



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

COMPLAINT INVESTIGATION OF
SUBSTANTIATED STATUTE OR RULE VIOLATIONS

DATE OF REPORT
3/11/2022

DVN
002297474

FACILITY NAME

THE LEARNING TREE

FACILITY ADDRESS

101 PLAZA DR

CITY

JOPLIN

ZIP CODE

64804-3864

PHONE NUMBER

(417) 627-9112

COUNTY

NEWTON

ASSIGNED SPECIALIST

GREER, JOHN

RULE/STATUTE VIOLATION(S)

VIOLATION(S)

5 CSR 25-500.102(1)(A)

Child care personnel shall be of good character and intent and shall be qualified to provide care conducive to the welfare of children.

5 CSR 25-500.102(1)(D)

Caregivers shall be capable of carrying out assigned responsibilities and shall be willing and able to accept training and supervision.

5 CSR 25-500.102(3)(C)

Caregivers who were employed after the first of the year shall obtain one (1) clock hour of training for each one (1) month of employment, regardless of the date employment began.

5 CSR 25-500.102(4)

Safe Sleep Training. Every three (3) years the center director, group child care home provider, all other caregivers, and those volunteers who are counted in staff/child ratios in a group child care home or child care center licensed to provide care for infants less than one (1) year of age shall successfully complete department-approved training regarding the American Academy of Pediatrics (AAP) safe sleep recommendations contained in the American Academy of Pediatrics Task Force on Sudden Infant Death Syndrome. Technical report - SIDS and other sleep-related infant deaths: Updated 2016 Recommendations for a Safe Infant Sleeping Environment, by Moon RY, which is incorporated by reference in this rule as published in PEDIATRICS Volume 138, No. 5, November 1, 2016 and available at <http://pediatrics.aappublications.org/content/pediatrics/early/2016/10/20/peds.20162938.full.pdf>. This rule does not incorporate any subsequent amendments or additions.

CONCLUSION SUMMARY

Compliance Inspector (CI) JD Greer conducted an unannounced investigation of the allegations that Caregiver Skyla Vailes did not complete safe sleep training or any other training while working for The Learning Tree. Those allegations are substantiated based on the following evidence:

5 CSR 25-500.102(1)(D) which states, "Caregivers shall be capable of carrying out assigned responsibilities and shall be willing and able to accept training and supervision."

AND

5 CSR 25-500.102(3)(C) which states, "Caregivers who were employed after the first of the year shall obtain one (1) clock hour of training for each one (1) month of employment, regardless of the date employment began."

AND

5 CSR 25-500.102(4) which states, "Safe Sleep Training. Every three (3) years the center director, group child care home provider, all other caregivers, and those volunteers who are counted in staff/child ratios in a group child care home or child care center licensed to provide care for infants less than one (1) year of age shall successfully complete department-approved training regarding the American Academy of Pediatrics (AAP) safe sleep recommendations contained in the American Academy of Pediatrics Task Force on Sudden Infant Death Syndrome. Technical report - SIDS and other sleep-related infant deaths: Updated

2016 Recommendations for a Safe Infant Sleeping Environment, by Moon RY, which is incorporated by reference in this rule as published in PEDIATRICS Volume 138, No. 5, November 1, 2016 and available at <http://pediatrics.aappublications.org/content/pediatrics/early/2016/10/20/peds.20162938.full.pdf>. This rule does not incorporate any subsequent amendments or additions."

On March 16, 2022, Compliance Inspector (CI) JD Greer interviewed Owner Diana Heckmaster who stated, she has not had issues with other staff completing the trainings at the facility. Caregiver Skyla Vailes refused to complete trainings after multiple requests. Ms. Vailes was never left alone because she refused to complete safe sleep training or any other trainings. Ms. Vailes no longer works for the facility. The facility does not have any documentation on Ms. Vailes. Ms. Heckmaster believes staff could work in the infant room without safe sleep training as long as another staff is present.

On March 16, 2022, CI Greer interviewed Director Terra Smith who stated, Ms. Vailes was hired on October 5, 2021. Ms. Vailes last day was on February 7, 2022. Ms. Vailes was asked multiple times to complete the trainings. Ms. Vailes refused to do the trainings and was never left alone in the facility. Ms. Smith did not realize it was a violation. She thought Ms. Vailes could work in the infant room as long as another staff were present. She does not have a file for Ms. Vailes.

On March 16, 2022, CI Greer interviewed Caregiver Sandra Allen who stated, she has not had any issues completing trainings for the facility. She has done her yearly 12 hours of training and has completed safe sleep training. She usually does her trainings during her lunch breaks at work or she will do them at home. She was not aware that Ms. Vailes had not completed her safe sleep training.

On March 17, 2022, Compliance Inspector (CI) JD Greer conducted a search for training on the OPEN system for Caregiver Skyla Vailes. No training hours were listed and no safe sleep training was listed for Ms. Vailes.

5 CSR 25-500.102(1)(A), which states, "Child care personnel shall be of good character and intent and shall be qualified to provide care conducive to the welfare of children."

On March 16, 2022, CI Greer interviewed Ms. Heckmaster stated that Ms. Vailes was never left alone in the facility because she had not completed safe sleep training.

On March 16, 2022, CI Greer interviewed Ms. Smith who stated Ms. Vailes was never left alone in the facility.

On May 3, 2022, Compliance Inspector (CI) JD Greer reviewed records on the Missouri Child Care Inspection System (MOCCIS) and read a Compliance Monitoring (CM) inspection from October 18, 2021. In that CM inspection Caregiver Skyla Vailes is listed as being the only caregiver for 3 infants/toddlers. The ages of the three children are listed as 7-months-old, 8-months-old, and one-year-old. Furthermore, in the "Notes" section it states, "New Staff: Skyla Vailes: No Documents on record. *Needs eligibility letter. Start Date 10/5/2021." The inspection report is signed by Owner Diana Heckmaster.

CORRECTIVE MEASURES

CORRECTIVE MEASURE		COMPLETED (Y/N)	COMPLETED DATE
The facility shall create a plan to ensure how new hire employees are fully trained on all licensing rules before caring for children. A copy of the plan shall be submitted to the Office of Childhood.		Yes	10/13/2023
CORRECTIVE MEASURE		COMPLETED (Y/N)	COMPLETED DATE
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.		Yes	10/13/2023
DISPOSITION		DISPOSITION DATE	
SUBSTANTIATED		9/16/2022	
APPROVING SUPERVISOR			
NURNBERG, TONY A			