



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

COMPLAINT INVESTIGATION OF
SUBSTANTIATED STATUTE OR RULE VIOLATIONS

DATE OF REPORT

2/16/2022

DVN

002671498

FACILITY NAME

JADES PRESCHOOL AND DAYCARE LLC

FACILITY ADDRESS

6405 HIGHWAY 40 W

CITY

COLUMBIA

ZIP CODE

65202-9164

PHONE NUMBER

(573) 445-0785

COUNTY

BOONE

ASSIGNED SPECIALIST

SPAULDING, STEPHANIE

RULE/STATUTE VIOLATION(S)

VIOLATION(S)

5 CSR 25-500.132(2)(B)1.

The policy shall state that cribs and playpens must have a firm mattress and tight fitting sheets, be free of loose bedding, bumper pads, pillows, and soft toys;

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(2)(C)4.A.

A child under twelve (12) months of age shall be placed on his/her back to sleep;

5 CSR 25-500.182(2)(C)4.E.

When, in the opinion of the infant's licensed health care provider, an infant requires alternative sleep positions or special sleeping arrangements that differ from those set forth in this rule, the provider shall have on file at the facility written instructions, signed by the infant's licensed health care provider, detailing the alternative sleep positions or special sleeping arrangements for such infant. The caregiver(s) shall put the infant to sleep in accordance with such written instructions;

CONCLUSION SUMMARY

On February 22, 2022, compliance inspector (CI) Spaulding investigated an allegation that on February 07, 2022, Child A, age 7 months old, was sleeping in a pack in play on a boppy lounger that has been recalled and she was swaddled with her arms in. Based on the photo received from Jade's Preschool and Daycare LLC and interviews with the staff of Jade's Preschool and Daycare LLC, it was Child B (twin sibling of Child A also 7 months old), in the picture instead of Child A but regardless of which child it was, the allegation is found to be substantiated. The following rule violation is being cited:

5 CSR 25-500.132.(2).(B).1. - The policy shall state that cribs and playpens must have a firm mattress and tight fitting sheets, be free of loose bedding, bumper pads, pillows, and soft toys;

On February 22, 2022, managing member, Sharon Sweezey stated the following information:

- Caregiver, Tara Sanders sent a picture via text to Parent A because she thought Child A had to sleep in a sitting up position and was asking Parent A if this was how she wanted Child A to sleep.
- Caregiver, Tara had checked Child A's file and did not see any documentation for an alternate sleep position for Child A.
- Child A was sleeping on a boppy pillow in the pack and play.

On March 1, 2022, Parent A stated the following:

- Child A and Child B are twin siblings.
- Child B was in the pack n play and sleeping on a boppy pillow, not Child A.
- Child B rolls, Child A does not roll.
- The boppy that was used with Child B has been recalled.
- She received a photo of Child B in the pack n play on a boppy pillow.

On February 22, 2022, compliance inspector (CI) Spaulding received and observed a photo taken by caregiver, Tara Sanders at Jades Preschool and Daycare LLC of Child A on a boppy pillow, swaddled, and laying in a pack n play. According to Parent A, it was Child B in the photo instead of Child A.

On February 22, 2022, CI Spaulding also took a photo of the boppy pillow used when Child B was propped on the boppy pillow, swaddled, and laying in a pack n play. CI Spaulding has determined that the boppy pillow used and the boppy pillow shown to CI Spaulding are the same boppy pillow and this boppy pillow has not been recalled.

CI Spaulding observed Child A and Child B to have the same date of birth of July 18, 2021. Child A and Child B are both 7-month-old twin siblings.

The following rule violations were also found to be violated during the investigation:

5 CSR 25-500.182(2)(C)4.A. - A child under twelve (12) months of age shall be placed on his/her back to sleep;

AND

5 CSR 25-500.182(2)(C)4.E. - When, in the opinion of the infant's licensed health care provider, an infant requires alternative sleep positions or special sleeping arrangements that differ from those set forth in this rule, the provider shall have on file at the facility written instructions, signed by the infant's licensed health care provider, detailing the alternative sleep positions or special sleeping arrangements for such infant. The caregiver(s) shall put the infant to sleep in accordance with such written instructions;

CI Spaulding observed Child B on a boppy pillow, swaddled with her arms in, sleeping in a pack n play. CI Spaulding did not observe any written physician instructions regarding an alternative sleep position for Child A or Child B on file.

