

## 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 Required Notifications. Based on interviews on 10/4/2019 at 12:36 PM, S5 failed to document the Critical Incident on the department's Critical Incidents Report Form and did not notify the Department within 24 hours or the next business day after learning that a report had been made to law enforcement and to Child Protection regarding the alleged incident involving S5 slapping C1 in the face at the center. S5 became aware of the complaint to Law Enforcement and Child Protection around October 2, 2019 /October 3, 2019. Based on interviews conducted on 10/4/2019, both S5 and S6 are unaware of Critical Incidents and Required Notifications procedure. To date, no Critical Incident Form has been submitted to the Department.

### 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. a. Child Abuse and Neglect Policy. Based on interviews on 10/4/2019 at 9:45 AM, although mandated reporters, staff failed to report suspected abuse/neglect of a child to the Child Protection Statewide Hotline as no reports had been made regarding S5 using corporal punishment with C2 by forcefully putting her finger in his mouth after he bit a child or regarding S5 using corporal punishment with C1 by slapping him twice in the face for spitting on another child.

### 1509.A.2.: Non-Discrimination Policy

Not Met

1509.A.2.: Non-discrimination Policy that prohibits discrimination on the basis of race, color, creed, sex, national origin, handicap, ancestry or whether a child is being breastfed.

#### Finding:

1509.A.2. Non-discrimination Policy. Based on record review on 10/4/2019 at 11:00 AM, the Provider failed to have a Non-discrimination Policy that prohibits discrimination on the basis of national origin, ancestry, or whether a child is being breastfed.

## 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.i: Behavior Management Policy. Based on record review/observations/interviews on 10/4/2019 at 11:30 AM, although the Provider developed and implemented a behavior management policy, S5 used a prohibited method of discipline in September 2019 when she:

- poked C2 in the face and forcefully placed her finger in his mouth after he bit another child
- slapped C1 in the mouth area twice after he spit on another child in the classroom
- stated to O1 in front of C1's classmates that C1 had "crapped all over himself."

S5 is still employed at the center and no disciplinary action has been implemented as she is the owner/director.

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### 1515.D.: Retention of Records

Not Met

1515.D.: Retention of Records. Records of children shall be maintained by a center for a minimum of three years from the date of termination of the child's enrollment at the center.

#### Finding:

1515.D. Retention of Records. Based on record review/observations on 10/4/2019 at 12:15 PM, C2's record was not kept a minimum of three years from the date of termination of the child's enrollment at the center. C2's specific last day in the center is unknown, but sometime within the last month, and record was not available for Specialist review. On 10/17/2019 at 11:40 AM, S6 provided C2's record, which she stated was located after the Specialist exited the center on 10/4/19.

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### 1901.B.: Lighting

Not Met

1901.B.: Areas used by children shall be lighted in such a way as to allow visual supervision of the children at all times.

#### Finding:

1901.B. Lighting. Based on observations on 10/17/2019, Specialist observed that S8's classroom was not lighted in such a way as to allow visual supervision of 5 children, ages 1 to 2-year-old, during nap time. S8 immediately corrected the issue.

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