



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

June 26, 2023

Rene Gordon
Marshall Public Schools
100 E. Green St.
Marshall, MI 49068

RE: License #: DC130314368
Investigation #: 2023D0208011
Shamrock Center

Dear Ms. Gordon:

I conducted a special investigation because the child care licensing division received information regarding your facility that related to licensing rules or law. The information was related to the following:

R400.8131 Professional development
R400.8140 Discipline

The details of the information are in the attached report. To investigate:

- I interviewed the person who made the complaint, program director, licensee designee, child care staff members, and parents.
- I completed an on-site inspection on the following date: 05/18/2023.

As a result of this investigation, I found the following violation(s):

R400.8131(3) Professional development
R400.8131(4) Professional development
R400.8131(5) Professional development
R400.8131(12) Professional development
R400.8140(2)(a) Discipline

I recommend no change to the current license status.

During this special investigation:	Yes	No
A rule or law violation was found, and a serious injury or death occurred.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
A rule or law violation was found and abuse and/or neglect of a child occurred.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

This report and any related corrective action plans must be filed in your licensing notebook. This report and any related corrective action plans will be online for parents to review under the [Statewide Search for Licensed Child Care Centers and Homes](#).

Please review the enclosed documentation for accuracy and contact me with any questions at (269) 568-2686. In the event that I am not available, and you need to speak to someone immediately, please contact the local office at (517) 284-9730.

Sincerely,

Roxanne Duckworth

Roxanne Duckworth, Licensing Consultant
 Child Care Licensing Bureau
 611 West Ottawa Street
 P.O. Box 30837
 Lansing, MI 48909

enclosure

**MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF COMMUNITY AND HEALTH SYSTEMS
SPECIAL INVESTIGATION REPORT**

I. IDENTIFYING INFORMATION

License #:	DC130314368
Investigation #:	2023D0208011
Complaint Receipt Date:	05/02/2023
Investigation Initiation Date:	05/04/2023
Report Due Date:	07/01/2023
Licensee Name:	Marshall Public Schools
Licensee Address:	100 E. Green St. Marshall, MI 49068
Licensee Telephone #:	(269) 781-1250
Administrator:	Rene Gordon, Designee
Licensee Designee:	Rene Gordon, Designee
Name of Facility:	Shamrock Center
Facility Address:	400N Gordon St Marshall, MI 49068
Facility Telephone #:	(269) 781-1298
Original Issuance Date:	09/14/2011
License Status:	REGULAR
Effective Date:	03/13/2022
Expiration Date:	03/12/2024
Capacity:	180
Program Type:	CHILD CARE CENTER

II. ALLEGATION(S)

	Violation Established?
The child care staff were not adequately trained/did not receive training to care for children.	Yes
Child care staff physically moved Child A down the hallway and into the gym when he refused to go down there himself.	No
Additional Findings	Yes

III. METHODOLOGY

05/02/2023	Special Investigation Intake 2023D0208011
05/04/2023	Special Investigation Initiated - Telephone Spoke with licensee designee/program director, Rene Gordon.
05/04/2023	Contact - Document received Rene Gordon emailed the parent handbook.
05/18/2023	Special Investigation - Onsite Arrival: 3:22PM - Departure: 4:58PM. Spoke with program director, Rene Gordon, and Child Care Staff Member 1 and Child Care Staff Member 2.
05/23/2023	Contact - Telephone call made Spoke with Child Care Staff Member 3's Mother
05/24/2023	Contact - Telephone call made Spoke with Child Care Staff Member 3
06/12/2023	Contact - Telephone call made Spoke with Child A's Father.

06/12/2023	Contact - Document Received Email received from Child A's Mother.
06/13/2023	Exit Conference Spoke with program director, Rene Gordon.
06/14/2023	Contact - Telephone call received Spoke with Child B and Child C's Mother.
06/14/2023	Contact - Telephone call made Spoke with Child D's Mother.
06/14/2023	Contact - Telephone call made Spoke with Child E's Mother.
06/14/2023	Inspection Completed-BCAL Sub. Compliance

ALLEGATION: The child care staff were not adequately trained/did not receive training to care for children.

