



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

DATE OF REPORT
3/26/2021

DVN
002595660

FACILITY NAME

MAGNOLIA URBAN LEAGUE HEAD START / EARLY HEAD START

FACILITY ADDRESS

2725 ALHAMBRA CT

CITY

ST LOUIS

ZIP CODE

63118-1117

PHONE NUMBER

(314) 584-6363

COUNTY

ST LOUIS CITY

ASSIGNED SPECIALIST

WILMESHER, LAURA

RULE/STATUTE VIOLATION(S)

VIOLATION(S)

19 CSR 30-62.182 (1)(A)(6)

Preschool children who do not sleep shall rest on cots or beds at least thirty (30) minutes, but shall not be forced to remain on cots or beds for longer than one (1) hour. They shall then be permitted to leave the napping area to engage in quiet play.

19 CSR 30-62.182 (1)(C)(2)

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

19 CSR 30-62.182 (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.

19 CSR 30-62.182 (1)(C)(7)

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

CONCLUSION SUMMARY

Child Care Facility Specialist (CCFS) Laura Wilmesher conducted an investigation regarding the allegation that Child A, age four, has a scratch on her cheek from teacher Shana "Shay" Irons. After conducting the investigation, CCFS Wilmesher finds this allegation is substantiated. This conclusion is based on the following evidence of licensing rule violations which occurred at the facility:

19 CSR 30-62.182 (1)(C)(7) which states: "Physical punishment including, but not limited to, spanking, slapping, shaking, biting or pulling hair shall be prohibited."

On March 30, 2021, CCFS Wilmesher received a head to toe assessment form for Child A which was completed at the facility by caregiver Myriame Chery at 9:40 AM on March 18, 2021, which noted a bruise on Child A's forehead, but no documentation of a scratch on the left side of Child A's face.

On March 30, 2021, CCFS Wilmesher observed a video recording of an interview that caregiver Shantana Payne conducted with Child A on March 19, 2021 at 9:31 AM. During the interview, Ms. Shantana pointed to a scratch on Child A's left cheek and asked her, "What happened right here?" to which Child A replied, "Ms. Shay scratched me." Ms. Shantana also asked Child A, "How did it happen?" to which Child A replied, "Because she was mad when I was on my cot."

On March 30, 2021, CCFS Wilmesher reviewed several video footage clips from the facility's camera system which were recorded on March 18, 2021, in the classroom of Ms. Shana and Child A during naptime. CCFS Wilmesher observed in the video footage that at timestamp 12:12, Child A was lying down on her cot with her head up, looking around the room, possibly talking with Child C, who was also lying down on his cot with his head up. At that time, Ms. Shana walked over to Child A--who laid her head down onto the cot as Ms. Shana approached her--and then Ms. Shana reached her right hand down, smacked Child A on the left side of her face, causing Child A's to bounce slightly as Ms. Shana struck her. Ms. Shana stood over Child A for several seconds before she walked away.

On March 31, 2021, CCFS Wilmesher conducted an interview with Ms. Shana who stated she didn't feel herself scratch Child A, but she could've gotten a mark on her face from when she [Ms. Shana] made contact with Child A's face.

On May 17, 2021, CCFS Wilmesher conducted an interview with Parent A who stated when Parent B picked up Child A on March 18, 2021, he noticed a scratch on Child A's face that she didn't have when she arrived, and that none of the teachers knew what happened to Child A. Parent A stated Child told her that Ms. Shay scratched her because she was mad, and that it happened during naptime.

19 CSR 30-62.182 (1)(A)(6) which states: "Preschool children who do not sleep shall rest on cots or beds at least thirty (30) minutes, but shall not be forced to remain on cots or beds for longer than one (1) hour. They shall then be permitted to leave the napping area to engage in quiet play."

On March 30, 2021, CCFS Wilmesher observed the facility's video footage which first showed Child A lying on her cot awake at 11:50 AM on March 18, 2021. CCFS Wilmesher observed additional video footage from 12:12 PM, and again at 1:07 PM, in which Child A was still awake on her cot. Therefore, Child A was awake on her cot for over one hour without being permitted to leave the napping area to engage in quiet play.

