

## Statement of Deficiencies

### 1103.A.-D.: Critical Incidents and Required Notifications

Not Met

1103.A.-D.: An early learning center shall make immediate notification to emergency personnel, law enforcement as applicable, and other appropriate agencies for the following types of critical incidents involving children in care:

1. death;
  2. serious injury or illness that required medical attention;
  3. a child left unsupervised for any amount of time;
  4. use of prohibited behavior management as described in § 1509.A.8.b;
  5. allegations or suspicion of child abuse or neglect by center staff;
  6. an accident involving the transportation of children; or
  7. any other significant event relating to the health, safety, or well-being of any child, including but not limited to a lost child, an emergency situation, fire or other structural damage, or closure of the center.
- B. The parent shall be contacted immediately following any immediate notifications made under Subsection A.
- C. The LDE and other appropriate agencies, such as DCFS, LDH and the Office of State Fire Marshal, as applicable, shall be notified via email within 24 hours of the incident.
- D. The department shall be notified by written report within 24 hours of the incident or the next business day. This written notification shall be made on the department's Critical Incidents Report Form and shall contain all information requested on the form.

#### Finding:

1103.A.-D. Based on interviews and record review at 12:15 p.m., S1 failed to notify the parent immediately and the Department and DCFS/Child Welfare within 24 hours of the following critical incident: On 1/10/2023 at 11:12 a.m., C6 and C7 (three-year-olds) were unsupervised for approximately five minutes in the outdoor play yard after S15 and S33 took the class inside. S15 and S33 were not aware that C6 and C7 were left on play yard until another staff member brought them to the class. S1 reported the incident to the Department and Child Welfare on 1/18/2023. S33 notified the parents at pickup on 1/10/2023.

Corrective Action Plan: Effective 1/18/2023, S1 stated she will do a communication check with S2 when incidents occur to ensure the report has been sent to the appropriate agencies within 24 hours of notification to ensure compliance with the regulation.

### 1509.A.8.a.&b.: Behavior Management Policy

Not Met

1509.A.8.a.&b.: Behavior Management Policy

Each center shall develop and implement a written behavior management policy describing the methods of behavior guidance and management that shall be used at the center.

The behavior management policy shall prohibit children from being subject to any of the following:

- i. physical or corporal punishment which includes but is not limited to yelling, slapping, spanking, yanking, shaking, pinching, exposure to extreme temperatures or other measures producing physical pain, putting anything in the mouth of a child, requiring a child to exercise, or placing a child in an uncomfortable position.
- ii. verbal abuse, which includes but is not limited to using offensive or profane language, telling a child to "shut up", or making derogatory remarks about children or family members of children in the presence of children;
- iii. the threat of a prohibited action even if there is no intent to follow through with the threat;
- iv. being disciplined by another child;
- v. being bullied by another child;
- vi. being deprived of food or beverages;
- vii. being restrained by devices such as high chairs or feeding tables for disciplinary purposes; and
- viii. having active play time withheld for disciplinary purposes, except timeout may be used during active play time for an infraction incurred during the playtime.

#### Finding:

1509.A.8.a.&b. Based on interviews and record review at 1:10 p.m., though the center has a behavior management policy prohibiting physical punishment and verbal abuse, S33 failed to follow the policy on 1/10/2023. It was reported by a staff member that S33 took S5 (a three-year-old) out of the classroom and aggressively grabbing the child by his jacket and C5 was in a position to be laying on the porch, and then upright again. It was also reported that S33 was using a very aggressive tone. S1 stated S33 was given a written warning discipline notice on 1/10/2023 for failing to follow the center's policy.

Corrective Action Plan: Effective 1/18/2023, S1 stated she will continue to do quarterly professional development trainings that include Bulletin 137 regulations, demonstrations, and other related topics to remind all staff of the center's policy. They will also utilize class observations to help teachers develop new techniques to be more effective in the classroom, and to ensure compliance with the regulation.

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### 1509.A.9.: Electronic Devices Policy

Not Met

1509.A.9.: Electronic Devices Policy that provides that all activities involving electronic devices, including but not limited to television, movies, games, videos, computers and hand held electronic devices, shall adhere to the following limitations:

- a. electronic device activities for children under age two are prohibited; and
- b. time allowed for electronic device activities for children ages two and above shall not exceed two hours per day, with the exception that television, DVD, or video viewing shall be limited to no more than one hour per day;

#### Finding:

1509.A.9. Based on observations at 9:45 a.m., S16 and S30 failed to follow the Electronic Devices Policy as an electronic device was in use in the classroom with children under age 2. The Specialist observed 8 one-year-old children watching Mickey Mouse Clubhouse in the classroom with S16 and S36 on a laptop. Corrected at 9:47 a.m., when S36 turned the laptop off.

Corrective Action Plan: Effective 1/18/2023, S1 stated she will remind staff during the weekly huddles that children under age 2 cannot have devices, and will help them brainstorm creative ideas on what to do in the classroom during idol time, to ensure compliance with the regulation.

### 1713.A.&B.&C.: Supervision

Not Met

1713.A.&B.&C.: A: Children shall be supervised at all times in the center, on the playground, on field trips, on non-vehicular excursions, and during all water activities and water play activities.

B: Children shall not be left alone in any room, (except the restroom as indicated in Subsection G of this Section or when being provided services by therapeutic professionals, as defined in §103), outdoors, or in vehicles, even momentarily, without staff present.

C: A staff person shall be assigned to supervise specific children whose names and whereabouts that staff person shall know and with whom the staff person shall be physically present. Staff shall be able to state how many children are in their care at all times.

#### Finding:

1713.A.&B.&C. Based on interviews and record review at 12:32 p.m., Children were not under supervision at all times on 1/10/2023. On 1/10/2023 at 11:12 a.m., C6 and C7 (three-year-olds) were unsupervised for approximately five minutes in the outdoor play yard after S15 and S33 took the class inside. S15 and S33 were not aware that C6 and C7 were left on the play yard until another staff member brought them to the class. Supervision was met (time unknown) when another staff member returned C6 and C7 to the classroom. S15 and S33 received a written warning discipline notice for failing to follow the center's supervision policy.

Corrective Action Plan: Effective 1/18/2023, S1 stated she will continue to do quarterly professional development trainings that include Bulletin 137 regulations, demonstrations, and other related topics to remind all staff of the center's policy. They will also utilize class observations to help teachers develop new techniques to be more effective in the classroom, and to ensure compliance with the regulation.

### 1901.J.&K.: Items That Can be Harmful to Children

Not Met

1901.J.&K.: J. Items that can be harmful to children, such as medications, poisons, cleaning supplies and chemicals, and equipment, tools, knives and other potentially dangerous utensils, shall kept in a locked cabinet or other secure place that ensures they are inaccessible to children.

K. Plastic bags, when not in use, regardless of purpose or use, shall be made inaccessible to children.

#### Finding:

1901.J. Based on interviews and record review at 2:02 p.m., S8 and S27 failed to follow the center's safety and security policy on 1/17/2023, as items that can be harmful to children, such as equipment, tools, knives and other potentially dangerous utensils, were not kept in a locked cabinet or other secure place that ensures they are inaccessible to children. S27 was observed flat ironing S8's hair while in the classroom with 6 one-year-old children present. S8 and S27 were terminated on 1/17/2023 for failing violating the policy on the safety and security of children.

Corrective Action Plan: Effective 1/18/2023, S1 stated staff will be reminded during professional development trainings that potentially dangerous items cannot be used on premises to prevent potential incidents, and to ensure compliance with the regulation.