



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

**COMPLAINT INVESTIGATION OF
SUBSTANTIATED STATUTE OR RULE VIOLATIONS**

DATE OF REPORT

1/31/2023

DVN

000435443

FACILITY NAME

ABC PRESCHOOL

FACILITY ADDRESS

1950 ROLLING HILLS DR

CITY

JEFFERSON CITY

ZIP CODE

65109

PHONE NUMBER

(573) 634-5949

COUNTY

COLE

ASSIGNED SPECIALIST

HONEA, MICHELLE J

RULE/STATUTE VIOLATION(S)

VIOLATION(S)

5 CSR 25-500.132(6)

A child who has a special physical, developmental, or behavioral need shall have on file an individualized plan for specialized care from a professionally qualified source.

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)9.

Punishment or threat of punishment shall not be associated with food, rest, or toilet training.

5 CSR 25-500.102(1)(E)

Caregivers shall have knowledge of the needs of children and shall be sensitive to the capabilities, interests, and problems of children in care.

CONCLUSION SUMMARY

On January 31, 2023, the Office of Childhood (OOC) received an allegation that: Ms. Madelyn and Ms. Jordan are holding Child A down during nap time. After conducting an investigation, Compliance Inspector (CI) Michelle Honea has found this allegation to be substantiated based on the following evidence:

5 CSR 25-500.182(1)(C)9: which states, "Punishment or threat of punishment shall not be associated with food, rest, or toilet training."

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."

On February 1, 2023, CI Honea conducted an unannounced inspection to the facility and interviewed assistant director Karen Blake, director Jordan Gatton, and caregiver Madelyn Beach. All caregivers denied ever putting their legs over Child A during naptime to keep her on the cot but did admit to holding Child A in a bear hug when she has violent outbursts . Ms. Jordan was shown the photo of a teacher with their leg over Child A's back while Child A slept on her cot but could not identify the teacher and didn't know when the incident occurred. While at the facility, CI Honea did a walk through and observed Child A's enrollment documentation, previous incident reports, and employee forms. There was no documentation in Child A's file regarding any of Child A's behaviors or Child A being restrained by staff at naptime .

On February 02, 2023, CI Honea conducted a phone interview with Parent A. Parent A stated that an ex-employee gave Parent A a photo of Child A being held down by a teacher on her cot. The ex-employee wanted to be anonymous. The photo showed the teacher with their leg resting over Child A's back while Child A slept on her cot.

Parent A did not know when this occurred or who the teacher was in the picture . CI Honea observed a photo submitted by Parent A showing an unknown teacher with their leg resting over the back of Child A during nap time while Child A was sleeping on their cot.

5 CSR 25-500.102(1)(E): which states, " Caregivers shall have knowledge of the needs of children and shall be sensitive to the capabilities, interests, and problems of children in care."

AND

5 CSR 25-500.132(6) : which states, "A child who has a special physical, developmental, or behavioral need shall have on file an individualized plan for specialized care from a professionally qualified source."

On February 01, 2023, director Jordan Gatton stated that Parent A told her in November 2022 that Child A had seizures but there was no paperwork on file. Parent A never provided any information. Jordan did not even know that seizure medication was at the daycare, in the medication cabinet, until Child A's grandfather came to pick it up. Jordan did not know what triggered Child A's seizures and never talked to Parent A to obtain more information.

CI Honea observed Child A's file and there was no documentation that Child A had seizures or needed medication. Child A's medical dated September 09, 2019 stated that Child A had no known allergies and was up to date on their shots and had zero special cares. There was no specialized care form signed by a doctor in the file.

On February 02, 2023, CI Honea conducted a phone interview with Parent A. Parent A stated Parent A's grandfather went to the school to pick up medication and no one there knew what he was talking about or where the medication was. Child A was newly diagnosed with a seizure disorder in November of 2022. The seizures affect Child A during sleep time and Child A cannot be restrained. There was a medical form provided for the daycare and all teachers signed off on it.

VIOLATION(S)

5 CSR 25-500.092(1)(A)1.

All furniture and equipment shall be constructed safely, in good condition and free of sharp, loose or pointed parts. Only lead-free paint shall be used.

