



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

DATE OF REPORT
2/17/2021

DVN
002791653

FACILITY NAME

GINA'S DAYCARE LEARNING ACADEMY LLC

FACILITY ADDRESS

91B ICHORD AVE

CITY

WAYNESVILLE

ZIP CODE

65583-5405

PHONE NUMBER

(573) 774-7899

COUNTY

PULASKI

ASSIGNED SPECIALIST

KOETTING, SHELBY N

RULE/STATUTE VIOLATION(S)

VIOLATION(S)

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

Caregivers shall not leave any child without competent adult supervision.

19 CSR 30-62.182 (1)(A)(3)

Caregivers shall provide frequent, direct contact so children are not left unobserved on the premises.

19 CSR 30-62.192 (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) written instructions.

19 CSR 30-62.102 (1)(A)

Child care personnel shall be of good character and intent and shall be qualified to provide care conducive to the welfare of children.

19 CSR 30-62.222 (11)

All records shall be available in the facility for inspection by the department upon request.

CONCLUSION SUMMARY

SCCR has determined that this allegation is substantiated based on interviews with staff members , Lynsi Hagood, Alexis Smith, Mary "Liz" Bulmer, and Bethany Freeman, director, Dana Russell, and LLC Member, Gina Esguerra, and Grandparents of Child B, as well as observations made by CCFS Shelby Koetting.

Gina Esguerra and Dana Russell stated on February 24, 2021, that no one has brought to her attention that their child cannot be found or is not easily located within the facility. They think that this has to do with the COVID-19 policy the facility has in place where staff members bring children back and forth to their classrooms because they do not allow parents in the facility .Parents are met outside during pick up and drop off times by a staff member , who brings their child to the classroom inside the facility.

Mary "Liz" Bulmer reached out to CCFS Koetting on March 1, 2021 and stated that she had screenshots of a conversation detailing two instances of children being left on the playground. She was not in the facility for either incident, but was involved in a text conversation with Bethany Freeman about the incidents.

Screenshots of a conversation between Bethany Freeman and Mary "Liz" Bulmer were sent to CCFS Koetting on March 2, 2021. The screenshots provided information about two incidents. One incident alleged that Child A was left outside under Bethany Freeman, Alexis Smith, and Dana Russell's supervision for 10 minutes. The other incident alleged that Child B was left outside under Lynsi Hagood's supervision for an undetermined amount of time. A text message exchange took place between Mary "Liz" Bulmer and Bethany Freeman on Sunday, January 3, 2021. Bethany stated "Oh omg something else happened while you were gone, Child A was left outside. I found him." Liz stated "Omg are you serious?" Bethany stated "Yea. So we were outside and then combined going in. I did head count and walked in first. Then Alexa and Dana were at the back. Dana was last person inside. Child A left the line and was by the grass close to the toddler stairs area. Anyway. We go in, I admit I didn't count when we got in. I went straight into our room to clean it and like 10 minutes into that I double checked our door was locked and Child A was playing by the swings." Liz stated "Oh my god, did anyone tell his mom?" Bethany stated "I do not know for sure. I was for sure I'd be getting fired or written up for negligence so I never asked any questions. Child A's mom has seemed fine so probably not. I'm just so thankful he was located before she showed up. And obviously that he was safe and not hurt at all." Liz stated "Wow! Do they know that has to be reported? I mean, yeah he was safe inside the locked gate, but that is a huge

licensing fail. It's called a "serious risk" or a "critical failure" something like that." Bethany stated "Oooo, I do not know." Liz stated "I'm willing to bet nothing was said to Child A's mom." Bethany stated "Well I wonder if it was reported when Lynsi left Child B outside over the summer. Not one person spoke to me after it happened." CCFS Koetting investigated these claims further on March 2, 2021.

Bethany Freeman stated she does not remember the date the incident with Child A happened, but that they were coming inside from the playground. She remembered doing a head count before they came in. She was outside with Alexis, and Dana came out as they were getting ready to go inside. She was in the front of the line and Dana was at the back of the line. Dana was counting as the children went inside and noticed the count was off, so she looked back out at the playground as she was standing in the doorway. Dana noticed Child A at the bottom of the stairs. Dana brought him in at the end of the line. Gina never spoke with Bethany about this.

Dana Russell stated that on December 21, 2020, the preschool class was coming in from the playground. Bethany was at the front of the line, Alexis was in the middle, and Dana was at the back of the line. As she was taking count when they came in, she noticed Child A was not in the head count. She was in the doorway of the classroom when she noticed this. She looked out on the playground, with the door still open, and she saw him by the stairs. She got him and brought him inside. She called Gina and let her know what had happened. She had a write up written on herself for the incident because she felt it was needed.

