



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

COMPLAINT INVESTIGATION OF
SUBSTANTIATED STATUTE OR RULE VIOLATIONS

DATE OF REPORT
7/8/2022

DVN
002221410

FACILITY NAME

COMMUNITY DAY SCHOOL, LLC

FACILITY ADDRESS

1912 BROADWAY ST

CITY

CAPE GIRARDEAU

ZIP CODE

63701

PHONE NUMBER

(573) 335-9141

COUNTY

CAPE GIRARDEAU

ASSIGNED SPECIALIST

FYFE, IAN

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

On July 8, 2022, the Office of Childhood (OOC) received an allegation that Child A, 5-years-old, was involved in three different incidents in which staff members scratched Child A with their nails. After conducting an investigation, Compliance Inspector (CI) Ian Fyfe has found this allegation to be substantiated based on the following evidence:

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

AND

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

On July 15, 2022, Compliance Inspector (CI) Ian Fyfe conducted an interview with Parent A (parent of Child A). Parent A informed CI Fyfe that Child A has been involved in three different incidents in which Child A received red-marks and scratches from staff members' nails. The first reported incident occurred on an unknown date, approximately two months prior to the complaint being received by the OOC. Child A received red-marks from staff member Larisa Rose after Ms. Rose pulled Child A out of the way of a falling bookshelf in the classroom. Child A was bleeding following this incident. An accident report was created and signed by Parent A.

The second reported incident involving Child A occurred on an unknown date approximately one month prior to the complaint being received by the OOC, while the third reported incident occurred on July 7, 2022. On both occasions, Child A returned home with observable red-marks. Facility staff was unable to inform Parent A of how Child A received the red-marks. Red-marks from both reported incidents were photographed by Parent A and sent to CI Fyfe on July 15, 2022. CI Fyfe documented one photograph of red-marks and labeled it Photograph A. Photograph A documents red-marks on Child A resulting from the second reported incident. CI Fyfe documented four additional photographs of apparent scratches and labeled them Photographs B, C, D, and E. Photographs B, C, D, and E, document the scratches on Child A resulting from the third reported incident. All red-marks and scratches were caused by staff members' fingernails. Parent A did not receive an accident report for the second or third incident.

On July 22, 2022, Compliance Inspector (CI) Ian Fyfe conducted an unannounced inspection to the facility and interviewed Business Administrator Kim Pickett, Director Kathy Moore, staff member Kiera Harvey, staff member Larisa Rose, and staff member Kimmy Edwards. Child A was described by staff members as a defiant child with challenging behaviors that include hitting other children, biting other children, and running away from staff members. When Child A hits or injures another child, an

accident report is created and placed into the other child's facility record, but not Child A's. When Child A runs away, they will run throughout the facility and occasionally outside of the facility. Staff have communicated this issue with Parent A (parent of Child A). When Child A runs away, staff will occasionally need to physically bring Child A back to the classroom by picking them up or guiding them by the hand back to their classroom. During the first reported incident, Child A was in Ms. Rose's classroom when Child A began reaching for a toy on the shelf. The shelf began falling frontwards towards Child A. Ms. Rose was able to grab Child A out of the way but accidentally scratched Child A on their arm in the process of doing so. Child A was bleeding after this incident. Ms. Rose was shown Photograph A but denied the red-marks in the image to be the marks left on Child A during this incident. An accident report was created for this incident but could not be located by Ms. Pickett or Ms. Moore. The accident report was not located in Child A's record.

All staff members interviewed observed Photograph A but were uncertain as to where the marks originated from. All staff members interviewed were not familiar with any incidents occurring involving Child A that would fit the timeframe or description of the second reported incident.

All staff members interviewed were familiar with the third reported incident that occurred on July 7, 2022. All staff members observed Photographs B, C, D, and E, and informed CI Fyfe that the red-marks observed in these photographs were the result of the third reported incident. On July 7, 2022, Child A was on the playground with their class. Also on the playground was staff member Kiera Harvey and her class. Child A began hitting and kicking other children present on the playground, and was redirected to a different area near Ms. Harvey by staff member Kimmy Edwards. While Child A was near Ms. Harvey, Child A began 'kinking' the hose and would not listen to Ms. Harvey when told to stop. As Ms. Harvey approached Child A, Child A attempted to run away. Ms. Harvey grabbed Child A and wrapped her arms around Child A so that Ms. Harvey was holding Child A's arms across their body with her arms on top of Child A's. Child A attempted to fight Ms. Harvey's hold and in the process, was scratched multiple times by Ms. Harvey's nails as observed in Photographs B, C, D, and E. Child A continuously threw themselves to the ground and eluded Ms. Harvey for a brief moment. Ms. Harvey chased Child A and put Child A back into the hold that she had used previously. Ms. Harvey held Child A for approximately ten minutes. Eventually, Director Kathy Moore came to assist Ms. Harvey. Ms. Harvey released Child A and was immediately calmed down by Ms. Moore.

Following Child A being calm, Child A approached Ms. Edwards and repeatedly told Ms. Edwards that Ms. Harvey had hurt them. Ms. Edwards did not properly acknowledge Child A until Child A showed Ms. Edwards the scratches on their body. At this point, Ms. Edwards apologized to Child A and brought them to the attention of Ms. Rose. Ms. Edwards informed CI Fyfe that she would not have physically restrained Child A in the manner that Ms. Harvey did, but that she supported the method used. Staff members informed CI Fyfe that Ms. Moore and Ms. Pickett are effective in calming Child A down during these incidents through talking with Child A and non-physical methods. Ms. Rose, who is Child A's primary teacher at the facility, informed CI Fyfe that the effective methods that she uses to calm Child A are talking one-on-one and breathing techniques.

On July 22, 2022, Child A was terminated from the facility's care by the facility.

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	12/16/2022

DISPOSITION	DISPOSITION DATE
SUBSTANTIATED	11/29/2022

APPROVING SUPERVISOR
CHRISCO, MARLA L