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

Play equipment and materials shall be clean, in good condition with all parts intact and accessible to children.

5 CSR 25-500.192(5)(A)

In case of accident or injury to a child, the provider shall notify the parent(s) immediately. If the child requires emergency medical care, the provider shall follow the parent's(s') written instructions.

5 CSR 25-500.192(5)(B)

Information regarding the date and circumstance of any accident or injury shall be noted in the child's record.

CONCLUSION SUMMARY

On January 31, 2023, the Office of Childhood (OOC) received an allegation that: Child A has a large cut on her arm/hand caused from a broken baby doll. No incident report has been completed and Parent A was not notified of the incident. After conducting an investigation, Compliance Inspector (CI) Michelle Honea has found this allegation to be substantiated based on the following evidence:

5 CSR 25-500.092(2)(A)1: which states, "Play equipment and materials shall be clean, in good condition with all parts intact and accessible to children."

AND

5 CSR 25-500.092(1)(A)1: which states, "All furniture and equipment shall be constructed safely, in good condition and free of sharp, loose or pointed parts. Only lead-free paint shall be used."

AND

5 CSR 25-500.192(5)(A): which states, "In case of accident or injury to a child, the provider shall notify the parent(s) immediately. If the child requires emergency medical care, the provider shall follow the parent's(s') written instructions."

AND

5 CSR 25-500.192(5)(B): which states, " Information regarding the date and circumstance of any accident or injury shall be noted in the child's record."

On February 1, 2023, CI Honea conducted an unannounced inspection to the facility and interviewed Karen Blake, Jordan Gatton, and Madelyn Beach. Madelyn stated that on January 26, 2023, Child A was playing with the broken baby doll in Ms. Karen's room and the zip tie (holding the dolls head on) was sharp which is what cut Child A's hand. Madelyn took Child A into the kitchen to clean up the cut. Madelyn did not notify Parent A immediately and did not do an incident report. Madelyn did not tell Ms. Karen about the cut but did tell Ms. Jordan. Ms. Karen and Ms. Jordan denied knowing anything about Child A cutting their hand on the baby doll and Ms. Jordan denied being told that this happened by Ms. Madelyn due to Jordan not being present at the facility on January 26, 2023. Therefore Parent A was not notified of Child A's injury from the broken doll by any staff at the facility.

While at the facility CI Honea did a walk through and observed Child A's enrollment documentation, previous incident reports, and employee forms. There was no incident report in Child A's file regarding Child A's injury from the broken baby doll. CI Honea observed the broken baby doll in the classroom and it was then removed.

On February 02, 2023, CI Honea conducted a phone interview with Parent A. Parent A stated that last Thursday, January 26,

2023, Child A had a scratch on her hand and Child A said she scratched it on a broken doll . Parent A was not notified when Child A got the scratch on her hand and there was no incident report . CI Honea observed a photo provided by Parent A of a scratch that is 2 inches long on Child A's right hand.

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 violations cited. A copy of the memo, letter, or staff meeting agenda shall be submitted to the Office of Childhood .	Yes	4/20/2023

CORRECTIVE MEASURE	COMPLETED (Y/N)	COMPLETED DATE
A plan shall be implemented to ensure that daily checks are conducted of all furniture and indoor/outdoor equipment to ensure it is kept in good condition. A copy of the plan shall be submitted to the Office of Childhood .	Yes	4/14/2023

CORRECTIVE MEASURE	COMPLETED (Y/N)	COMPLETED DATE
All staff members (paid employees or unpaid volunteers) must take the 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	4/14/2023

CORRECTIVE MEASURE	COMPLETED (Y/N)	COMPLETED DATE
The facility shall review all children's records and ensure than any child with special physical, behavioral, or developmental needs has a specialized care plan on file. A signed statement that this task has been completed and all children's records are in compliance shall be submitted to the Office of Childhood .	Yes	4/20/2023

DISPOSITION	DISPOSITION DATE
SUBSTANTIATED	3/31/2023

APPROVING SUPERVISOR
CHRISCO, MARLA L