

## 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.-D. Based on interview(s) at approximately 3:00 p.m., S1 and S8 failed to notify the Department and Child Welfare within 24 hours of the following critical incident: On 11/16/2022, S8 stated O2 came to the center and reported an allegation that C1 was grabbed by the front of her shirt and pulled into another area by S7 on 11/14/2022. C1 also stated S6 constantly calls her bossy instead of using her name. S8 stated she reported the allegations to S1 on 11/16/2022. This could not be corrected during the inspection.

Corrective Action Plan: Effective 12/1/2022, S1 stated she will complete a re-training with her staff by 12/9/2022, which will include scenarios and examples of what a critical incident is and the reporting requirements 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:

1509A.8.a.&b.: Based on interviews at approximately 4:00 p.m., although the center has implemented a behavior management policy prohibiting verbal abuse, S6 (DOH: 2/10/2020), stated she calls C1 (7-years-old) "bossy" instead of using her name because she gets upset when the other children don't do what she says and attempts to boss them around. S6 stated she did not mean it maliciously. This could not be corrected during the inspection.

Corrective Action Plan: Effective 12/1/2022, stated she will complete a re-training with her staff by 12/9/2022, which will include scenarios and examples of what a violation of the behavior management policy and the reporting requirements to ensure compliance with this regulation.