



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

COMPLAINT INVESTIGATION OF
SUBSTANTIATED STATUTE OR RULE VIOLATIONS

DATE OF REPORT
12/6/2021

DVN
002674968

FACILITY NAME

BRIGHTSTAR PRESCHOOL ACADEMY

FACILITY ADDRESS

8525 NATURAL BRIDGE RD

CITY

ST LOUIS

ZIP CODE

63121-4545

PHONE NUMBER

(314) 733-5250

COUNTY

ST LOUIS

ASSIGNED SPECIALIST

GRAHAM, JESSICA

RULE/STATUTE VIOLATION(S)

VIOLATION(S)

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 December 7, 2021, Compliance Inspector (CI) Jessica Graham Parent A of Child A (12/12/18) reported that he walked out of the fenced playground and was found in the parking lot near the street by Ms. India. Per the parent, the incident occurred on 12/2/2021. She stated that the teachers he was with were Ms. Karen and Ms. Asia. She stated that Ms. Karen told her what happened the next day. Parent A also stated that Ms. Karen nor Ms. Asia did not know Child A was gone so it is unknown how long he was outside alone. She indicated that Ms. Karen told her that Child A was playing on a different area on the playground. This allegation is substantiated based on the following rule violation.

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 December 7, 2021, Daphne Rice, director, stated that she was told by Ms. India, caregiver, that Child A, age 2 years, was found outside of the fenced playground area in the parking lot on the side of the building on the afternoon of December 2, 2021. Ms. Daphne was not working that afternoon so Ms. India reported the incident to her the following morning. Ms. India was on the side of the building walking in and saw Child A. Ms. Daphne said that Child A has never tried to get out of the gate before.

Karen Horton-Coleman, caregiver, was outside on the playground with Child A and the rest of her class. There was another caregiver outside, Ms. Asha, and herself had a total of 11 children. Ms. Karen said that most of the kids were playing over by the houses and Child A was riding on a bike by the same area. At one point Ms. Karen saw a child pointing towards the gate area and she thought they were saying they saw a dog. Ms. Karen didn't see anything when she looked that direction. A few minutes later (unknown exact amount of time) Ms. India came on the playground and said that Child A had got out of the fence and that Ms. Karen needed to bring all the children inside. Ms. Karen did not realize that Child A was gone until that time.

Asha Robinson-Terry, caregiver, stated that she was outside with Ms. Karen and the class, including Child A. Ms. Asha had went inside with 1 child because she needed an accident report. Ms. Karen was left outside with 10 other children including Child A. She was inside approximately 10 minutes when Ms. India came inside the classroom with Child A. She said that Child A was outside the building and she found him when she walked out to dismiss another child.

India Morris, caregiver, stated that she walked outside to release another child and noticed Child A standing on the walkway by the side of the building. She picked Child A up and took him back inside to his classroom. Ms. Karen was outside with the rest of the class so we told her to bring the kids in. Ms. Karen did not realize that Child A was missing from the class until she told her. Child A was not hurt or injured and was not crying when she found him.

CI Graham attempted to call Parent A but no contact was made.

Child A is non verbal and was not interviewed.

On December 7, 2021, CI Graham measured the distance that Child A walked from the gate of the playground to the walkway on the side of the building where he was found. The distance measured about 50 feet.

The lot on both sides of the building is a parking area. The walkway in front of the building is next to the street (Natural Bridge Road) which has a speed limit of 40mph.

VIOLATION(S)

5 CSR 25-500.192(5)(A)

In case of accident or injury to a child, the provider shall notify the parent(s) immediately. If the child requires emergency medical care, the provider shall follow the parent's(s') written instructions.

CONCLUSION SUMMARY

On December 7, 2021, Compliance Inspector (CI) Jessica Graham investigated the allegation that Parent A stated that she was not immediately informed of an incident regarding Child A until Friday December 03, 2021 that Child A got out of the fence playground area and was in the parking lot near the street alone on Thursday December 2, 2021. This allegation is substantiated based on the following rule violation.

5 CSR 25-500.192(5)(A) which states: "In case of accident or injury to a child, the provider shall notify the parent(s) immediately. If the child requires emergency medical care, the provider shall follow the parent's(s') written instructions."

On December 7, 2021, Daphne Rice, director, stated that she was away from the facility on the afternoon of December 2, 2021. She was told by Ms. India (caregiver) the following morning about the incident and was not aware that Parent A did not know about the incident.

Karen Horton, caregiver, said that she did not notify Parent A about the incident with Child A because that was not her job since Ms. India was in charge. She stated that she was not sure who would be the one to write up the incident report. Ms. Karen spoke to Parent A the next morning, assuming she had been notified prior. Parent A was not aware of the incident at that point.

