

## 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.-D. Critical Incidents and Require Notifications: Based on interview(s)/Record Review: S18 failed to notify within 24 hours of the incidents the Department and Child Welfare of the following critical incidents : On 5/8/19, S23 and S30 were observed on video footage spanking, yanking children by the arms, and pulling children by the arms. The provider also failed to immediately notify the Parents of C1-C8 of the following critical incidents that occurred on 5/8/19:

- C1 was carried by S23 across the room by his arms; S30 picked C1 up by one arm and pulled up onto the changing table hitting his head on the table; S30 walked away from C1 twice while he was on the changing table, unbuckled, for up to 2 minutes unsupervised; S30 pushed C1 on the chest, spanked him on the stomach 5 times, yanked C1's right arm and spanked his right hand three times, spanked his leg twice and then picked C1 up by one arm and leg to take off the changing table and plopped him on the carpet by one arm.
- C2's arm was pulled by S30.
- C3's arm was pulled by his left arm twice by S30 and then was spanked a total of five times by S30.
- C4 was spanked on her bottom three times by S23; S30 carried C4 by her arms to time out where she was in time out for 13 minutes (max allowed time in time out for C4's age is 2 minutes); S30 spanked C4 seven times while in time out; S23 put C4 back in time out for another 13 minutes then picked C4 up by her left arm to place onto the changing table.
- C5 was on the changing table when S30 walked away from C5 leaving her unsupervised and unbuckled for 24 seconds; S30 grabbed C5's left arm and pulled her up by the arm, carried her to a different area on the carpet and plopped her on the floor.
- C6's arms were pulled by S30 twice then spanked; S30 hit the back of C6's head three times while cleaning blood from C6's lip; S30 then pulled C6 by her left arm again.
- C7 was swatted with some article of clothing by S30 twice, then spanked on her bottom three times by S23; S23 also put C7 in time out for 5 minutes (max time allowed for C7's age is 2 minutes).
- C8 was spanked on her bottom four times by S23.

### 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. Child Abuse and Neglect Policy: Based on interview(s)/record review: On 5/8/19, although mandated reporters, staff did not report suspected abuse/neglect of a child to the Child Protection Statewide Hotline as S18 was made aware of S23 and S30 spanking children on 5/8/19 and she did not report the incidents until 5/16/19.

## Statement of Deficiencies

### 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. Behavior Management Policy: Based on Observations/interview(s): S23 and S30 used a prohibited method of discipline as On 5/8/19, C1-C8 were subject to corporal punishment. Specialist reviewed video footage from 5/8/19 where prohibited methods of discipline were used on C1-C8: -C1 was carried by S23 across the room by his arms; S30 picked C1 up by one arm and pulled up onto the changing table hitting his head on the table; S30 walked away from C1 twice while he was on the changing table, unbuckled, for up to 2 minutes unsupervised; S30 pushed C1 on the chest, spanked him on the stomach 5 times, yanked C1's right arm and spanked his right hand three times, spanked his leg twice and then picked C1 up by one arm and leg to take off the changing table and plopped him on the carpet by one arm.

-C2's arm was pulled by S30.

-C3's arm was pulled by his left arm twice by S30 and then was spanked a total of five times by S30.

-C4 was spanked on her bottom three times by S23; S30 carried C4 by her arms to time out where she was in time out for 13 minutes (max allowed time in time out for C4's age is 2 minutes); S30 spanked C4 seven times while in time out; S23 put C4 back in time out for another 13 minutes then picked C4 up by her left arm to place onto the changing table.

-S30 grabbed C5's left arm and pulled her up by the arm, carried her to a different area on the carpet and plopped her on the floor.

-C6's arms were pulled by S30 twice then spanked; S30 hit the back of C6's head three times while cleaning blood from C6's lip; S30 then pulled C6 by her left arm again.

-C7 was swatted with some article of clothing by S30 twice, then spanked on her bottom three times by S23; S23 also put C7 in time out for 5 minutes (max time allowed for C7's age is 2 minutes).

