



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

DATE OF REPORT
11/3/2021

DVN
002468477

FACILITY NAME

SPECTRUM STATION DOWNTOWN, LLC

FACILITY ADDRESS

911 MAIN ST STE 100

CITY

KANSAS CITY

ZIP CODE

64105-5349

PHONE NUMBER

(816) 898-6543

COUNTY

JACKSON

ASSIGNED SPECIALIST

BARTON, JANA

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)7.

Caregivers shall provide special attention on an individual basis for new children having problems adjusting, distressed children, etc. Children shall be encouraged, but not forced to participate in group activities.

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

Children shall not be subjected to child abuse/neglect as defined by section 210.110, RSMo.

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)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)(D)1.

Infants and toddlers shall have constant care and supervision. Home monitors or commercial devices marketed to reduce the risk of Sudden Infant Death Syndrome (SIDS) shall not be used in place of supervision while children are napping or sleeping.

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.

5 CSR 25-500.192(5)(B)

Information regarding the date and circumstance of any accident or injury shall be noted in the child's record.

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>.

CONCLUSION SUMMARY

Office of Childhood, Child Care Compliance has determined that Spectrum Station Downtown, LLC has violated the above licensing rules. During the course of the investigation, Compliance Inspector Jana Barton interviewed Director Michelle Mannell, caregivers Joanne Colbert, Angela Buelna, Mary Gomez, and Cheryl Tate, Parent A (Parent of Child A), Parent B (Parent of Child A), Grandparent A (Grandparent of Child A), Jennifer McIntyre, KCPD Crimes Against Children Unit Detective Campbell, Parent C (Parent of Child B), and Parent D (Parent of Child C). In addition to interviews, hospital report was reviewed and sixteen video recordings of Cheryl Tate interacting with infants were reviewed. Based on information gathered during the investigation, the following rule violations were determined to have been violated:

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

Caregivers shall provide special attention on an individual basis for new children having problems adjusting, distressed children,

etc. Children shall be encouraged, but not forced to participate in group activities.

The determination that this rule was violated is based on staff statements. Director Michelle Mannell stated that Child A (10 months old) had only attended Spectrum Station Downtown, LLC since October and that this was his first experience in child care. Caregiver Mary Gomez stated that Child A was still trying to get used to them. Cheryl Tate stated that she was aware this was Child A's first experience in child care but that his crying triggered her and she may have been "a little rough with him" as a result.

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

Children shall not be subjected to child abuse/neglect as defined by section 210. 110, RSMo.

The determination that this rule was violated is based on a medical report from Child A's visit on November 4, 2021 with a diagnosis of child physical abuse and Cheryl Tate's arrest with nine felony charges of child abuse on December 14, 2021.

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)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.

The determination that the above rules were violated is based on statements by staff, including Cheryl Tate, Parent A and Parent B, hospital report with a diagnosis of child physical abuse, Compliance Inspector Jana Barton's observation of three scratches on Child A's right thigh, and multiple video recordings of Cheryl Tate's physically aggressive, harmful, and frightening interaction with Child A (10 months old), Child B (6 months old), and Child C (9 months old) at Spectrum Station Downtown, LLC.

Caregiver Angela Buelna stated that she felt Cheryl Tate was "a little too aggressive, mostly verbally," and that she had heard her mumble things under her breath such as "stupid" or use inappropriate language. She also stated that she vaguely saw Cheryl Tate grab an arm of an infant. Caregiver Mary Gomez stated that she thought Cheryl Tate got frustrated with Child A, that she could see it in her face, and that Cheryl Tate said "I'm tired of hearing him crying."

Parent A and Parent B stated that Child A had attended Spectrum Station Downtown, LLC 3 1/2 weeks and that the first week they noticed bruises on Child A's legs and bottom. They tried to reassure themselves that these things happen in daycare. They further stated that on November 2, 2021, they noticed three scratches on Child A's right outer thigh that were not present when he went to Spectrum Station that morning and had also noticed bruising on his back. On November 4, 2021, Compliance Inspector Jana Barton observed three red scratch marks that were scabbing over on Child A's right outer thigh.

