

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.B.: Based on record review and interviews conducted on 7/30/2020 and 8/3/2020: S1 and S2 failed to make immediate parental notification of the following incident: On 7/17/2020, around 11:50am, S1 received a FaceTime call from S2, who told her that S5 had come to S2 and said that she was bringing C1 to time out, and felt like she may have pulled his arm too hard. S1, S2, nor S5 reported this inappropriate discipline to the parents as required. Later that evening, S1 received a call from C1's mother, O1, who informed her that C1 told her S5 yanked his arm while he was at daycare that day and asked if S1 would look into it. C1's father, O2, sent S1 a text message that evening stating the same thing--that C1 said his teacher yanked his arm, and O2 was requesting that S1 review the video footage. S1 observed on video footage reviewed on 7/19/2020, that at 11:41am, on 7/17/2020, S5 spanked C1, 5-year old, and roughly jerked him up by the arm off the floor to take him to time out. S1 was not present at the center, but was made aware of the incident, and failed to immediately notify C1's parents of the situation. S2 was staff in charge during S1's absence. S1 completed and submitted a critical incident report to the Department via fax on 7/19/2020; however the critical incident report submitted did not include that S1 had observed S5 spank C1 in the video. Child Welfare was contacted on 7/20/2020. In response to the incident, S5 was terminated on 7/17/2020.

Corrective Action Plan: Effective 8/17/2020, S1 stated that going forward she will be sure to notify parents of any situation or incident where immediate parental notification is warranted and/or required.

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 records/observations reviewed on 7/30/2020, at 11:00am: Although the center has a behavior management policy in place, S5 was observed in video footage from 7/17/2020, using corporal punishment, a prohibited method of discipline. On 7/17/2020, at 11:41am, S5 was observed spanking C1, a 5-year old, on his leg and roughly jerking him off his mat by the arm into a standing position. In response to the incident, S5 was terminated on 7/17/2020, and a critical incident report was completed and submitted to the Department.

Corrective Action Plan: S1 stated that in response to the incident which occurred on 7/17/2020, the involved staff was immediately terminated and the appropriate agencies were notified. S1 stated that she will hold a staff meeting within the next week to reiterate the importance of following the center's behavior management policy.