



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

COMPLAINT INVESTIGATION OF
SUBSTANTIATED STATUTE OR RULE VIOLATIONS

DATE OF REPORT
5/3/2023

DVN
000610173

FACILITY NAME

MISSOURI VALLEY COMMUNITY ACTION AGENCY

FACILITY ADDRESS

1498 LEXINGTON

CITY

MARSHALL

ZIP CODE

65340

PHONE NUMBER

(660) 886-9980

COUNTY

SALINE

ASSIGNED SPECIALIST

IBBOTSON, JESSICA

RULE/STATUTE VIOLATION(S)

VIOLATION(S)

5 CSR 25-600.020 (1)

Prior to the employment or presence of a child care staff member in a licensed , regulated, or registered child care facility not exempted by section 210.1080.13, RSMo, the child care provider shall request the results of a criminal background check for such child care staff member from the department.

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)2.

A caregiver personally shall admit each child upon arrival and personally shall dismiss each child upon departure . Children shall be dismissed only to the parent(s) , guardian, legal custodian, or to individuals approved by the parent(s) , guardian, or legal custodian.

5 CSR 25-500.122(1)(A)

All persons working in a child care facility in any capacity during child care hours, including volunteers counted in staff/child ratios, shall be in good physical and emotional health with no physical or mental conditions which would interfere with child care responsibilities. These persons shall have a medical examination report, signed by a licensed physician or registered nurse who is under the supervision of a licensed physician, on file at the facility at the time of initial licensure or within thirty (30) days following employment.

5 CSR 25-500.122(1)(B)

Medical examination reports shall include either a Tuberculosis (TB) Risk Assessment form, completed and signed by a health care professional, or a negative tuberculin skin test (TST) completed not more than twelve (12) months before beginning work in the facility. The Tuberculosis (TB) Risk Assessment form, revised March 2014, is incorporated by reference in this rule, as published by the Missouri Department of Health and Senior Services, PO Box 570, Jefferson City, MO 65102 and available by the Missouri Department of Health and Senior Services at <https://health.mo.gov/living/healthcondiseases/communicable/tuberculosis/tbmanual/pdf/RiskAssessmentform.pdf>. If the person has signs or symptoms of tuberculosis, or risk factors for tuberculosis, then testing for tuberculosis shall occur.

5 CSR 25-500.102(3)(A)

The center director, group child care home provider, all other caregivers, and those volunteers who are counted in staff/child ratios shall obtain at least twelve (12) clock hours of child-care related training during each calendar year. Clock hour training shall be approved by the department.

5 CSR 25-500.212(3)(G)

Children shall not be left unattended in a vehicle at any time.

5 CSR 25-500.212(3)(L)

Head counts shall be taken before leaving the facility, after entering the vehicle, during a field trip, after taking the children to bathrooms, after returning to the vehicle and when back at the facility.

CONCLUSION SUMMARY

Compliance Inspector (CI) Jessica Ibbotson conducted an investigation regarding the allegation that Child A was left unsupervised on the bus on May 1, 2023. After conducting the investigation, CI Ibbotson finds this allegation is substantiated. This conclusion is based on the following evidence of licensing rule violations which occurred at the facility:

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)2. which states: "A caregiver personally shall admit each child upon arrival and personally shall dismiss each child upon departure. Children shall be dismissed only to the parent(s) , guardian, legal custodian, or to individuals approved by the parent(s) , guardian, or legal custodian."

AND

5 CSR 25-500.212(3)(G) which states: "Children shall not be left unattended in a vehicle at any time."

AND

5 CSR 25-500.212(3)(L) which states: "Head counts shall be taken before leaving the facility, after entering the vehicle, during a field trip, after taking the children to bathrooms, after returning to the vehicle and when back at the facility."

On May 4, 2023, CI Ibbotson interviewed Director Bullard who stated that she understood that Child A was left on the bus and was later found by Bus Driver Williams in the driveway of his home at approximately 5:00 p.m. that evening. She stated that staff were required to complete bus monitor training upon employment, which Caregiver Stevens had done. She stated that she had been on the bus with Caregiver Stevens before and had never observed him not following proper bus monitoring protocols.

CI Ibbotson reviewed the transportation log completed on May 1, 2023. CI Ibbotson observed Caregiver Stevens sign Child A in by signing his initials in the "center pick-up" section. CI Ibbotson observed a blank space in the " home drop off parent/guardian signature" section. CI Ibbotson also observed that it was documented that the bus left the facility at 3:10 p.m. and returned at 4:17 p.m.