Caregiver Cheryl Tate stated that she was the caregiver for Child A on November 2, 2021 and that she was very frustrated that day. She admitted that she "may have been a little rough that day" with Child A, that she's "sixty-four and that the crying triggered something" in her. She admitted that specifically she was frustrated and rough with Child A when he would not lie flat in the crib. She explained that she would lay him in the crib and then he would "snatch" his legs back up so she would pull his legs back out straight. She stated that she is sure that is what caused the scratches on his thigh. In addition, she admitted that she "shoved him in the jaw" with a couple of fingers but did not leave any marks and she "pushed his face" while he was eating because he was spitting food out. She stated that bruising on his back may have come from her patting him "a little too hard on the back" at naptime. When discussing her actions, she said "this is something I know I shouldn't have done; I knew better."

Compliance Inspector Jana Barton was notified by Jennifer McIntyre that Cheryl Tate had been arrested by KCPD and had been charged by the prosecutor with nine felony counts of child abuse. This information was verified on Missouri Casenet and by Detective Campbell with KCPD Crimes Against Children Unit.

Compliance Inspector Jana Barton reviewed sixteen video recordings of Cheryl Tate while working at Spectrum Station dated October 25, 2021, October 26, 2021, October 27, 2021, November 1, 2021, and November 2, 2021. On October 25, 2021, the video recording showed Cheryl Tate aggressively burping Child C (9 months old) on her lap that concluded with her simultaneously hitting the child repeatedly on the chest and back, roughly wiping Child A's face with a cloth, picking him up by his head causing his bottom to come up off the floor then dropping him back to the floor, and roughly placing him in a baby swing.

On October 26, 2021, the video recording showed Cheryl Tate pull Child C by one arm and fling her off the mat causing her to slide on the floor.

On October 27, 2021, the video recording showed Cheryl Tate grab Child C by one arm and fling her over to the mat, grab the top of Child A's head with one hand and roughly wipe his face with a wash cloth, aggressively try to force Child A to hold his bottle with his hands, cram the bottle in his mouth when he would not hold it, and again aggressively rub his face with a cloth and push his face back with the cloth. She was also seen kicking another infant with her foot while seated in the rocking chair in order to keep the infant from bothering another infant, which caused the infant to fall backward. She was also seen picking up an infant by one arm and sitting her down forcefully on the mat on her bottom. She was seen picking up Child A and Child C by one arm each, swinging them around and slamming them down on the mat. She was seen slamming Child A down in his crib, hitting him in the head with her hand and pushing him down to the mattress, grabbing and pulling his leg down in the crib.

Video recording from October 29, 2021 showed Cheryl Tate aggressively pick up Child C (9 months old) and aggressively put her in an exersaucer.

Video recording from November 1, 2021 showed Cheryl Tate place a burp cloth over Child A's (10 months old) entire face as he was standing in the crib and lay him down in the crib while holding the cloth over his face. She was also seen picking up Child A from his crib and slamming him into a bouncy seat on the floor with such force that the seat flattened. She then picked up the bouncy seat and Child A fell out of it onto the floor on his head and face. Cheryl Tate was observed hitting Child A in the head as he stood in his crib, pushing him down to the mattress by his head onto his stomach, then punching him in the back with her fist eleven times with such intensity that her fist was raising up to the level of her shoulder between punches.

Video recording from November 2, 2021 showed Cheryl Tate slap Child A (10 months old) across his left cheek as he was sitting in a high chair. It also showed her yanking him out of the high chair without removing the tray which caused the high chair to come up off the floor. She slammed him down on his bottom on the floor, picked him up two more times and slammed him down, then picked him up and threw him on the mat. Cheryl Tate was observed picking Child A up by the back of his shirt, carrying him to the rocking chair by his shirt. She covered his face with a cloth and aggressively rubbed his face then struggled with him to make him hold his bottle. Cheryl Tate was observed slamming Child A down onto the crib mattress several times with such force that the crib moved. She was also observed hitting Child A's bottom two times.

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>.

The determination that the above rule was violated was based on staff statements. On November 4, 2021, caregiver Angela Buelna stated that she felt Cheryl Tate was "a little too aggressive, mostly verbally" and that she heard her mumble things under her breath such as "stupid" or use inappropriate language. She also stated that she vaguely saw Cheryl Tate grab an infant by the arm which "didn't look right" to her. She did not report this to her director or the child abuse and neglect hotline. She was not sure if she has ever had mandated reporter training.