On March 31, 2021, CCFS Wilmesher conducted an interview with Ms. Shana who stated that naptime begins around 12:00 PM and ends at 2:15 PM at the earliest, and that the children are not permitted to have any activities to do until naptime is over, even if they remain awake for longer than one hour on their cots.

19 CSR 30-62.182 (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

19 CSR 30-62.182 (1)(C)(2) which states: "Expectations for a child's behavior shall be appropriate for the developmental level of that child."

On March 30, 2021, CCFS Wilmesher observed video footage from the facility's camera system. The video clips were of the classroom of Ms. Shana and Child A during naptime. At timestamp 11:50, CCFS Wilmesher observed Child A on her cot, leaning over the edge of her cot and talking to Child B, when Ms. Shana walked over to Child A, grabbed her by her upper right arm, lifted her whole body off the cot and turned her 180 degrees, lying her on her stomach with her head at the opposite end of the cot. Ms. Shana then grabbed each leg and pulled them out from under Child A, so that her legs were lying straight behind her. Ms. Shana then used her left hand to press Child A's head down onto the cot. Ms. Shana walked away from Child A, but at timestamp 11:51, Child A was lying on the cot on her back, and Ms. Shana approached her again, grabbed Child A by her right upper arm and right thigh, and turned her over from her back to her stomach. Ms. Shana again pressed Child A's head down onto the cot with her left hand. Ms. Shana then walked over to Child B, who was lying on the ground next to her cot, grabbed Child B by her upper right arm, lifted her off the ground and placed her roughly on her cot. At timestamp 13:07, CCFS Wilmesher observed Child A was awake and lying down on her cot on her side, when Ms. Shana stood up from where she was sitting at a nearby desk and walked over to Child A. Ms. Shana grabbed Child A by her right upper arm, lifted the upper half of her body off the cot and turned her over on her stomach.

On March 31, 2021, CCFS Wilmesher conducted an interview with Ms. Shana who stated she prefers the children to lay on their stomachs, because they're quieter and sleep better on their stomach, and that's why she turned the children over to their stomachs. Ms. Shana stated she tells the children, "Head down, on your stomach."

Even when Child A was lying down on her cot on her side or back during naptime, more than once Ms. Shana grabbed Child A and forced her to turn over to lay on her stomach. Additionally, Child A was four-years-old at the time of the incident, and should have been allowed to chose her own resting position on her cot.

CORRECTIVE MEASURES

| CORRECTIVE MEASURE | COMPLETED (Y/N) | COMPLETED DATE |
|---|------------------------|-----------------------|
| All staff members (paid employees and unpaid volunteers) must take the 1.0 clock hour DHSS online training course titled, "Making a Difference: Protecting Health and Keeping Children Safe" available at https://health.mo.gov/safety/childcare/onlinetraining.php Verification of attendance shall be through the Toolbox report. | Yes | 6/16/2021 |
| The facility shall conduct a staff meeting to review the center's policies and all licensing rules and regulations regarding 19 CSR 30-62.182(1)(C) Discipline. The facility must provide the Section for Child Care Regulation 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. | Yes | 4/9/2021 |
| All staff and volunteers of Magnolia Urban League Head Start/Early Head Start | Yes | 6/9/2021 |

must obtain one (1) clock hour of training approved by the the Section for Child Care Regulation, on age appropriate discipline. The training must be held by an approved and qualified source, outside of the Urban League 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.

CORRECTIVE MEASURE

The facility shall conduct a staff meeting to review licensing rule 19 CSR 30-62.182 (1)(A)(6). The facility must provide the Section for Child Care Regulation with a statement, signed by all staff members (paid employees and paid/unpaid volunteers), to indicate they understand and agree to follow this rule by permitting children to leave the napping area to engage in quiet play after they've been on their cots for a maximum of one hour.

COMPLETED (Y/N)

Yes

COMPLETED DATE

4/9/2021

DISPOSITION

SUBSTANTIATED

DISPOSITION DATE

5/19/2021

APPROVING SUPERVISOR

CLARK, ANGELA