



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

COMPLAINT INVESTIGATION OF
SUBSTANTIATED STATUTE OR RULE VIOLATIONS

DATE OF REPORT
10/10/2023

DVN
000176607

FACILITY NAME

COX LEARNING CENTER SOUTH

FACILITY ADDRESS

950 E PRIMROSE ST

CITY

SPRINGFIELD

ZIP CODE

65807-5256

PHONE NUMBER

(417) 269-6775

COUNTY

GREENE

ASSIGNED SPECIALIST

MERTZ, CAYLIN

RULE/STATUTE VIOLATION(S)

VIOLATION(S)

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(1)(A)1.

Caregivers shall not leave any child without competent adult supervision.

5 CSR 25-500.182(1)(A)3.

Caregivers shall provide frequent, direct contact so children are not left unobserved on the premises.

CONCLUSION SUMMARY

On October 10, 2023 the Office of Childhood received a report alleging "On September 27, 2023, Child A (4 years old) was left unattended in bathroom for over an hour. Child A has autism and is not potty-trained. A different teacher went to go clean the bathroom and found Child A. Teachers thought Child A had been picked up." After conducting an investigation, Compliance Inspector (CI) Caylin Mertz has found this allegation to be substantiated based on the following evidence and rule violations:

5 CSR 25-500.182(1)(A)1 which states "Caregivers shall not leave any child without competent adult supervision."

AND

5 CSR 25-500.182(1)(A)3 which states "Caregivers shall provide frequent, direct contact so children are not left unobserved on the premises."

On October 11, 2023 Compliance Inspector (CI) Caylin Mertz conducted an unannounced inspection at the facility. A walkthrough of the facility was also conducted. Assistant Director Kristy Eggleston, Caregiver Grace Hendrickson, Evening Supervisor Kera Malen, Caregiver Makayla Mundwiller, Caregiver Michael Heuer, Caregiver Shauna Pierce, Staff Coordinator Trina Achterman, and Child A (4 years old) were interviewed. Caregiver Grace indicated she had taken Child A in to use the bathroom between 4:00 and 4:30 p.m. on September 27, 2023. She recalled sitting him on the toilet nearest the classroom door. She does not recall seeing him leave the restroom. Caregiver Michael and Caregiver Grace indicated they lined up their class to go outside around 4:30 p.m. They stopped in the vestibule just before the playground and completed name to face attendance. They did not complete name to face attendance in the classroom. They did not check the bathroom or the classroom for any lingering children. When Child A's name was called another child indicated that Child A had already left. Caregiver Michael then checked Child A out of the facility before taking the rest of the classroom outside. It was approximately 5:30 p.m. when Caregiver Makayla Mundwiller stated she arrived in the classroom to begin cleaning when she located Child A sitting on the toilet in the bathroom. Caregiver Makayla took Child A to Evening Supervisor Kera Malen. Kera indicated she contacted Staff Coordinator Trina to review camera footage and find out what had happened since Child A was unable to tell them. Parent B picked up Child A while Trina was reviewing footage. Assistant Director Kristy Eggleston contacted Parent B at approximately 6:30 p.m. to advise him that Child A had been left alone in the bathroom, she did not provide a period of time for which Child A was unsupervised.

CI Mertz observed a video clip dated September 27, 2023 from 3:59 p.m. to 5:45 p.m. The bathroom door is not visible in the footage. The bathroom door is in an alcove just off camera and children can be seen walking to and from the bathroom. CI Mertz

observes Caregiver Grace take Child A as well as four other children in to the bathroom at 4:07 p.m. Caregiver Tracey is observe interacting with the children in the classroom and sending a couple of children to the bathroom at a time until Caregiver Grace is observed exiting the bathroom at approximately 4:14 p.m. CI Mertz did not observe Child A to leave the bathroom with Caregiver Grace or at any point while Caregiver Grace was in the bathroom. Caregiver Michael enters the classroom at 4:17 p.m. Caregiver Tracey leaves the classroom approximately two minutes later. Caregiver Grace goes towards the bathroom door at 4:24 p.m. but stops to get a drink before returning to the rest of the class. Caregiver Michael has the children begin to line up at 4:26 p.m. Caregiver Michael leads 17 children out of the classroom. Caregiver Grace exits before the last two children. CI Mertz observes parents to enter the classroom at 4:34 p.m., 4:43 p.m., 4:46 p.m., and 4:48 p.m., gather their children's belongings and exit the room. Caregiver Michael enters the classroom at 4:50 p.m., walks towards the bathroom but stops short before plugging in the tablet and leaving the classroom less than an a minute later. CI Mertz observes a parent to enter the classroom at 5:20 p.m., gather their child's belongings and exit the classroom. Caregiver Makayla enters the classroom at 5:29 p.m. She is observed exiting the bathroom with Child A at 5:33 p.m.

Based on interviews and video evidence Child A was in the classroom bathroom from 4:07 p.m. until 5:33 p.m., seated on the toilet.

5 CSR 25-500.132(6) which states "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."

CI Mertz observed Child A's enrollment form dated June 2, 2023 indicated Child A has Autism, speech and developmental delays. Assistant Director Kristy Eggleston reported they were unaware that Child A was autistic until the incident on September 27, 2023. Child A did not have an individualized plan for specialized care at the time of this investigation .

PROVIDER COMMENTS

Cox Learning Center (CLC) is dedicated to providing excellent childcare. It immediately self-reported the incident and commenced an internal investigation by reviewing video footage, interviewing the parents and staff involved, and reviewing policies. CLC took prompt measures to ensure effective safeguards are in place , including implementing a policy requiring all staff who become aware of a child?s special needs to notify management and ensure individualized plans are on file; implementing a policy requiring a second sweep of all classrooms, bathrooms, and playgrounds after each transition; updating its policy for face-to-face attendance verification after each transition; and individually educating all staff regarding these policies . After receiving OOC?s report, CLC met with staff to provide further education and training . Safety is CLC?s top priority and CLC believes these actions further strengthen our dedication to students and will ensure compliance moving forward.

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 licensing violations cited. A copy of the memo, letter, or staff meeting agenda shall be submitted to the Office of Childhood .	Yes	10/23/2023
CORRECTIVE MEASURE	COMPLETED (Y/N)	COMPLETED DATE
The facility is hereby placed on close supervision for a period of six months.	Yes	6/10/2024

DISPOSITION

SUBSTANTIATED

DISPOSITION DATE

12/20/2023

APPROVING SUPERVISOR

FOX, ROMENA