



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

COMPLAINT INVESTIGATION OF
SUBSTANTIATED STATUTE OR RULE VIOLATIONS

DATE OF REPORT
4/17/2023

DVN
002944701

FACILITY NAME

BRIGHT SCHOLARS LEARNING CENTER, LLC

FACILITY ADDRESS

1910 SELMORE RD

CITY

OZARK

ZIP CODE

65721-5199

PHONE NUMBER

(417) 365-7233

COUNTY

CHRISTIAN

ASSIGNED SPECIALIST

RADNEY, HEATHER E

RULE/STATUTE VIOLATION(S)

VIOLATION(S)

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.

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

Compliance Inspector (CI) Heather Radney conducted an investigation of the allegation that Kandra Kuhn or Skyler Davidson injured Child A's arm when lifting the child and the incident report did not include all of the information regarding the injury. The allegation is substantiated based on the following information:

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."

On April 21, 2023, CI Radney conducted interviews with LLC Member Gloria Rush and Caregivers Skyler Davidson and Abigail Hammons. On June 5, 2023, CI Radney conducted interviews with Director Jessica Elmore and Caregiver Alexis Miller. Caregiver Skyler Davidson stated that Kandra was doing diaper changes and Child A was refusing to go to the diaper table and she (Skyler) scooped Child A up off the ground using both hands under Child A's arms and set Child A on the ground. Child A did not cry. She took Child A's hand and walked Child A to Kandra for a diaper change. Kandra picked Child A up using Child A's left arm bicep and put her on the diaper table. Child A started to cry and cried throughout the diaper change. Child A continued to cry and the other children were being crazy, so she and Kandra decided to separate the classes and she took her class back to her classroom. She did not see Child A again that day. Caregiver Alexis Miller stated she walked into Kandra's room and heard Child A crying. She walked over to Child A and noticed immediately that her arm was hot and she was crying so she asked Kandra what was wrong. Kandra said she thinks Ms. Skyler pulled it when she was in the room. Alexis told Kandra she needed to tell Jessica and Gloria. Kandra said she was scared to tell them because she thought she'd get blamed for it. Alexis told her she had to tell them anyway, so Kandra called for Jessica. Jessica and Gloria came to assess Child A. Director Jessica Elmore and LLC Member Gloria Rush responded and assessed Child A. Gloria determined Child A needed medical attention and called Parent A. Parent A reported that she picked up Child A and due to Child A screaming in pain, she didn't stop to ask questions or sign any reports, she loaded Child A up and drove straight to the hospital. Child A was diagnosed with a dislocated elbow, which was treated at the hospital. Parent A states that Child A is not able to articulate what happened to her arm. Caregiver Kandra Kuhn was interviewed on May 12, 2023, and reported that she did not injure Child A's arm because she cannot lift children using one arm due to her not being strong enough and not having good balance. Kandra stated that Skyler yanked Child A by the arm and Child A was crying before she even picked her up for a diaper change. Kandra stated "Child A is a crybaby anyway" and "She's a whinebag anyway" when describing the incident. On June 5, 2023, Director Jessica Elmore stated they can't confirm what happened but from their investigation, they do believe that Kandra did in fact injure Child A's arm and they do not have concerns with Skyler's care of children. Jessica confirmed that Kandra did quit the day of the incident and Skyler is still employed.

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."

Director Jessica Elmore completed an incident report at the time of the incident, however the incident report did not include all of the information regarding Child A and the injury to her arm. On April 21, 2023, CI Radney received and observed the incident reports provided by Bright Scholars Learning Center, LLC. The Incident Report dated 4/13/23 stated "Child A was running outside on the preschool playground when she tripped and fell on her left side. Her arm was fully extended above her head. She cried and complained of shoulder pain. Ms. Gloria had her walk downstairs and attempted to stretch Child A's arm out- when Child A cried at this action we decided it needed to be looked at by a doctor. She could wiggle her fingers and reach for small items." The time of the incident is listed as 10:35 and the phone call to parent was made at 10:38 by Jessica Elmore. The report is signed by Jessica Elmore and Skyler Davidson. The Incident Report dated 4/14/23 stated "10am- ish Child A was running with friends to line up and return to class. Close to the gate Child A tripped and fell. She cried momentarily and returned to the line. She entered the building happy. 10:20ish- Child A and a classmate were changed by Ms. K in the jungle room in which Ms. Sky states Ms. K lifted Child A by the left arm onto the changing table in which Child A did not stop crying after . 10:30ish- Kandra and the 2's go to the front room where Ms. Lexi enters to give Ms. K a break in which Ms. K states she doesn't want to speak to Gloria or Jessica because she doesn't want to get in trouble. 10:35ish - Kandra calls for Jessica stating Child A won't stop crying and that Ms. Sky pulled Child A by the arm at which point Child A was immediately pulled from the room . 10:37ish- Child A is given to Ms. Gloria where she is evaluated. After pain was noted above head we decided to call mom and she was picked up around 10:40ish. 10:45ish- Skyler was questioned by Gloria and she completely denies pulling Child A by one arm . She states Child A did not want her diaper changed and prevented her from running into a chair all while guiding her by the underarms . There Kandra lifted Child A by her left arm while standing. 12:05ish- Child A's mom called stating Child A was fine and it was popped back. 12:34ish- Child A's mom states Child A is doing good and that her elbow was popped back and she will stay home for the day- returning tomorrow." This incident report states notice to parent by phone call at 10:38 by Gloria using Jessica's phone. This incident report is signed by Jessica Elmore on 4/14/23. On April 21, 2023, Gloria reported that she saw the first incident report and asked Jessica to complete a second, more detailed incident report. On June 5, 2023, Jessica stated she did witness Child A fall on the playground so when that happened, she didn't connect that to what Kandra said at the time. She really mixed it up in her head and it was a mistake not to include the information that Kandra said Skyler hurt Child A 's arm in the incident report. On June 13, 2023, Gloria reported that when Jessica wrote the first incident report on 4/13/23, they did not have the information regarding Kandra pulling Child A by the arm. Once Skyler provided that information on 4/14/23, she had Jessica fill out a more accurate report.

CORRECTIVE MEASURES

CORRECTIVE MEASURE

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 shall be submitted to the Office of Childhood.

COMPLETED (Y/N)

Yes

COMPLETED DATE

11/28/2023

DISPOSITION

SUBSTANTIATED

DISPOSITION DATE

9/25/2023

APPROVING SUPERVISOR

FOX, ROMENA