On November 4, 2021, caregiver Mary Gomez stated that she could tell that Cheryl Tate got frustrated with the children and that she could see it on her face. She stated that Cheryl Tate told her she was tired of hearing Child A (10 months old) crying. She did not report this concern to anyone.

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.

5 CSR 25-500.192(5)(B)

Information regarding the date and circumstance of any accident or injury shall be noted in the child's record.

The determination that these rules were violated was based on statements by staff and Parent A. Caregiver Mary Gomez stated that on November 2, 2021, she noticed scratches on Child A's (10 months old) thigh but did not notify the parents of this nor did she write an accident/injury report. Director Michelle Mannell stated that an incident report was not done. Parent A stated that they were not given an incident report for the scratches on Child A's thigh. Director Michelle Mannell stated that accident/injury reports were not done for Child B (6 months) and Child C (9 months) after viewing video footage showing aggressive behavior of Cheryl Tate but that parents were notified immediately.

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

Caregivers shall not leave any child without competent adult supervision.

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

Infants and toddlers shall have constant care and supervision. Home monitors or commercial devices marketed to reduce the risk of Sudden Infant Death Syndrome (SIDS) shall not be used in place of supervision while children are napping or sleeping.

The determination that these rules were violated is based on observation by Compliance Inspector Jana Barton of video recording dated November 1, 2021 showing Cheryl Tate leave the room from 08:01:53 until 08:03:15 to clean the door and area outside the classroom, which left 3 infants without adult supervision. In addition, Mary Gomez was observed on November 1, 2021 to be in the room with Cheryl Tate but looking at her cell phone instead of supervising children. During this time of inattention by Mary Gomez, Cheryl Tate took a burp cloth and placed it over Child A's (10 months old) entire face and laid him down on his back while holding the cloth over his face the entire time.

PROVIDER COMMENTS

A response to such a horrific incident is not only merited, but necessary. The children in our care are precious and it is so very heartbreaking to be the ones who discovered that one of our own committed such unthinkable acts towards any of them. Tate's behavior was not condoned, nor will it ever be, for her or anyone. From the moment of discovery, we have taken all necessary steps to terminate, report and cooperate with authorities and families impacted. Tate is not a reflection of what our center's philosophy is in regard to caring, nurturing and educating our kiddos. There is so much more that needs to be said for any parent that should come across this report, but sadly we are limited to only a few characters. Please, take a moment to request our more detailed response from our physical file through our DESE compliance inspector. Thank you.

CORRECTIVE MEASURES

CORRECTIVE MEASURE

The facility shall conduct a staff meeting to review the center's policies and all licensing rules and regulations regarding appropriate discipline. The facility must provide 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

3/31/2022

CORRECTIVE MEASURE

All staff and volunteers of Spectrum Station Downtown, LLC must obtain one (1) clock hour of training approved by Office of Childhood, on age appropriate discipline. The training must be held by an approved and qualified source, outside of the Spectrum Station network. Training may be obtained from the Missouri Workshop Calendar. The training calendar can be found at <http://www.moworkshopcalendar.org/>. Verification of training completion shall be from the Open Initiative Toolbox report.

COMPLETED (Y/N)

Yes

COMPLETED DATE

3/10/2022

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 Section for Child Care Regulation 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

3/10/2022

CORRECTIVE MEASURE

All staff and volunteers of Spectrum Station Downtown, LLC must complete mandated reporter training. Verification of training completion shall be from the Open Initiative Toolbox report.

COMPLETED (Y/N)

Yes

COMPLETED DATE

12/8/2021

CORRECTIVE MEASURE

All staff and volunteers must obtain two (2) clock hours of training on supervision. The training must be held by an approved and qualified source, outside of the Spectrum Station network. Training may be obtained from the Missouri Workshop Calendar. The training calendar can be found at <http://www.moworkshopcalendar.org/>. Verification of training completion shall be from the Open Initiative Toolbox report.

COMPLETED (Y/N)

Yes

COMPLETED DATE

3/8/2022

DISPOSITION

SUBSTANTIATED

DISPOSITION DATE

2/18/2022

APPROVING SUPERVISOR

NURNBERG, TONY A