



**MISSOURI DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
OFFICE OF CHILDHOOD - CHILD CARE COMPLIANCE
COMPLAINT INVESTIGATION OF
SUBSTANTIATED STATUTE OR RULE VIOLATIONS**

DATE OF REPORT
12/8/2022

DVN
002533995

FACILITY NAME

KIDS KORNER DAYCARE AND PRESCHOOL CENTER

FACILITY ADDRESS

254 S SILVER SPRINGS RD

CITY

CAPE GIRARDEAU

ZIP CODE

63703-6310

PHONE NUMBER

(573) 334-4422

COUNTY

CAPE GIRARDEAU

ASSIGNED SPECIALIST

GRAHAM, JESSICA

RULE/STATUTE VIOLATION(S)

VIOLATION(S)

5 CSR 25-500.182(1)(C)2.

Expectations for a child's behavior shall be appropriate for the developmental level of that child.

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

Only constructive, age-appropriate methods of discipline shall be used to help children develop self-control and assume responsibility for their own actions.

5 CSR 25-500.182(1)(C)5.

Brief, supervised separation from the group may be used based on a guideline of one (1) minute of separation for each year of the child's age.

5 CSR 25-500.182(1)(C)6.

Firm, positive statements or redirection of behavior shall be used with infants and toddlers.

5 CSR 25-500.182(1)(C)7.

Physical punishment including, but not limited to, spanking, slapping, shaking, biting, or pulling hair shall be prohibited.

5 CSR 25-500.182(1)(C)8.

No discipline technique which is humiliating, threatening, or frightening to children shall be used. Children shall not be shamed, ridiculed, or spoken to harshly, abusively, or with profanity.

5 CSR 25-500.182(1)(C)9.

Punishment or threat of punishment shall not be associated with food, rest, or toilet training.

5 CSR 25-500.182(2)(C)

Daily activities for infants and toddlers shall include:

5 CSR 25-500.182(2)(C)6.

Opportunities for sensory stimulation which includes visual stimulation through pictures, books, toys, nonverbal communication, games, and the like; auditory stimulation through verbal communication, music, toys, games, and the like; and tactile stimulation through surfaces, fabrics, toys, games, and the like;

5 CSR 25-500.182(2)(C)8.

Opportunity for outdoor play when weather permits.

5 CSR 25-500.102(1)(E)

Caregivers shall have knowledge of the needs of children and shall be sensitive to the capabilities, interests, and problems of children in care.

5 CSR 25-500.112(1)

The following staff/child ratios shall be maintained on the premises at all times:

5 CSR 25-500.112(1)(A)

Birth Through Two (2) Years. Groups composed of mixed ages through two (2) years shall have no less than one (1) adult to four (4) children, with no more than eight (8) children in a group;

CONCLUSION SUMMARY

On December 9, 2022, Compliance Inspector (CI) Jessica Graham investigated the allegation that on December 8, 2022, between 8:30 9:00am, Kim Luebbers hit Child A on the right hand, causing a small cut to the inside of his knuckle. The allegation was substantiated based on the following information.

5 CSR 25 500.182(1)(C)2. which states: "Expectations for a child's behavior shall be appropriate for the developmental level of that child."

AND

5 CSR 25 500.182(1)(C)3. which states: "Only constructive, age appropriate methods of discipline shall be used to help children develop self control and assume responsibility for their own actions."

AND

5 CSR 25 500.182(1)(C)6. which states: "Firm, positive statements or redirection of behavior shall be used with infants and toddlers."

AND

5 CSR 25 500.182(1)(C)7. which states: "Physical punishment including, but not limited to, spanking, slapping, shaking, biting, or pulling hair shall be prohibited."

AND

5 CSR 25 500.182(1)(C)9. which states: "Punishment or threat of punishment shall not be associated with food, rest, or toilet training."

On December 9, 2022, caregiver Jean Fulton stated that Ms. Kim admitted to slapping Child A (11-months-old) on the hand.

On December 9, 2022, caregiver Pieper Hull stated that she was is in the classroom with Ms. Kim and the toddlers, age 12- to 18-months-old. The morning of December 8, 2022, she was helping Ms. Kim feed the kids breakfast. Ms. Kim had ripped up toast for Child A and Child A started swiping it off the table with his hands. She saw Ms. Kim grab Child A's hands and tell him to stop. Ms. Kim then hit Child A with the back of her hand like a swat. She looked at Ms. Kim and said "really". Ms. Kim said she shouldn't have done that, "it was just a reaction".

On December 9, 2022, caregiver Jazmin Nava stated that she was a floater but did work in the classroom with Ms. Kim to cover breaks. She never saw Ms. Kim hit any of the kids but Ms. Kim would grab a child by their wrist and put their hands down hard on the table and tell them to stop.