-C8 was spanked on her bottom four times by S23.

### 1509.A.8.c.: Behavior Management Policy - Time Out

Not Met

#### 1509.A.8.c.: Time Out

- i. Time out shall not be used for children under age 2.
- ii. A time out shall take place within sight of staff.
- iii. The length of each time out shall be based on the age of the child and shall not exceed 1 minute per year of age.
- iv. For children over age six, a time out may be extended beyond 1 minute per year of age, if a signed and dated statement, including a maximum time limit, from the parent granting such permission, is on file at the center.

#### Finding:

1509.A.8.c. Behavior Management Policy-Time out: Based on observations: S23 and S30 used a prohibited method of Time Out as length of time in time out exceeded 1 minute per year of age of child. Specialist reviewed video footage from 5/8/19 and observed C4 (age 2yr) in time out from 10:41-10:54am (13 minutes) and again from 3:24-3:37pm (13 minutes). Two minute maximum time out was allowed for C4 each time. Specialist also observed C7 (age 2yr) in time out from 3:25-3:30pm (5 minutes). Two minute maximum time out was allowed for C7.

## Statement of Deficiencies

### 1711.A.&B.&D.&G.: Child to Staff Ratio

Not Met

1711.A.&B.&D.&G.: A. Child to staff ratios are established to ensure the safety of all children.

B. Minimum child to staff ratios shall be met at all times.

1. There shall be a minimum of two staff members present at an early learning center when more than one child is present.
  2. Only those staff members directly providing care, supervision or guidance to children shall be counted in the child to staff ratios.
- D. Minimum Child to Staff Ratios for Type II and Type III centers:

| Ages of Children     |      | Ratio |
|----------------------|------|-------|
| Infants under 1 year |      | 5:1   |
| 1 year               | 7:1  |       |
| 2 years              |      | 11:1  |
| 3 years              | 13:1 |       |
| 4 years              |      | 15:1  |
| 5 years              |      | 19:1  |
| 6 years and up       | 23:1 |       |

G. Mixed Age Groups - Minimum Child to Staff Ratios

1. An average of the child to staff ratios may be applied to mixed age groups of children ages 2, 3, 4 and 5
2. Child to staff ratios for children under age two are excluded from averaging.
3. When a mixed age group includes children younger than age two, the age of the youngest child determines the child to staff ratio for the group.
4. An average may be applied to a mixed age group consisting only of children ages 5 and older.

#### Finding:

1711.A.&B.&D Child to Staff Ratio: Based on observation: On 5/15/19, the Provider failed to meet the required child to staff ratio for children of the following ages: 11 infants under the age of 1 year old with 2 staff. The required ratio for children of this age is 5 children per 1 staff person. Three staff would have been needed to make ratio.

### 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), 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 Supervision: Based on Observation: Children were not under supervision at all times as Specialist reviewed video footage from 5/8/19 and observed S30 leaving C1 and C5 unrestrained on the changing table, unsupervised as she walked away. Specialist observed S30 leave C5 on the changing table with her back to her for 24 seconds, then observed S30 leave C1 on the changing table unsupervised with her back to him once for 13 seconds and then a second time for 2 minutes.

### 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 Supervision Participation: Based on observation: While supervising a group of children, childcare staff did not devote their time to supervision of the children, meeting the needs of the children, and in participation with the children in their activities; On 5/15/19, S21 was observed on her cell phone while solely supervising a group of ten 1-2 year olds at nap time and S24 was observed on her cell phone while solely supervising a group of ten 1-2 year olds napping. S24 also could not see all children from where she was sitting in the room.

