

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.: Based on record review/interview at 10 a.m., S1 failed to immediately notify O1 of the following critical incident. On 6/29/2022 at 11:29 a.m., staff stated they observed S2 grab C1's, five-years-old, arm and spank his bottom and say, "You spank everyone, this is what happens." O1 was notified of the incident at 12:57 p.m.

Corrective Action Plan: Effective 7/7/2022, S3 stated all staff will be trained on reporting of critical incidents and parents will be notified immediately prior to completing a full investigation or gathering of information, 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/interview(s) at 10 a.m., although the center developed and implemented a written behavior management policy that prohibits threats of a prohibited action and corporal punishment, S2 used these prohibited methods of discipline. On 6/29/2022 at 11:27 a.m., staff heard S2 threaten C1, five-years-old, by saying, "You spank everyone, this is what happens." Staff observed S2 stand behind C1, hold his left bicep, and spank his bottom in the classroom bathroom. Video footage documented S2 take C1 into the classroom's bathroom and with her body in front of C1, and back to the camera, raise her right hand in the air and swing it down and to the left in C1's direction. S2's date of hire was 10/15/2021 and was terminated on 6/29/2022.

Corrective Action Plan: Effective 7/7/2022, S3 stated she will conduct a retraining with all staff on this policy during the July staff meeting and it will be documented, to ensure compliance with this regulation.

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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 record review/interview at 10 a.m., S2 failed to supervise children at all times. On 6/29/2022 at 11:27 a.m., S2 stepped into the classroom bathroom with C1 and closed the door behind them, leaving 10 four-to-five-year-old children in the classroom unsupervised for approximately one minute.

Corrective Action Plan: Effective 7/7/2022, S3 stated she will conduct a retraining with all staff on this policy during the July staff meeting and it will be documented, to ensure compliance with this regulation.