On December 9, 2022, caregiver Brycen Ludwig stated that he was working on December 8, 2022, when the incident occurred with Child A. Child A had a scratch on his thumb, but it was not swollen and not bleeding. They checked Child A's head because they heard that Ms. Kim jerked Child A's head. He had heard that Ms. Kim had grabbed kids by the hand to move them away.

On December 13, 2022, Parent A (parent of Child A) stated that Child A (11-months-old) had attended the facility since August 2022 in the same classroom. In the past, there had been three or four times that Child A had been bit by someone because they were fighting over Child A's blanket. At the time, Child A was only 9-months-old and she wondered how Child A could be fighting with other kids. Ms. Jean called her on December 8, 2022, to come get Child A. When she arrived, Ms. Jean told her about the incident with Ms. Kim. Child A was hit by a teacher and the teacher jerked his neck and left a cut on his finger.

On December 13, 2022 former caregiver Kim Luebbers stated that on December 8, 2022, she was working in the classroom with Ms. Pieper and was feeding the children breakfast. Child A was being very hyper and knocking food onto the floor. Before she could think, she reached over and smacked Child A's hand. As soon as she did it, she said "oh, I shouldn't have done that." Ms. Pieper was in the room but didn't say anything. A short while later, Mr. Brycen came into the room to get her. She was not feeling frustrated or angry at the children at any time, it was just a reflex when she smacked Child A's hand. She was not aware of causing a cut on Child A's knuckle. She doesn't think she even hit Child A that hard.

5 CSR 25 500.182(1)(C)2. which states: "Expectations for a child's behavior shall be appropriate for the developmental level of that child."

AND

5 CSR 25 500.182(1)(C)6. which states: "Firm, positive statements or redirection of behavior shall be used with infants and toddlers."

AND

5 CSR 25 500.182(1)(C)8. which states: "No discipline technique which is humiliating, threatening, or frightening to children shall be used. Children shall not be shamed, ridiculed, or spoken to harshly, abusively, or with profanity."

On December 9, 2022, caregiver Pieper Hull stated that Ms. Kim would talk down to the toddlers and curse at them as a daily occurrence. The mornings started out okay but as the day went on she would get more frustrated with the children. Ms. Sandy heard Ms. Kim cursing and made a complaint also.

On December 9, 2022, caregiver Sandy Crinshaw stated that she has worked at the center for 12 years and works with toddlers,

age 21- to 23-months-old, in the classroom connected to Ms. Kim. She had concerns with Ms. Kim saying "shit", "cut that shit out and go to sleep" or "the baby woke up, shit".

Ms. Kim had also been heard saying "I'm going to knock you down", "knock your head off", or "poke your eyes out" to the kids. She would hear Ms. Kim say these things from her classroom. She told Ms. Jean about her concerns with the way the Ms. Kim was talking.

On December 9, 2022, caregiver Jazmin Nava stated that she had worked at the center since August 2022 and was a floater, but did use to work in the classroom with Ms. Kim and now will still go in that classroom to cover breaks. Ms. Kim would lose her patience quickly with the children. Ms. Kim would storm off, mumble in her mouth, or say cuss words. The boys in the room would drive Ms. Kim crazy and that is why Ms. Kim would cuss. She told Ms. Jean about how Ms. Kim was acting in the classroom but she is not sure if anyone ever talked to Ms. Kim about her behavior because Ms. Kim didn't stop acting the way she was.

On December 9, 2022, caregiver Brycen Ludwig stated that he saw concerns with Ms. Kim's tone being harsh, but it was not enough at the time to do anything.

On December 13, 2022, former caregiver Kim Luebbers stated that she was not aware she was cussing at the kids but knows she would maybe say "damn". Ms. Jean never confronted her about her tone. She was never confronted about her tone or interactions in the classroom.

On December 28, 2022, caregiver Nikki Campbell stated that she had two employees tell her that Ms. Kim's tone with the children made them nervous and uncomfortable.

5 CSR 25 500.182(1)(C)2. which states: "Expectations for a child's behavior shall be appropriate for the developmental level of that child."

AND

5 CSR 25 500.182(1)(C)5. which states: "Brief, supervised separation from the group may be used based on a guideline of one (1) minute of separation for each year of the child's age."

On December 9, 2022, caregivers Pieper Hull stated that she was in the classroom with Ms. Kim and the toddlers, ages 12- to 18-months-old. Ms. Kim would often put the children in cribs if they did something wrong or they got annoying. If she would get the child out of the crib then Ms. Kim would put them back in there. The children were left in the cribs for 30 minutes or an hour or until someone in charge would walk by the door.