CI Spaulding also determined that Child A has special needs and does not have a specialized care plan on file. Therefore, the following rule violation is being cited.

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.

Parent A stated that the child in the photo was Child B and not Child A. Child A and Child B are twin siblings. Child A has a delay and special needs and is not able to roll over, but Child B is able to roll over and does not have any special needs.

CI Spaulding is unable to interview the reporter because the reporter is anonymous.

VIOLATION(S)

5 CSR 25-500.182(2)(C)4.G.

After awakening, an infant may remain in the crib as long as s/he is content, but never for periods longer than thirty (30) minutes; and

CONCLUSION SUMMARY

On February 22, 2022, compliance inspector (CI) Spaulding investigated an allegation that On February 16, 2022, provider Tara sent via Brightwheel app, that Child A had been swaddled and left in her crib for over an hour that morning but would not fall asleep. Based on interviews with the staff of Jade's Preschool and Daycare LLC and Parent A, it is determined that Child A was in a pack n play for at least an hour without sleeping. Therefore, this allegation is found to be substantiated and the following rule violation is being cited.

5 CSR 25-500.182(2)(C)4.G.: After awakening, an infant may remain in the crib as long as s/he is content, but never for periods longer than thirty (30) minutes.

On February 22, 2022, caregiver, Tara Sanders stated the following:

- Children take an hour nap in the morning and Child A took a thirty minute nap in the afternoon on February 16, 2022.
- Child A was in a pack n play, was not fussy, and was checked on with no issues throughout the time she was in the pack n play.
- Child A did not sleep while she was in the pack n play for an hour on February 16, 2022.
- She documented in the Brightwheel application that Child A wouldn't nap, but did not send pictures to Parent A.

On March 1, 2022, Parent A stated the following:

- Child A was swaddled and left in a crib for over an hour.
- Child A and Child B would never sleep while at daycare, but would take two hour naps at home.
- Ms. Tara messaged her at 11:00 am on February 16, 2022 that Child A would not nap.
- She doesn't know if Child A was crying or not while in the crib for over an hour.
- She doesn't believe Child A would just lay in the crib-she would have been screaming.

On February 22, 2022, compliance inspector (CI) Spaulding received an observed the text message sent by caregiver, Tara Sanders to Parent A on February 16, 2022 at 10:25 am that states the following:

"Child A has been laying in her bed with sound and swaddled for an hour and would not nap this morning !!"

Parent A responded with the following:

"Hey, so I just got a notification that Child A is asleep at 10? But this message came through that she wouldn't fall asleep this morning?"

Caregiver, Tara Sanders responded with the following:

"Yes I accidentally hit asleep instead of awake! Sorry! We did have her laying in her bed for an hour but she never feel asleep!"

CI Spaulding observed Child A's date of birth to be July 18, 2021. Therefore, Child A is 7-months-old and should not be in a crib or pack n play for longer than thirty minutes if awake.

CI Spaulding is unable to interview the reporter because the reporter is anonymous.

CORRECTIVE MEASURES

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All staff members (paid employees or unpaid volunteers) must take the 1.0 clock hour online training course titled, "Making a Difference: Protecting Health and Keeping Children Safe" available at <https://health.mo.gov/safety/childcare/onlinelearning.php> Verification of attendance shall be through the Toolbox report.

COMPLETED (Y/N)

Yes

COMPLETED DATE

4/25/2022

CORRECTIVE MEASURE

The facility shall develop a plan to ensure that all employees are fully trained, prior to caring for children, on the facility's procedures as they pertain to children with special needs. The plan shall identify specifically how staff should handle children with special needs. A copy of the plan shall be submitted to the Office of Childhood.

COMPLETED (Y/N)

Yes

COMPLETED DATE

2/24/2023

CORRECTIVE MEASURE

The facility shall conduct a staff meeting to review all licensing rules and regulations regarding Safe Sleep and the facility's Safe Sleep Policy.. The facility must provide the Office of Childhood with a statement, signed by all staff (paid employees or unpaid volunteers), to indicate they understand and agree to follow those rules and regulations.

COMPLETED (Y/N)

Yes

COMPLETED DATE

2/24/2023

DISPOSITION

SUBSTANTIATED

DISPOSITION DATE

4/18/2022

APPROVING SUPERVISOR

CHRISCO, MARLA L