

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.B.&D.: Based on record review/interview at 2 p.m., S1 and S35 failed to notify the parent immediately and the Department and DCFS Child Welfare within 24 hours of the following critical incident: On 2/15/2023 at 1:30 p.m., C1, three-years-old, reported S2 pinched his finger, and a red mark was observed. Staff failed to immediately notify O1 that on 2/15/2023, at 11:27 a.m., S2 allegedly pinched C1's finger and grabbed/pulled C1's arm to redirect him. S1 notified the Department and Child Welfare on 2/16/2023 that S2 pulled C1's arm to redirect him on 2/15/2023 at 11:27 a.m. O1 was notified that S2 pulled/grabbed C1's arm on 2/16/2023 at 9:42 a.m.

Corrective Action Plan: Effective 3/20/2023, S1 stated she will retrain staff on rules and responsibilities as Staff-in-Charge/Director Designee, to include timely and accurate reporting of all critical incidents, to ensure compliance with this 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 record review (video footage) at 1:45 p.m., although the early learning center has a behavior management policy that prohibits corporal punishment, on 2/15/2023 at 11:27 a.m., S2 (Date of Hire: 7/18/2022) grabbed and pulled C1, three-years-old, by his left arm to bring him closer to her after she called him over to her. S2 stated she was redirecting C1 after he poured his milk onto his lunch plate. S2 remains employed in the childcare center in C1's classroom.

Specialist observed the following on the 2/15/2023 footage reviewed:

Video One:

11:27:01 a.m. - C1 picks his lunch plate and carries it away from the table to the trashcan. S2 is seated near the back table and S3 is walking around the lunch tables.

11:27:18 a.m. - C1 is looking in the direction of S2 and walks slowly to the back table toward S2 sitting near the back table.

Video Two:

11:27:37 a.m. - S2 is seated with her body turned to the left and her back to camera. C1 stands next to S2's right side.

Statement of Deficiencies

11:27:39 a.m. - S2 leans over to her right and uses her right arm to grab and pull C1 by his left hand/arm and jerks him around to the front of her while her back is facing the video camera.

11:27:56 a.m. - S2 leans toward C1. C1 is standing and facing S2 and the video camera and then steps to his left, away from S2, holding his hand. S3 is looking in the direction of S2 and C1.

11:27:59 a.m. - While looking down and holding his finger in his right hand, C1 walks away from S2 toward his chair at the lunch table. S2 shifts her body to the right in her chair and looks in the direction of C1 walking to his chair.

Corrective Action Plan: Effective 3/20/2023, S1 stated she will conduct a retraining of this regulation during an all staff meeting scheduled on 3/23/2023 and attendance will be recorded, to ensure compliance with this regulation.

1907.A.1.&2.: High Chairs

Not Met

1907.A.1.&2.:

1. The high chair manufacturer's restraint device shall be used when children are sitting in a high chair.
2. Children who are either too small or too large to be restrained using the manufacturer's restraint device shall not be placed in a high chair.

Finding:

1907.A.1.: Based on observation at 10:43 a.m., staff failed to use the high chair manufacturer's restraint device while children were sitting in high chairs. Specialist observed 5 of 6 children, 1 infant and 4, one-year-olds, unrestrained in high chairs in S12 and S13's classroom. Staff corrected by buckling the children with the available restraint device.

Corrective Action Plan: Effective 3/20/2023, S1 stated she will review this regulation, as it relates to child safety, during the next all staff meeting to be held on 3/23/2023 and attendance will be recorded, to ensure compliance with this regulation.