On December 9, 2022, caregiver Jazmin Nava stated that Ms. Kim would put the kids in cribs for discipline for a minimum of 20 minutes up to an hour. If anyone would get the kids out. Ms. Kim would say "they are going to do it again and I'll have to put them back in there".

On December 13, 2022, former caregiver Kim Luebbers stated that for discipline, she would sit the kids at the table or put them in the crib for about five minutes.

5 CSR 25 500.182(2)(C) which states: "Daily activities for infants and toddlers shall include:"

AND

5 CSR 25 500.182(2)(C)6. which states: "Opportunities for sensory stimulation which includes visual stimulation through pictures, books, toys, nonverbal communication, games, and the like; auditory stimulation through verbal communication, music, toys, games, and the like; and tactile stimulation through surfaces, fabrics, toys, games, and the like;"

AND

5 CSR 25 500.182(2)(C)8. which states: "Opportunity for outdoor play when weather permits."

On December 9, 2022, caregiver Pieper Hull stated that Ms. Kim would often put the children in cribs if they did something wrong or they got annoying. If she would get the child out of the crib then Ms. Kim would put them back in there. The children were left in the cribs for 30 minutes or an hour or until someone in charge would walk by the door. On December 6, 2022, an incident occurred because two children were sleeping in their cribs. Ms. Sandy told Ms. Kim that the kids didn't need to be sleeping because it wasn't nap time and Ms. Kim told her to take care of her own class. Each morning would start out okay but as the day went on Ms. Kim would get more frustrated with the children. Ms. Kim would take away all the toys away for discipline. That's when the children would start fighting and biting each other because they had nothing to play with.

On December 9, 2022, caregiver Sandy Crinshaw stated that Ms. Kim would discipline the kids using her voice and by putting

them in their cribs. She said something to Ms. Kim about putting the kids in the cribs and Ms. Kim got mad at her. She told Ms. Kim that the kids should be on the floor playing.

On December 9, 2022, caregiver Jazmin Nava stated that she would be in the classroom with Ms. Kim daily because they needed some help with the boys, like keeping them off the bench or keeping them from fighting. They didn't really do activities, the kids would just played with toys. The teachers would sit on the floor or the recliner or the bench while the kids were playing. When she was in the classroom alone with Ms. Kim, she felt like she was doing all the work. Ms. Kim would sit in the recliner or would get on her phone.

On December 9, 2022, caregiver Brycen Ludwig stated that Ms. Kim would dismiss the kids by telling them to stop. Ms. Kim never took the kids outside to play or to the gym, they just constantly stayed in the room.

5 CSR 25 500.112(1) which states: "The following staff/child ratios shall be maintained on the premises at all times:"
AND

5 CSR 25 500.112(1)(A) which states: "Birth Through Two (2) Years. Groups composed of mixed ages through two (2) years shall have no less than one (1) adult to four (4) children, with no more than eight (8) children in a group;"

On December 9, 2022, caregiver Pieper Hull stated that she has worked at the center since September 2022, and is in the classroom with Ms. Kim and the toddlers, ages 12- to 18-months-old. On December 6, 2022, Ms. Sandy had tried to talk to Ms. Kim about putting the children in the cribs. It all started because two children were sleeping in their cribs and Ms. Sandy told Ms. Kim that the kids didn't need to be sleeping because it wasn't nap time. Ms. Kim told her to take care of her own class, then got up, and left the room. Ms. Kim was gone about 15 minutes and she had six toddlers by herself once Kim left the room.

On December 9, 2022, caregiver Sandy Crinshaw stated that on December 8, 2022, she was sitting on the floor of her classroom and heard Ms. Pieper talking but couldn't tell what was being said. Then, she saw Ms. Kim leave the classroom door, leaving the room out of ratio. That was after Ms. Kim got fired.

On December 9, 2022, caregiver Jazmin Nava stated that Ms. Kim would leave the room causing ratios to be off. The other day, Ms. Kim left the room and she was alone with six toddlers.

CORRECTIVE MEASURES

CORRECTIVE MEASURE	COMPLETED (Y/N)	COMPLETED DATE
Signs shall be posted at all entrances of the rooms displaying the required staff/child ratios. A statement indicating that this has been completed shall be submitted to the Office of Childhood.	Yes	3/8/2023
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 violations cited. A copy of the memo, letter, or staff meeting agenda shall be submitted to the Office of Childhood.	Yes	3/13/2023
All staff members (paid employees or unpaid volunteers) must take the online training course titled, "Making a Difference: Protecting Health and Keeping Children Safe" available at https://dese.mo.gov/childhood/child-care/training-info . Verification of attendance shall be through the Toolbox report.	Yes	3/15/2023

DISPOSITION	DISPOSITION DATE
SUBSTANTIATED	2/6/2023

APPROVING SUPERVISOR
CHRISCO, MARLA L