



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

COMPLAINT INVESTIGATION OF
SUBSTANTIATED STATUTE OR RULE VIOLATIONS

DATE OF REPORT
10/20/2022

DVN
002462517

FACILITY NAME

COURTYARD EARLY LEARNING CENTER

FACILITY ADDRESS

1302 CREEK TRAIL DR

CITY

JEFFERSON CITY

ZIP CODE

65109-9240

PHONE NUMBER

(573) 659-7550

COUNTY

COLE

ASSIGNED SPECIALIST

FYFE, IAN

RULE/STATUTE VIOLATION(S)

VIOLATION(S)

5 CSR 25-500.102(1)(K)

The child care provider shall ensure that within seven (7) days of employment or volunteering and before being left alone with children that caregivers receive a facility orientation. The facility orientation shall include:

CONCLUSION SUMMARY

On October 20, 2022, the Office of Childhood (OOC) received an allegation that ex-staff member KW had not received any on-the-job training and was not properly informed of their expected job duties while employed at Courtyard Early Learning Center. After conducting an investigation, Compliance Inspector (CI) Ian Fyfe has found this allegation to be substantiated based on the following evidence:

5 CSR 25-500.102(1)(K), which states the following: "The child care provider shall ensure that within seven (7) days of employment or volunteering and before being left alone with children that caregivers receive a facility orientation."

On November 3, 2022, Compliance Inspector (CI) Ian Fyfe conducted an interview with KW. KW worked at the facility from August 8, 2022, to October 7, 2022. During their employment at the facility, KW received no online training and completed a brief orientation after a month of beginning their employment. KW never received a walkthrough of the facility after beginning their employment. When going through their training plan, KW was told to sign at the bottom of each page even though KW did not know what they were signing.

On November 4, 2022, CI Fyfe conducted an unannounced inspection to the facility and interviewed Director CL, staff member JG, staff member KM, and staff member KT. CL, who is familiar with KW, was able to provide CI Fyfe with the employee record for KW. Upon reviewing KW's records, CI Fyfe observed three relevant documents: a training plan checklist and two new employee orientation checklists. Staff member SF was the staff member that assisted KW with their new employee orientation and on-boarding. As evidenced on all three documents, KW did not receive a facility orientation or on-boarding process until seventeen days after their start date. When interviewed by CI Fyfe, staff members KT, JG, and KM, all stated that they feel comfortable with their daily duties and know what is expected of them as employees. KM, who has worked at the facility since approximately September of 2021, informed CI Fyfe that they have had no training or guidance on what it means to be a mandated reporter or training relevant to child abuse and neglect. When interviewed by CI Fyfe, KM was unaware of what it means to be a mandated reporter.

On November 8, 2022, CI Fyfe conducted an interview with staff member SF. SF has worked at the facility since approximately September of 2021. SF recalled assisting KW with their on-boarding and new hire checklists. SF informed CI Fyfe that they assisted KW with each item on all three lists in one day in the span of one to two hours. SF works with new employees and has them read through binders with relevant rules while the children are napping. SF does not believe training new employees this way takes away from their ability to supervise the children as long as there are two staff members present in the room. Despite knowing that KW was coming to work at the facility with extensive work experience, SF made sure to go over each and every topic with KW so that KW was properly trained.

VIOLATION(S)

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;

5 CSR 25-500.112(1)(E)

Mixed Age Groups Two Years (2) and Up. Groups composed of mixed ages of children two (2) years of age and older shall have no less than one (1) adult to ten (10) children with a maximum of four (4) two (2) -year olds. When there are more than four (4) two (2) -year olds in a mixed group, the staff/child ratio shall be no less than one (1) adult to eight (8) children.

CONCLUSION SUMMARY

On October 20, 2022, the Office of Childhood (OOC) received an allegation that the 2-year-old aged classroom was frequently out of ratio at Courtyard Early Learning Center. After conducting an investigation, Compliance Inspector (CI) Ian Fyfe has found this allegation to be substantiated based on the following evidence:

5 CSR 25-500.112(1)(A), which states the following: "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;"

AND

5 CSR 25-500.112(1)(E), which states the following: "Mixed Age Groups Two Years (2) and Up. Groups composed of mixed ages of children two (2) years of age and older shall have no less than one (1) adult to ten (10) children with a maximum of four (4) two (2) -year olds. When there are more than four (4) two (2) -year-olds in a mixed group, the staff/child ratio shall be no less than one (1) adult to eight (8) children."