On June 5, 2023, CI Ibbotson interviewed Director of Head Start Huffmon, Caregiver Stevens, Bus Driver Williams and Parent A. Director of Head Start Huffmon stated that the office was informed by Parent A on the evening of May 1, 2023, that Child A was left on the bus and later found on Bus Driver Williams driveway of his home. She stated that Caregiver Stevens was placed on administrative leave on May 1 2023, and was later terminated on May 9, 2023, after concluding that he did not follow proper bus monitoring protocols.

Caregiver Stevens stated that he was the only bus monitor in the afternoon of May 1, 2023. He stated that he buckled each child into their seats before Bus Driver Williams started driving. Caregiver Stevens stated that he observed the bus log after all stops were completed and noticed there were multiple blank spots where parents did not sign out their child. Caregiver Stevens stated that despite what he observed, he still believed that each child had been dropped off and were no longer present on the bus . Caregiver Stevens and Bus Driver Williams stated that Caregiver Stevens searched the bus once they arrived back at the facility but neither observed nor heard any children remaining on the bus. Bus Driver Williams stated he conducted a walkthrough on the bus once he arrived home where the bus remained for the evening but still did not observe or hear any children. Caregiver Stevens and Bus Driver Williams stated that they did not check underneath the seats of the bus. Bus Driver Williams stated that he heard a child crying once he was home at approximately 5:00 p.m. on May 1, 2023, and observed Child A standing in his driveway. Bus Driver Williams stated that he immediately took Child A home to Parent A.

Parent A stated that she observed Bus Driver Williams arrive at her home with Child A in his personal car at approximately 5:00 p.m. Parent A stated that she asked Child A what happened, in which he reported to her that he was left alone on the bus. She stated that Child A told her that he was banging on the bus doors but nobody heard or saw him , so he pulled on the door lever to let himself out. Parent A stated that she informed the Head Start office immediately and Child A did not return to the facility .

On July 18, 2023, Director of Head Start Huffmon stated that 11 children were placed on the bus with Caregiver Stevens and Bus Driver Williams. She stated that the bus only held 11 children at one time but 15 children were needing a ride home. She and Caregiver Stevens stated that seven out of the 11 children were taken home before going back to the facility to pick up the remaining three children. CI Ibbotson reviewed the bus log and observed that 15 children were documented on riding the bus home on May 1, 2023.

5 CSR 25-600.020 (1) which states: "Prior to the employment or presence of a child care staff member in a licensed , regulated, or registered child care facility not exempted by section 210.1080.13, RSMo, the child care provider shall request the results of a criminal background check for such child care staff member from the department ."

AND

5 CSR 25-500.102(3)(A) which states: "The center director, group child care home provider, all other caregivers, and those volunteers who are counted in staff/child ratios shall obtain at least twelve (12) clock hours of child-care related training during each calendar year. Clock hour training shall be approved by the department."

AND

5 CSR 25-500.122(1)(A) which states: "All persons working in a child care facility in any capacity during child care hours, including volunteers counted in staff/child ratios, shall be in good physical and emotional health with no physical or mental conditions which would interfere with child care responsibilities. These persons shall have a medical examination report, signed

by a licensed physician or registered nurse who is under the supervision of a licensed physician, on file at the facility at the time of initial licensure or within thirty (30) days following employment."

AND

5 CSR 25-500.122(1)(B) which states: "Medical examination reports shall include either a Tuberculosis (TB) Risk Assessment form, completed and signed by a health care professional, or a negative tuberculin skin test (TST) completed not more than twelve (12) months before beginning work in the facility. The Tuberculosis (TB) Risk Assessment form, revised March 2014, is incorporated by reference in this rule, as published by the Missouri Department of Health and Senior Services, PO Box 570, Jefferson City, MO 65102 and available by the Missouri Department of Health and Senior Services at <https://health.mo.gov/living/healthcondiseases/communicable/tuberculosis/tbmanual/pdf/RiskAssessmentform.pdf>. If the person has signs or symptoms of tuberculosis, or risk factors for tuberculosis, then testing for tuberculosis shall occur."

On July 18, 2023, Director of Head Start Huffmon stated Bus Driver Williams counted in ratio on the bus. On August 9, 2023, Director of Head Start Huffmon contacted CI Ibbotson and stated that the facility did not have any documentation regarding Bus Driver Williams and only Operating Above the Standard (OATS) Transit did.

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(s) shall be submitted to the Office of Childhood.	Yes	10/19/2023

DISPOSITION	DISPOSITION DATE
SUBSTANTIATED	9/5/2023

APPROVING SUPERVISOR
FOX, ROMENA