



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

COMPLAINT INVESTIGATION OF
SUBSTANTIATED STATUTE OR RULE VIOLATIONS

DATE OF REPORT
2/11/2022

DVN
002664817

FACILITY NAME

SOUTH CENTRAL MISSOURI COMMUNITY ACTION AGENCY

FACILITY ADDRESS

1150 HERSCHEL BESS BLVD

CITY

POPLAR BLUFF

ZIP CODE

63901-3075

PHONE NUMBER

(573) 778-9411

COUNTY

BUTLER

ASSIGNED SPECIALIST

GRAHAM, JESSICA

RULE/STATUTE VIOLATION(S)

VIOLATION(S)

5 CSR 25-500.182(1)(C)3.

Only constructive, age-appropriate methods of discipline shall be used to help children develop self-control and assume responsibility for their own actions.

5 CSR 25-500.182(1)(C)7.

Physical punishment including, but not limited to, spanking, slapping, shaking, biting, or pulling hair shall be prohibited.

5 CSR 25-500.182(1)(C)8.

No discipline technique which is humiliating, threatening, or frightening to children shall be used. Children shall not be shamed, ridiculed, or spoken to harshly, abusively, or with profanity.

CONCLUSION SUMMARY

Compliance Inspector (CI) Jessica Graham investigated the allegation that on February 11, 2022, Nancy Powell took Child A outside with a forceful hand, put him to the wall outside, scolded Child A and then pointed her finger in his face. Child A was trying to get away, was struggling and fighting with Mrs. Nancy to break free from her with her hands on his shoulders. Ms. Nancy removed one hand from off his shoulders to place it around his arm. Ms. Nancy took her right hand and swatted Child A on the bottom. This allegation is substantiated based on the following information:

5 CSR 25-500.182(1)(C)3. which states: "Only constructive, age-appropriate methods of discipline shall be used to help children develop self-control and assume responsibility for their own actions."

AND

5 CSR 25-500.182(1)(C)7. which states: "Physical punishment including, but not limited to, spanking, slapping, shaking, biting, or pulling hair shall be prohibited."

AND

5 CSR 25-500.182(1)(C)8. which states: "No discipline technique which is humiliating, threatening, or frightening to children shall be used. Children shall not be shamed, ridiculed, or spoken to harshly, abusively, or with profanity."

On February 17, 2022, CI Graham received and observed video footage of February 11, 2022, and the following was observed:

-Video footage was of 41 seconds with no audio.

-0:08 Ms. Nancy walked out with Child A holding him by the left arm, pushed Child A against the wall and bent down to eye level, held him against the wall by the left upper arm.

-0:16 Ms. Nancy points a finger at Child A's face while talking and holding him against the wall.

-0:18 Child A tries to pull away, Ms. Nancy grabs Child A by the other shoulder and pushes him against the wall, and Child A struggles until timestamp 0:23.

-0:24 Ms. Nancy leans into Child A's face to talk then removes her hands from Child A's shoulders and grabs his right wrist with one hand.

-0:33 Child A turns his face away from Ms. Nancy and she swats him on the bottom with her right hand, Ms. Nancy turns Child A around and points her finger at his face while talking to him.

-0:39 Ms. Nancy pulls Child A by the right wrist back inside the building.

On February 22, 2022, caregiver Nancy Powell stated that she has never hurt a child ever in her life, but one little swat got her in trouble. She did not swat Child A to inflict any pain but Child A (5-years-old) requires a lot of attention in the classroom. Child A

was having a rough day in the classroom on February 11, 2022, so she removed him from the room to talk with him firmly and while she was talking with him he turned around and she swatted his bottom with an open hand.

On March 2, 2022, caregiver Page Alexander stated that the facility uses redirection, Conscious Discipline, and talking with the children. If something physical happens with a child's behavior they will write up a behavioral report, sit with the child and put their legs across the child's leg and put their hands on the child's waist. She has seen Ms. Nancy get a little too physical with the children and she would tell Ms. Nancy that she couldn't act that way with the kids. On February 11, 2022, Ms. Nancy took Child A out of the classroom because of the way he was acting and she thought Ms. Nancy took him into the hallway to talk with him. Child A was crying when they left the room and was crying and screaming after Ms. Nancy brought him back into the classroom.

On March 2, 2022, caregiver Jessica Wartenbe stated that the facility uses Conscious Discipline, talking, and redirection with the children; however, sometimes that doesn't work so they sit the kids in their laps and put their legs around them to keep them safe. Child A is a handful and bites, throws chairs, head butts, and kicks. Ms. Nancy is not good at handling Child A's behaviors. On February 11, 2022, Child A had gotten up from the breakfast table and was throwing magnets. She went to Child A and was going to talk with him but Ms. Nancy jumped in, grabbed him, and took Child A out to the hallway. She was going to go out to the hallway to switch places with Ms. Nancy but by the time she got to the hallway, Ms. Nancy was already outside. She could hear Ms. Nancy yelling at Child A but could not tell what she was saying. When Child A came back into the room, he was really upset, and seemed like he was overwhelmed and shutting down. Ms. Nancy had acted that way before. When she was in another classroom with Ms. Nancy, she had seen Ms. Nancy pop kids on the bottom.

On March 2, 2022, director Elizabeth "Beth" Moore stated that on February 11, 2022, she received a call from Ms. Jessica to come to the room. She went to the classroom and Ms. Nancy was already in there and things seemed to be fine. She went back to the office and Ms. Jessica followed her and told her to look at the camera footage. Ms. Jessica said Ms. Nancy got aggravated with Child A and Ms. Jessica was trying to deal with him but Ms. Nancy said that she would deal with it. She reviewed the cameras and saw that Ms. Nancy had taken Child A to the area of the playground that they use as the walkway for the bus.

On March 2, 2022, Child A (5-years-old) stated that Ms. Nancy got fired when she whooped him and he was sad.

CORRECTIVE MEASURES

CORRECTIVE MEASURE	COMPLETED (Y/N)	COMPLETED DATE
All staff and volunteers must take the 1.0 clock hour online training course titled, "Making a Difference: Protecting Health and Keeping Children Safe" available at https://dese.mo.gov/childhood/child-care/training-info . Verification of attendance shall be through the Toolbox report.	Yes	5/4/2022
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	5/4/2022
CORRECTIVE MEASURE	COMPLETED (Y/N)	COMPLETED DATE
All staff and volunteers must obtain one clock hour of training, approved by the department, on age-appropriate discipline. The training must be held by an approved and qualified source, outside of the South Central Missouri Community Action Agency network. Training may be obtained from the Missouri Workshop Calendar. The training calendar can be found at http://www.moworkshopcalendar.org/ . Verification of training completion shall be from the Open Initiative Toolbox report.	Yes	5/31/2022

DISPOSITION

SUBSTANTIATED

DISPOSITION DATE

4/11/2022

APPROVING SUPERVISOR

CHRISCO, MARLA L