

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. reportable infectious diseases and conditions listed in LAC 51.II.105; and
 4. 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 department and other appropriate agencies 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.C.D: Critical Incidents and Required Notifications. Based on record review/interview(s) on 1/28/2021, S1 failed to notify the Department and Child Welfare within 24 hours of the following critical incident: On 1/19/2021, O2 contacted S1 via email regarding observing S21 on the live parent camera footage nudging C1 with her foot to move him away from her and using her fingers on C1's forehead to push his head back while she was feeding him. S1 stated she met with S21 and discussed with her about using her hands to move a child away instead of her foot and being more gentle when wiping C1's face after he eats. No disciplinary action had been taken and no documentation of these concerns had been made in S21's file as of 1/28/21 during the licensing visit. After the Specialist exited the center on 1/28/21, S1 stated that she immediately terminated S21. S1 has not reported the allegation to Child Welfare or the Department.

CORRECTIVE ACTION PLAN: Effective 2/12/2021, S1 will immediately notify the Department and Child Welfare of any information that she receives meeting the criteria of critical reports to ensure that this regulation is not recited.

1509.A.1.: Child Abuse and Neglect Policy

Not Met

1509.A.1.: Child Abuse and Neglect Policy

- a. As mandated reporters, all staff and owners shall report any suspected abuse or neglect of a child to the Louisiana Child Protection Statewide Hotline 1-855-4LA-KIDS (1-855-452-5437);
- b. An early learning center shall not delay the reporting of suspected abuse or neglect to the Child Protection Statewide Hotline in order to conduct an internal investigation to verify the abuse or neglect allegations; and
- c. An early learning center shall not require staff to report suspected abuse or neglect to the center or management prior to reporting it to the Child Protection Statewide Hotline.

Finding:

1509.A.1. Based on interview(s): As mandated reporters, staff failed to report suspected abuse or neglect of children to the Louisiana Child Protection Statewide Hotline 1-855-4LA-KIDS (1-855-452-5437). Staff observed S21 do the following:

- push children with her foot, describing it as a kick to "get away",
- kick a bouncer to make a child that was crying while seated in it shut up,
- kick C1 to get him away from her when she could have used her hand to move him instead, and
- mumbling, calling the children "a-holes".
- nudge children with her foot if they get to close to her,
- call children "little b*****" and "little fu****s",
- told staff to "let that little b**** cry" and "just throw him in his bed".

CORRECTIVE ACTION PLAN: Effective 2/12/2021, S1 will retrain all staff on the Child Abuse and Neglect Policy on 2/18/2021 to ensure this regulation is not recited.

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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.i & ii: Behavior Management Policy. Based on interviews/record review on 1/28/2021, although the center's Behavior Management policy prohibits physical punishment and verbal abuse, S21 was witnessed, on multiple occasions over the past twelve months, using a prohibited method of discipline as multiple infants were subject to corporal punishment and verbal abuse. Center staff and a parent have witnessed S21 push children with her foot in an attempt to make the children leave her side. Staff have also heard S21 calling the children offensive, profane, and derogatory names. S21 was terminated on 1/28/2021.

1509.A.8.a.&b.i-v.vii, viii.: Based on record review/observations, the Center's Behavior Management Policy (Discipline policy) prohibited physical, corporal punishment and verbal abuse; however, the policy does not include that physical and corporal punishment 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 and that verbal abuse 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.

The policy also did not prohibit the following actions as required:

- the threat of a prohibited action even if there is no intent to follow through with the threat;
- being disciplined by another child;
- being bullied by another child;
- being restrained by devices such as high chairs or feeding tables for disciplinary purposes; and
- having active play time withheld for disciplinary purposes, except timeout may be used during active play time for an infraction incurred during the playtime.

CORRECTIVE ACTION PLAN: Effective 2/12/2021, S1 will update the center's behavior management policy to include the prohibited actions by 2/17/2021 to ensure this regulation is not recited. S1 completed a behavior management training with all staff on 2/2/2021.

1713.E.&F.: Supervision Participation

Not Met

1713.E.&F.:

E: While supervising a group of children, staff shall devote their time to supervising the children, meeting the needs of the children, and participating with them in their activities.

F: Staff duties that include cooking, housekeeping or administrative functions shall not interfere with the supervision of children.

Finding:

1713.E.&F.: Supervision Participation. Based on observations on 1/28/2021 at 12:34pm, Specialist observed that on 12/10/2020 while supervising a group of children, child care staff did not devote their time to the supervision of the children, meeting the needs of the children, and in participation with the children in their activities. Specialist observed a photograph taken on 12/10/2020 at 10:41am of S21 sleeping in a rocking chair while holding C2.

CORRECTIVE ACTION PLAN: Effective 1/28/2021, S1 will conduct a training on supervision with all staff by 2/2/2021 to ensure that the deficiency is not recited. S1 will also monitor the video footage for the specific times staff is reported to be asleep and will complete a visual check of the footage

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daily to ensure staff is engaging in proper supervision participation.

1901.C.: End-of-Day Check

Not Met

1901.C.: The entire center and play yard shall be checked after the last child departs to ensure that no child is left at the center and this check shall be documented. Documentation shall include date, time of visual check, and signature of the staff conducting the visual check.

Finding:

1901.C.: End-of-Day Check: Based on record review/interview: At 2:45pm, Specialist conducted a review of the center's End-of-Day Check and observed S1 did not document that the entire center and play yard were checked after the last child departed to ensure that no child was left unattended at the center from 11/16/2020 to 11/25/2020; 11/30/2020 to 12/30/2020; 1/4/2021 to 1/15/2021; and 1/19/2021 to 1/27/2021. S1's end of day check did not include the date, time of visual check, signature of the staff conducting the visual check. S1 stated the center closed due to the hurricanes from 8/17/2020 to 11/13/2020, and this is when she stopped documenting the End-of-Day Checks were being completed.

CORRECTIVE ACTION PLAN: Effective 1/28/2021, S1 stated she will add the dates on the record and place at the exit door, where she departs the center at the end of the day, to ensure that this deficiency is not recited.