On November 3, 2022, Compliance Inspector (CI) Ian Fyfe conducted an interview with KW. KW worked at the facility from August 8, 2022, to October 7, 2022. While KW worked at the facility, their classroom was out of ratio frequently.

On November 4, 2022, CI Fyfe conducted an unannounced inspection to the facility and observed two classrooms to be out of ratio: a classroom in which six children, 3-months-old to 8-months old, were present with staff member EP, as well as a classroom in which fourteen children, 2-years-old to 3-years-old, were present with staff member KM. While present at the facility, CI Fyfe interviewed Director CL, staff member KT, staff member JG, and staff member KM. The facility has been experiencing staffing issues recently and has been out of ratio frequently over the past two to three weeks .

VIOLATION(S)

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)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.

CONCLUSION SUMMARY

On October 20, 2022, the Office of Childhood (OOC) received an allegation that children are being confined to a highchair for extended periods of time as punishment at Courtyard Early Learning Center. After conducting an investigation, Compliance Inspector (CI) Ian Fyfe has found this allegation to be substantiated based on the following evidence:

5 CSR 25-500.182(1)(C)3., which states the following: "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)5., which states the following: "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."

AND

5 CSR 25-500.182(1)(C)8., which states the following: "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 November 3, 2022, Compliance Inspector (CI) Ian Fyfe conducted an interview with KW. KW worked at the facility from August 8, 2022, to October 7, 2022. While KW worked at the facility, KW observed staff members use a highchair as a form of discipline. Staff members would place children in a highchair for approximately thirty minutes at a time to help control a child with negative behaviors. Child A and Child B were two of the children who were being placed in the highchair .

On November 4, 2022, CI Fyfe conducted an unannounced inspection to the facility and interviewed Director CL, staff member KT, staff member JG, and staff member KM. All staff members interviewed were familiar with the reported concerns and informed CI Fyfe during their interviews that highchairs are being placed in the 3A classroom, which is Child A's and Child B's classroom, to be used to control children's behaviors. Child A and Child B (both 2-years-old) are children who have been placed in a highchair as a result of their negative behaviors. KM believes that the use of a highchair is inappropriate as the children do not learn from this method of discipline. Inappropriate discipline being used at the facility was discovered to be an ongoing concern as further evidenced by CI Fyfe's interview with KM. KM informed CI Fyfe that in their classroom, 2-year-old children are being placed in timeout for approximately five to ten minutes at a single time.

On November 16, 2022, CI Fyfe conducted an interview with Parent B (parent of Child B). Parent B has been contacted by the facility when Child B was the child that was bitten but has not been contacted when Child B was the one who bit another child. Parent B was not aware of the reported concerns prior to their interview with CI Fyfe.

On November 16, 2022, CI Fyfe conducted an interview with Parent A (parent of Child A). Parent A has communicated with Director CG and CL previously regarding Child A's biting behaviors, as well as the use of the chair with Child A. Parent A believes that the chair is being used as timeout for Child A when they are having biting behaviors at the facility .

CORRECTIVE MEASURES

CORRECTIVE MEASURE	COMPLETED (Y/N)	COMPLETED DATE
The facility shall review all employee records (paid employees and unpaid/paid volunteers) and ensure that within seven days of hire date and before caring for children, all staff members and volunteers have completed a new employee orientation. A signed statement that this has been completed shall be submitted to the Office of Childhood.	Yes	1/9/2023
CORRECTIVE MEASURE	COMPLETED (Y/N)	COMPLETED DATE
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 licensing violations cited. A copy of the memo, letter, or staff meeting agenda(s) shall be submitted to the Office of Childhood	Yes	2/6/2023
CORRECTIVE MEASURE	COMPLETED (Y/N)	COMPLETED DATE
All staff and volunteers of Courtyard Early Learning Center must obtain one (1) clock hour of training on Age Appropriate Discipline. The training must be held by an approved and qualified source, outside of Courtyard Early Learning Center 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.	Yes	2/6/2023

DISPOSITION

SUBSTANTIATED

DISPOSITION DATE

12/19/2022

APPROVING SUPERVISOR

CHRISCO, MARLA L