India Morris, caregiver, said that she found Child A outside and brought him back inside to his teacher, Ms. Karen. Ms. India tried to contact Ms. Daphne that evening but could not reach her. She said that she had wrote up an incident report to give to Parent A at pick up but did not tell the other staff that she had the report. Ms. India did not see Child A get picked up so Parent A did not get the report and was not notified of the incident.

CI Graham reviewed the incident report that was written by Ms. India that evening.

CI Graham attempted to call Parent A twice but no contact was made.

VIOLATION(S)

5 CSR 25-500.082(6)(A)1.

A fenced outdoor play area shall be available on or adjoining the day care property. The play area shall be located so it is convenient and the children can gain access to it without hazard. For facilities initially licensed after the effective date of these rules or for the installation of new fences in existing facilities, the fence shall be at least forty-two inches (42") high. An outdoor play area used exclusively for school-age children shall not be required to have a fence. Fences shall be constructed to prevent children from crawling or falling through or becoming entrapped.

5 CSR 25-500.082(6)(A)4.

The play area shall be safe for children's activities, well-maintained, free of hazards such as poisonous plants, broken glass, rocks or other debris and shall have good drainage.

CONCLUSION SUMMARY

On December 7, 2021, Compliance Inspector (CI) Jessica Graham investigated the allegation that the gate to the fenced playground space was not secure and Child A was found in the parking lot area near the street. This allegation is substantiated based on the following rule violation.

5 CSR 25-500.082 (6)(A)1. which states: "A fenced outdoor play area shall be available on or adjoining the day care property. The play area shall be located so it is convenient and the children can gain access to it without hazard. For facilities initially licensed after the effective date of these rules or for the installation of new fences in existing facilities, the fence shall be at least forty-two inches (42") high. An outdoor play area used exclusively for school-age children shall not be required to have a fence. Fences shall be constructed to prevent children from crawling or falling through or becoming entrapped."

AND

5 CSR 25-500.082(6)(A)4. which states: "The play area shall be safe for children's activities, well-maintained, free of hazards such as poisonous plants, broken glass, rocks or other debris and shall have good drainage."

On December 7, 2021, Daphne Rice, director, stated that the fence post and gate stay secure at all times. She said that there are no gaps in the fence now but there was a gap and the mesh had been added to prevent a child from slipping through the fence again.

Karen Horton, caregiver, stated that she saw a gap in the fence on December 2, 2021, and wondered if a child could slip through it. She thinks that is how Child A got out of the playground but she is not sure because she didn't see it. She said the fence hasn't always had a gap in it and that it is probably from the children pushing on it or running into it. She added chicken wire to the fence to cover the gap.

India Morris, caregiver, said that there wasn't a big gap in the fence, but maybe big enough that a child could squeeze through it.

On December 7, 2021, CI Graham observed the fenced area of the playground. The fence was latched and secured and there was a gap of 2.75 inches from the fence post to the gate. According to staff, there was a gap in the gate that was large enough for Child A to get through but it had been repaired when CI Graham observed it so it is unknown how much the gap between the fence and the gate measured.

CORRECTIVE MEASURES

CORRECTIVE MEASURE

The facility shall have all staff members (paid employees and paid/unpaid volunteers) obtain one clock hour of approved training on SUPERVISION. Training may be obtained from the Missouri Workshop Calendar. The training calendar can be found at <http://www.moworkshopcalendar.org/>. The local Child Care Aware agency may also assist in finding training. The Child Care Aware website can be found at <http://www.childcareaware.org/>. Verification of training completion shall be from the Open Initiative Toolbox report.

COMPLETED (Y/N)

Yes

COMPLETED DATE

5/4/2023

CORRECTIVE MEASURE

The facility shall conduct a staff meeting to review the center's policies and all licensing rules and regulations regarding supervision. The facility must provide the Office of Childhood 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.

COMPLETED (Y/N)

Yes

COMPLETED DATE

7/7/2023

CORRECTIVE MEASURE

The facility shall conduct a staff meeting to review the center's policies and all licensing rules and regulations regarding accidents and injuries. 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

9/28/2022

CORRECTIVE MEASURE

A plan shall be put in place to ensure that staff are conducting daily checks of the outdoor play space, including the fence, to ensure it is kept in good condition with no gaps in the fence or gate greater than 3.5 inches wide. A copy of the plan shall be submitted to the Office of Childhood.

COMPLETED (Y/N)

Yes

COMPLETED DATE

9/2/2022

DISPOSITION

SUBSTANTIATED

DISPOSITION DATE

8/3/2022

APPROVING SUPERVISOR

CHRISCO, MARLA L