Alexis Smith stated that on December 21, 2021, it was nice outside so they took a group of preschool and two year olds outside. It started getting late and they decided to take everyone inside through the activity room door. Alexis, Dana, and Bethany were lining up the children to bring them inside the building on the two year old side from the playground. Dana did the head count that day to make sure no one was left behind. They went inside and started diaper changes before parents started picking up. Bethany went to the preschool classroom and started cleaning. Bethany came back a few minutes later to the two year old classroom with Child A and said "Child A was left outside." She does not remember how long he was left outside for. She thinks Bethany found him by coincidence because she was checking the door to make sure it was locked. They did not notice that Child A was gone. All staff and children were inside when Bethany went to clean the preschool side, so Child A was outside by himself.

Lynsi Hagood stated the situation with Child B happened last spring. She had the kids outside and she has really bad allergies, so she was ready to go back in. Another employee came to help bring the kids inside and Lynsi was following the line in from the back of the line. She thought Child B was the first child who went inside at the beginning of the line. Immediately when she came into the facility, the preschool kids went outside and found Child B. Child B was only outside for a little bit before he was found by the preschool classroom. A staff member from the preschool classroom brought him back to her. Gina gave her a write up for the incident and explained the policy to her.

Dana Russell stated that she remembers writing the report for the incident with Child B, but it was back in April of 2020. Child B was supposed to be in count with the two year old children with Lynsi. Child B was brought in from the playground by the preschool staff because he was left outside with them. In the afternoon, the classrooms were both outside at the same time so when Lynsi left Child B outside, he was not outside unsupervised. Dana wrote up the report for the incident, and Lynsi and Gina both signed it.

Alexis Smith stated that Lynsi was outside with the two year old children and came back in. Alexis started to bring her preschool children outside. As they were going out the door, she saw Child B at the bottom of the steps on the preschool side. As soon as she saw him, she picked him up and sent her children back in through the preschool door. She brought Child B back to his room. She thinks he was outside for about ten minutes by himself just playing. Lynsi did not know he was outside until she brought him back inside. She does not think Child B's grandparents were not notified of the situation.

Grandmother of Child B remembers a couple of weeks ago, the facility had her husband sign an accident report for the April 22, 2020 incident. She thought it was odd that they would be having her husband sign the accident report a year later. Grandfather of Child B does not recall this incident being brought to his attention, but assumes it was his signature based on the description of the signature.

Based on the statements made by Alexis Smith and the screenshots of the conversation between Bethany Freeman and Mary "Liz" Bulmer, this allegation will be substantiated that Child A was left outside for an undetermined amount of time on December 21, 2020 with no supervision by staff members. It will also be substantiated that Child B was left outside for an undetermined amount of time on April 22, 2020 with no supervision by staff members. In addition, on March 2, 2021, CCFS Koetting was not provided the enrollment records or incident reports for Child A and Child B, nor were the write up's for staff for the incidents on December 21, 2020 and April 22, 2020 provided to CCFS Koetting. Gina stated to CCFS Koetting that director, Dana Russell, had moved things around and that she did not know where Dana had moved these documents to, which is why they could not be provided to CCFS Koetting at the time of inspection.

Additionally, The Grandparents of Child B stated that they did not know about the accident on April 22, 2020, until they received the report to sign a couple of weeks ago. Due to this reason, it will be substantiated that the Grandparents of Child B were not notified immediately of the accident on April 22, 2020, where Child B was left outside unsupervised for an undetermined amount of time. It will also be substantiated that Grandfather of Child B was asked to backdate the accident report. Day care personnel shall be of good character and intent; therefore, asking a grandparent to back date an accident report is not conducive to these qualities.

CORRECTIVE MEASURES

CORRECTIVE MEASURE	COMPLETED (Y/N)	COMPLETED DATE
The facility shall ensure that all required documentation for each child and staff member is on site and filed in a place known to caregivers. A review of these files shall be completed and a statement of completion and acknowledgement by caregivers of the location of these files shall be submitted to the Section for Child Care Regulation.	Yes	4/29/2021

CORRECTIVE MEASURE	COMPLETED (Y/N)	COMPLETED DATE
The facility will have all staff attend at least one (1) clock hour of training regarding the supervision of children, as approved by the Section for Child Care Regulation. The training hour must be held by an approved and qualified source, outside of the Gina's Daycare Learning Academy LLC network. Attendance shall be documented in the Missouri OPEN Initiative Toolbox Report for review by the Section for Child Care Regulation.	Yes	5/13/2021

CORRECTIVE MEASURE	COMPLETED (Y/N)	COMPLETED DATE
The facility shall conduct name to face head counts, for each classroom, every 30 minutes for 5 consecutive days. Each classroom caregiver that is conducting the head count shall sign at each 30 minute name to face head count to verify staff/child ratio and accurate supervision of children. The facility shall submit the documentation to the Section for Child Care Regulation.	Yes	4/29/2021

DISPOSITION	DISPOSITION DATE
SUBSTANTIATED	4/7/2021

APPROVING SUPERVISOR
TODARO, KAYLA