



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

**COMPLAINT INVESTIGATION OF
SUBSTANTIATED STATUTE OR RULE VIOLATIONS**

DATE OF REPORT
12/13/2021

DVN
000312398

FACILITY NAME

OZARKS REGIONAL YMCA

FACILITY ADDRESS

2927 S KIMBROUGH AVE

CITY

SPRINGFIELD

ZIP CODE

65807-3601

PHONE NUMBER

(417) 340-8645

COUNTY

GREENE

ASSIGNED SPECIALIST

RUSSELL, BILLIE

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.

5 CSR 25-500.102(1)(J)

All staff shall acquaint themselves with the child abuse and neglect law and shall make a report of any suspected child abuse or neglect to the Children's Division at the toll-free number 1-800-392-3738 or online at <https://apps.dss.mo.gov/OnlineCanReporting/default.aspx>.

5 CSR 25-500.082(1)(C)

Children shall have no access to areas not approved for child care.

5 CSR 25-500.222(3)(D)

Any significant information learned from observing the child.

CONCLUSION SUMMARY

The Department of Elementary and Secondary Education (DESE), and the Office of Childhood (OOC) determined this complaint to be substantiated regarding the allegation that a 5 year old autistic child was found wandering on/near Battlefield Road, a busy street near the school, and was unsupervised for 30-60 minutes.

During the course of the investigation Compliance Inspector (CI) Billie Russell interviewed Executive Director, Megan Outersky, Site Director, Eric Smith-Rosenkrans, Caregivers, Channing Carlson and Kennedy Adams, Springfield Public School Counselor, Amanda Pearson, Charley Robinson, and Child A's mother.

Charley Robinson reported on December 2, 2021, he was driving west bound on Battlefield Road when he came inches from hitting Child A around 3:45 p.m. He got Child A to the sidewalk and called 911. A Springfield Police Officer arrived about 4:00 p.m. Charley reported caregiver, Averie Benson, walked up to them, not showing concern for Child A, and took Child A back to the facility.

Kennedy Adams reported December 2, 2021, was her first day of work at the facility. She was working that day with Averie. She reported they took the children outside around 3:30 p.m. Averie left the play yard with a parent, leaving her with twenty-four (24) school age children outside. Kennedy reported at the same time Averie returned, another parent told them a child was found in the middle of Battlefield Road. They both realized Child A was missing and he was the child in the road. Kennedy and Averie failed to keep Child A away from areas not approved for child care when Child A eloped from the play yard, walked across Cowden Park and into busy Battlefield Road. Averie went to go get Child A. Kennedy and Averie failed to give competent adult supervision when they did not provide frequent, direct contact allowing Child A to be left unobserved on the play yard, giving Child A the ability to walk into Battlefield Road.

When Averie and Child A got back to the play yard, Kennedy reported Child A tried to run away again. Kennedy reported the police officer called Child A's mother. Kennedy reported documenting the incident in writing and emailing it to Kyle Eskoff, site director, however both did not provide a copy to DESE/OOC when requested and failed to document and have on file significant information learned about Child A.

Ozarks Regional YMCA staff failed to acquaint themselves with the child abuse and neglect law and make a report to Children's Division regarding the incident with Child A as Eric and Channing reported staff members knew about the incident with Child A as they were talking about it in the office, however only Amanda Pearson, Springfield Public School Counselor, hotlined the incident.

Child A's mother reported Child A was not hurt from the incident. She reported Child A is Autistic, non-verbal, requires a lot of adult assistance with personal care, and runs away from caregivers. Child A's mother reported she was informed of the incident by a police officer and Child A did not return to the facility for care. Amanda Pearson reported that Child A is Autistic, non-verbal and must have a staff person with him at all times or he will run away. Channing and Kennedy reported facility staff knew about Child A's tendency to run off from them. The facility failed to obtain and have on file an individualized plan for Child A as Amanda, Channing, Kennedy and Child A's mother reported Child A was Autistic, non-verbal, required adult assistance and he has a tendency to run away from caregivers.

Channing Carlson and Eric Smith-Rosenkrans reported there was a frequent change of staff due to low and new staffing. Kennedy reported there was no consistency with caregivers and the facility was under staffed.

CI Russell observed child and staff attendance records for December 2, 2021. There were twenty-four (24) children in attendance with caregivers, Averie Benson and Kennedy Adams.

Megan Outersky reported as of the middle of February 2022, the YMCA has made changes to help with supervision of children. Megan reported these changes included staff meetings and reviewing licensing requirements. She reported staff were trained on line of sight supervision, blind spots on the play yard and counting heads every few minutes.

CORRECTIVE MEASURES

CORRECTIVE MEASURE	COMPLETED (Y/N)	COMPLETED DATE
The director shall submit a written plan on how the facility will conduct head counts and name to face attendance to ensure no children are left behind. This plan must include a way for caregivers to document the date, time and sign they conducted head counts and name to face attendance of all children during transition times and every 30 minutes the children are in care. The written plan shall be submitted to the Section for Child Care Regulation.	Yes	8/8/2023

CORRECTIVE MEASURE	COMPLETED (Y/N)	COMPLETED DATE
All caregivers, director and any other persons counted in child/staff ratio shall take a minimum of one (1) clock hour of training approved by DESE and OOC in the supervision of children. The clock hour(s) of training must be recorded in the Missouri Professional Development Registry (MOPD Registry) at www.OPENInitiative.org	Yes	8/8/2023

CORRECTIVE MEASURE	COMPLETED (Y/N)	COMPLETED DATE
All caregivers, director and any other persons counted in child/staff ratio shall take a minimum of one (1) clock hour of training approved by DESE and OOC in mandated reporting of child abuse and neglect. The clock hour(s) of training must be recorded in the Missouri Professional Development Registry (MOPD Registry) at www.OPENInitiative.org	Yes	8/8/2023

DISPOSITION	DISPOSITION DATE
SUBSTANTIATED	7/8/2022

APPROVING SUPERVISOR
HOLMAN, MELISSA