleeping in a bouncer. The baby has a pacifier next to them with a plush animal attached to it. (Dated October 21, 2021)

All photos have been uploaded as PDF documents.

VIOLATION(S)

5 CSR 25-500.092(1)(C)2.

Infants and toddlers. Infants and toddlers who are unable to sit at a table shall have one (1) piece of mealtime feeding equipment for every four (4) infant/toddlers which may include feeding tables, high chairs, infant seats or other safely designed infant seating equipment. Equipment shall be provided which will allow the child to sit comfortably and securely while being fed. Appropriate restraints shall be used.

CONCLUSION SUMMARY

Compliance Inspector (CI) JD Greer and Compliance Inspector (CIS) Tony Nurnberg conducted an unannounced investigation of the allegation that the safety straps had been taken off of the chairs in the toddler classroom. The is substantiated based on the following evidence:

5 CSR 25-500.092(1)(C)2. which states, "Infants and toddlers. Infants and toddlers who are unable to sit at a table shall have

one (1) piece of mealtime feeding equipment for every four (4) infant/toddlers which may include feeding tables, high chairs, infant seats or other safely designed infant seating equipment. Equipment shall be provided which will allow the child to sit comfortably and securely while being fed. Appropriate restraints shall be used."

On November 3, 2021, Director Jessica Keowan stated she is ordering new seatbelts for the toddler chairs.

On November, 3, 2021, facility staff Kylie Hawkins stated the director is working on getting straps for the toddler chairs .

On November 3, 2021, facility staff Shannon Stewart stated she is aware there are no straps on the chairs in the toddler room .

On November 3, 2021, facility staff Sadie Moss stated she has seen there are no straps on the chairs in the toddler room .

On November 3, 2021, CI Greer observed in the toddler room there were a total of eight toddler chairs, none of the chairs had buckles or straps.

On November 3, 2021, Compliance Inspector (CI) JD Greer found photos on Duncan Academy East's Facebook page which show children in the toddler room, sitting in chairs with no straps (Dated October 1, 2021).

The photos have been uploaded as a PDF document.

CORRECTIVE MEASURES

CORRECTIVE MEASURE	COMPLETED (Y/N)	COMPLETED DATE
The facility shall notify all staff members of the violations which were substantiated, and specify the actions to be taken by all staff in order to comply with all licensing violations cited. A copy of the memo, letter, or staff meeting agenda(s) shall be submitted to the Office of Childhood.	Yes	6/2/2022
The facility shall review all staff/volunteer records to ensure that all employees have completed safe sleep training within 30 days of hire and/or is current within the past three years. Verification of training completion shall be from the Open Initiative Toolbox report. The facility director will also come up with a written plan regarding how the facility is going to monitor and assure that all teachers are following all safe sleep rules. This plan will be provided to the Office Of Childhood and kept part of the faculty's file. The facility will need to be prepared to show inspectors that the procedure is being followed.	Yes	6/2/2022
Signs shall be posted at all entrances of the rooms displaying the required staff/child ratios.	Yes	6/2/2022

DISPOSITION	DISPOSITION DATE
SUBSTANTIATED	5/5/2022

APPROVING SUPERVISOR
NURNBERG, TONY A