



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

COMPLAINT INVESTIGATION OF
SUBSTANTIATED STATUTE OR RULE VIOLATIONS

DATE OF REPORT
2/8/2021

DVN
002240391

FACILITY NAME

BETH ACADEMY, LLC

FACILITY ADDRESS

4301 KEATON CROSSING BLVD

CITY

O FALLON

ZIP CODE

63368

PHONE NUMBER

(636) 928-0505

COUNTY

ST CHARLES

ASSIGNED SPECIALIST

WILMESHER, LAURA

RULE/STATUTE VIOLATION(S)

VIOLATION(S)

19 CSR 30-62.182 (1)(A)(7)

Caregivers shall provide special attention on an individual basis for new children having problems adjusting, distressed children, etc. Children shall be encouraged, but not forced to participate in group activities.

19 CSR 30-62.182 (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.

19 CSR 30-62.182 (1)(C)(5)

Brief, supervised separation from the group may be used based on a guideline of one (1) minute of separation for each year of the child's age.

19 CSR 30-62.182 (1)(C)(7)

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

CONCLUSION SUMMARY

Child Care Facility Specialist (CCFS) Laura Wilmesher conducted an investigation regarding the allegation that on February 2, 2021, caregiver Abigail Sederhofer was too rough with Child A, age 2, and left bruises on both arms while picking up Child A and moving him to time out. After conducting the investigation, CCFS Wilmesher finds this allegation is substantiated. This conclusion is based on the following evidence of licensing rule violations which occurred at the facility:

19 CSR 30-62.182 (1)(C)(7) which states: "Physical punishment including, but not limited to, spanking, slapping, shaking, biting or pulling hair shall be prohibited."

AND

19 CSR 30-62.182 (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."

19 CSR 30-62.182 (1)(C)(5) which states: "Brief, supervised separation from the group may be used based on a guideline of one (1) minute of separation for each year of the child's age."

On February 11, 2021, CCFS Wilmesher received an email from Parent A which included a series of photos of the left and right arms of Child A to demonstrate the progression/fading of the bruises. CCFS Wilmesher observed that there were two small round bruises on Child A's left arm and a cluster of several small bruises on Child A's right arm in all of the photos. The photos were dated February 2, 2021, February 4, 2021, Saturday [February 6, 2021], and Monday [February 8, 2021]. CCFS Wilmesher observed that the bruises were still slightly visible on the photos labeled "Monday [February 8, 2021]" and timestamped 6:48 PM.

On February 11, 2021, CCFS Wilmesher reviewed and recorded a copy of the facility's video footage from the date of the incident, February 2, 2021. As the video began, Child A was observed standing on the side of the room opposite the tables where the rest of the children and two caregivers were sitting/standing. Abigail Federhofer pointed to an empty chair while looking at Child A and she appeared to be saying something to Child A. Child A continued standing in the same spot, and Abigail Federhofer walked over to Child A, grabbed him by both wrists, lifted him completely off the ground, and carried him in that manner several steps before she set his feet back on the ground and let go of one wrist, and then continued to drag him by one

wrist to the side of the room. Abigail Federhofer sat Child A down near a door, and Child A tried to immediately get up, and Abigail Federhofer sat him back down on the floor, grabbing him by both upper arms to do so. Child A tried to get up again, and Abigail Federhofer grabbed him by his right upper arm, dragging him several steps away before placing him on the floor in a seated position. Child A then began scooting away from Abigail Federhofer, and she grabbed him by both upper arms and pulled him up to standing, and then sat him on a chair. Child A stood up from the chair and sat back down on the floor in front of Abigail Federhofer. Child A covered his face at that point and appeared to be crying. Child A sat in the same place on the floor, covering/rubbing his eyes for approximately thirty seconds with Abigail Federhofer sitting in front of him before she grabbed him by both upper arms again, lifting his feet off the ground, and carrying him in this manner several steps away and out of the camera view. Child A and Abigail Federhofer were out of camera view for approximately one minute and eight seconds before Child A was observed walking on his own back to the tables where the other children were seated. The total time Child A was separated from the group was slightly over three minutes.

During an interview on February 11, 2021, caregiver Abigail Federhofer stated throughout the whole time she was putting Child A in timeout, he was trying to get up, and that she had grabbed Child A by his hand or wrist, and that when children are mad, they go limp, so it looked like she was dragging him. Abigail Federhofer stated Child A would try to move out of timeout and she would grab his arms, pointing to her upper arms to demonstrate.

During an interview with LLC managing member Carla Beth on February 18, 2021, she stated that Ms. Abby had told Child A to sit in the chair, and he refused a couple of times, so to put Child A in timeout, she pulled him by his arms. Carla Beth stated this was not appropriate in any way, and that Child A did have some bruises on the back side of his arms from where Abby was holding him, although Child A's parents were the first ones to notice the bruises that night [February 2, 2021].

During an interview on March 2, 2021, with Parent A, she stated she noticed the bruises on Child A's arms on Tuesday, February 2, 2021, when she put Child A in the bath that evening, and that the bruises looked like someone had grabbed his arms. Parent A stated although Child A can't say many words (and therefore was not interviewed), he did say "Abby" when she asked what happened to his arms.

19 CSR 30-62.182 (1)(A)(7) which states: "Caregivers shall provide special attention on an individual basis for new children having problems adjusting, distressed children, etc. Children shall be encouraged, but not forced to participate in group activities."

On February 11, 2021, CCFS Wilmesher conducted an interview with former caregiver, Abigail Federhofer who stated she put Child A in think time, because he didn't want to play with the toys at the table. Abigail Federhofer stated she was frustrated with Child A that day, and that she had told him multiple times to go to the table. CCFS Wilmesher discussed with Abigail Federhofer that children should be encouraged but not forced to participate in group activities.

On February 18, 2021, LLC managing member Carla Beth stated Ms. Abby had told Child A to sit in the chair, and he had refused a couple of times, so she grabbed him and put him in timeout.

On February 11, 2021, CCFS Wilmesher observed via video footage that Child A was standing in the middle of the room by himself, while the other children were at or near the tables, and Abigail Federhofer pointed to an empty chair while looking at Child A, and when Child A continued to stay in the same spot in the room, Abigail Federhofer walked over to Child A, grabbed him, and put him in timeout.

CORRECTIVE MEASURES

CORRECTIVE MEASURE	COMPLETED (Y/N)	COMPLETED DATE
The facility shall conduct a staff meeting to review the center's policies and all licensing rules and regulations regarding discipline and expectations for children. The facility must provide the Section for Child Care Regulation with a statement, signed by all staff members (paid employees and paid/unpaid volunteers), to indicate they understand and agree to follow those rules and regulations.	Yes	2/25/2021
CORRECTIVE MEASURE	COMPLETED (Y/N)	COMPLETED DATE
All staff and volunteers of Beth Academy, LLC must obtain one (1) clock hour of training approved by the the Section for Child Care Regulation, on age appropriate discipline. The training must be held by an approved and qualified source, outside of the Beth Academy, LLC 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	5/21/2021
CORRECTIVE MEASURE	COMPLETED (Y/N)	COMPLETED DATE
All staff members (paid employees or unpaid volunteers) must take the 1.0 clock	Yes	5/21/2021

hour DHSS online training course titled, "Making a Difference: Protecting Health and Keeping Children Safe" available at <https://health.mo.gov/safety/childcare/onlinetraining.php> Verification of attendance shall be through the Toolbox report.

DISPOSITION

SUBSTANTIATED

DISPOSITION DATE

4/9/2021

APPROVING SUPERVISOR

CLARK, ANGELA