## Statement of Deficiencies

### 1715.A.1.&3.: Staff Records and Personnel Files

Not Met

1715.A.1.&3.: Staff Members. Personnel files for each staff member shall be maintained at the center and shall include the following:

1. an application or staff information form containing the following information:
  - a. name;
  - b. date of birth;
  - c. home address and phone number;
  - d. training,
  - e. work experience;
  - f. educational background;
  - g. hire date; and
  - h. first day onsite working with children;
3. Upon termination or resignation of employment, the last date of employment and reason for leaving;

#### Finding:

1715.A.3 Staff records and personnel files: based on record review: S18 did not have upon termination or resignation of employment, the last date of employment, reason for leaving, for staff: S30. S30 was terminated on 5/13/19, with her last day working in the center being 5/8/19.

### 1719.A.&B.: Orientation Training

Not Met

1719.A.&B.: A. Within seven calendar days of the first day present at the center, and prior to assuming sole responsibility for any children, each staff member shall receive orientation to the policies and practices of the center that at a minimum shall include:

1. child abuse identification and reporting;
2. emergency preparation;
3. licensing regulations; and
4. safe sleep practices.

B. Within 30 calendar days of date of hire, each staff member shall receive orientation to the additional policies and practices of the center that at a minimum shall include:

1. child development;
2. child guidance;
3. learning activities;
4. health and safety;
5. shaken baby prevention; and
6. CPR and first aid, as applicable.

#### Finding:

1719.A.&B. Orientation Training: Based on record review: S18 lacked documentation that 3 of 3 new staff, S2, S31, S32, and 2 of 2 other staff, S33 and S34, received orientation within seven days of the first day present at the center and prior to having sole responsibility for any children and additional training within thirty days of hire. S2's date of hire is 3/6/19; S31's date of hire is 4/1/19, S32's date of hire is 3/25/19, S33's date of hire is 1/4/19 and S34 date of hire is 12/28/18..

### 1901.M.: Strings and Cords

Not Met

1901.M.: Strings and cords, including but not limited to those found on equipment, window coverings, televisions and radios, shall be inaccessible to children under age 4.

#### Finding:

1901.M. Strings and Cords: Based on observations: On 5/15/19, electrical cords were loose, on the floor and accessible to children under age 4 as Specialists observed in S16's class computer cords hanging from the back of the computer down to the floor where they were loose and accessible to the 3 year olds in the room.

### 1911.I.&J.: Proper Lifting of a Child

Not Met

1911.I.&J.: I. Staff members shall adhere to proper techniques for lifting a child.

J. Staff members shall not lift a child by one or both arms.

#### Finding:

1911.I.&J. Proper lifting of a child: Based on observations: S23 and S30 did not lift a children using proper lifting techniques, Staff lifted a child using one or both arms. Specialist reviewed video footage from 5/8/19 and observed S23 carrying C1 across the room by just his arms; S30 picking up C1 by one arm and pulling him onto the changing table; S30 picking C1 up off the changing table by one arm and leg; S30 picking up and carrying C4 across the room by her arms; S23 picking C4 up by her left arm and put on changing table; and S30 pulling C5 up by her left arm from a squatting position and

## Statement of Deficiencies

moving her to another area of carpet.

### 1915.B.&C.: Health Services - Parental Notification

**Not Met**

1915.B.&C.:

B. Reporting. Incidents, injuries, accidents, illnesses, and unusual behavior shall be documented and reported to the parent no later than when the child is released to the parent or authorized representative on the day of the occurrence.

C. Immediate Notification. The parent shall be immediately notified in the following circumstances:

1. blood not contained in an adhesive strip;
2. head or neck or eye injury;
3. human bite that breaks the skin;
4. animal bite;
5. impaled object;
6. broken or dislodged teeth;
7. allergic reaction skin changes (e.g. rash, spots, swelling, etc.);
8. unusual breathing;
9. symptoms of dehydration;
10. temperature reading over 101° oral, 102° rectal, or 100° axillary; or
11. injury or illness requiring professional medical attention.

#### Finding:

1915.B.&C.2 Health Services-Parental Notification: Based on record review/interview(s): S18 did not have documentation of immediate notification to the parent when the following occurred to a child: C6 experienced a nose or mouth bleed on 5/8/19 and the parent was not notified.