



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

COMPLAINT INVESTIGATION OF
SUBSTANTIATED STATUTE OR RULE VIOLATIONS

DATE OF REPORT
10/26/2022

DVN
001969482

FACILITY NAME

MILESTONE ACADEMY CHILD DEVELOPMENT CENTER, INC.

FACILITY ADDRESS

1401 BUCKNER TARSNEY RD

CITY

GRAIN VALLEY

ZIP CODE

64029

PHONE NUMBER

(816) 847-0204

COUNTY

JACKSON

ASSIGNED SPECIALIST

MERTZ, CAYLIN

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 25-500.182(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 25-500.192(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)(E)

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

CONCLUSION SUMMARY

On October 26, 2022, the Office of the Childhood received an allegation that the facility program is not providing appropriate supervision. After conducting an investigation, Compliance Inspector (CI) Caylin Mertz and Compliance Inspection Supervisor (CIS) Tony Nurnberg have found this allegation to be substantiated based on the following evidence and rule violations :

5 CSR 25-500.132(6) which states '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.'

On October 26, 2022 Director S.S. and staff T.A. and P.R. reported that Child A (eight-years-old) does have a special behavioral need but they do not have an individualized plan for specialized care on file. They report he has been diagnosed with Autism and they have discussed how to care for him but do not have anything in writing.

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)3 which states: 'Caregivers shall provide frequent, direct contact so children are not left unobserved on the premises.'

On October 26, 2022 Staff T.A. and P.R. reported that they left Child A (eight-years-old) outside of the facility while they returned inside two sets of double doors and watched the child from inside the building. Child A (eight-years-old) is Autistic and has a history of elopement from past facilities. Staff T.A. and P.R. both reported after Child A (eight-years-old) became physically aggressive as a result they left him outside the building without an adult to supervise.

5 CSR 25-500.102(1) (E) which states: 'Caregivers shall have knowledge of the needs of children and shall be sensitive to the

capabilities, interests, and problems of children in care.'

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.'

On October 26, 2022, Director S.S. acknowledged that Child A was autistic and that they were aware that taking personal items from Child A "sets him off." Child A and Child B both acknowledged that caregivers "snatched" a bag away from Child A instead of deescalating the behavior. Child A described being taunted by staff T.A. and P.R. when he was attempting to take his bag of rocks back. Child A and Child B both stated that caregivers physically pushed Child A out of the front doors of the facility. Staff P.R. reported that she knew almost nothing about Child A (eight-years-old) at the time she was providing care for him. Staff T.A. and P.R. did not describe any constructive methods of discipline that were used with Child A (eight-years-old) and both acknowledged that Child A was put out of the facility, out into the parking lot in order to get Child A onto a bus.

5 CSR 25-500.102(1)(H) which states: 'The provider shall have available a copy of the Licensing Rules for Group Child Care Home and Child Care Centers in Missouri. All caregivers and volunteers working directly with children shall be required to review and be knowledgeable of the rules at the time they begin work and shall be able to understand and apply those rules which relate to their respective responsibilities.'

On October 26, 2022 staff T.A. and P.R. both reported having not seen a copy of the rule book or being aware of what the rules are. Director S.S. provided a licensing rule book dated from 2002.

5 CSR 25-500.192(5)(B) which states: 'Information regarding the date and circumstance of any accident or injury shall be noted in the child's record.'

On October 26, 2022, all staff interviewed reported they did not complete an incident/accident report regarding Child A's elopement.

CORRECTIVE MEASURES

CORRECTIVE MEASURE	COMPLETED (Y/N)	COMPLETED DATE
The facility shall conduct a staff meeting to review all licensing rules and regulations. Specifically, 5 CSR 25-500.102 (1)(E) which states: 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 25-500.182(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. The facility must provide the Office of Childhood with a statement, signed by all staff (paid employees and unpaid volunteers), to indicate they understand and agree to follow those rules and regulations.	Yes	12/28/2022
The facility shall develop a plan to ensure that all employees (paid employees and unpaid/paid volunteers) are fully trained, prior to caring for children, on the facility's procedures as they pertain to children with special needs. A copy of the plan shall be submitted to the Office of Childhood.	Yes	12/28/2022
The facility shall conduct a staff meeting to review all licensing rules and regulations. Specifically, 5 CSR 25-500.132(6) which states: A child who has a special physical, developmental, or behavioral needs shall have on file an individualized plan for specialized care from a professionally qualified source. 5 CSR 25-500.182(1)(A)1 which states: Caregivers shall not leave any child without competent adult supervision. 5 CSR 25-500.182(1)3 which states: Caregivers shall provide frequent, direct contact so children are not left unobserved on the premises. The facility must provide the Office of Childhood with a statement, signed by all staff (paid employees and unpaid volunteers), to indicate they understand and agree to follow those rules and regulations.	Yes	12/28/2022
The facility shall review all children's records and ensure than any child with special physical, behavioral, or developmental needs has a specialized care plan on file. A signed statement that this task has been completed and all children's records are in compliance shall be submitted to the Office of Childhood.	Yes	12/28/2022

DISPOSITION SUBSTANTIATED		DISPOSITION DATE 11/28/2022
APPROVING SUPERVISOR NURNBERG, TONY A		