INVESTIGATION: On 05/04/2023 I spoke with program director, Rene Gordon. Ms. Gordon did admit there were child care staff that still needed some of their required trainings. She reported that one staff member was having issues getting into MiRegistry to complete the trainings, and that she did not know the two minor child care staff also needed the trainings as they are supervised at all times. I told her that all child care staff would need the same trainings, regardless of their age and supervision. Ms. Gordon indicated that she would make sure all child care staff completed the required trainings in MiRegistry, as well as any other trainings needed.

It should be noted that MiRegistry (www.miregistry.org) is a website for early childhood providers, child care staff, and trainers to track their professional development, education, and register/attend trainings related to child care, early childhood education, and child development. Users create their own account and maintain it.

On 05/18/2023 I reviewed the training records for staff on MiRegistry. Three child care staff did not have a MiRegistry account, nor the required health and safety courses for child care staff, one child care staff had a MiRegistry account, but had not completed any of the required trainings (courses 1 and 2, and refreshers), and three child care staff had completed the original health and safety trainings, but not the annual required refresher trainings.

On this same day I conducted an unannounced onsite inspection to Shamrock Center. I interviewed the program director, Ms. Gordon, Child Care Staff Member (CCSM) 1, and Child Care Staff Member (CCSM) 2. I obtained child information cards and attendance.

Ms. Gordon reported that CCSM 1 and CCSM 2 were available to be interviewed and she had permission slips from the parents to interview the minor staff. She gave me copies of the signed permissions. Child Care Staff Member (CCSM) 3 was not present at the center as Ms. Gordon indicated CCSM 3 is temporarily off until this investigation is over as is Child A. I confirmed with Ms. Gordon the current employed child care staff to make sure everyone I had reviewed in MiRegistry was correct.

CCSM 1 reported that she has her CPR and first aid training completed and did receive some training when she began working at Shamrock Center but did not recall doing any training through MiRegistry. She indicated she was not familiar with the health and safety trainings and did not believe she had completed them.

CCSM 2 reported that she has completed all of her training, including required health and safety trainings, and refresher courses in MiRegistry. She indicated that staff are required to have at least 16 hours of annual professional development in early childhood and child development topics.

On 05/23/2023 I spoke with CCSM 3's Mother to set up a time/date to speak with CCSM 3. CCSM 3 is a minor employed at the child care center. CCSM 3's Mother gave me permission to speak with CCSM 3 with her present as well.

On 05/24/2023 I spoke with CCSM 3. CCSM 3's Mother was present on the phone with her. CCSM 3 denied having any of the health and safety trainings, nor did she have a MiRegistry account. She indicated she received very minimal training prior to working with children. CCSM 3 did not recall being trained on the center discipline policy or policies in the parent handbook.

On 06/12/2023 I spoke with Child A's Father. Child A's Father did have concerns with the training for child care staff as he reported that Child A was physically moved to the gym when Child A refused to go down there from the classroom. Child A's Father is familiar with CCSM 3 and indicated that CCSM 3 was not trained to safely handle children. He reported that CCSM 3 also was not trained in other areas, and that was concerning as well.

On this same day I received an email from Child A's Mother. Child A's Mother shared the same concerns with the center as Child A's Father. Additionally, she noted that she had concerns with the lack of communication with the center and families, and new policies that are not in the parent handbook but are being enforced. I did address these concerns with Ms. Gordon who reported that the handbook has been in the process of being updated and there are many revisions/changes.

On 06/14/2023 I spoke with Child B, Child C, Child D, and Child E's Mothers.

Child B and Child C's Mother did have concerns with the training provided to child care staff at the center. She does not feel that staff are equipped with the knowledge and techniques to manage children with tough behaviors as some of the staff get angry very quickly and react negatively.

Child D's Mother did not have concerns with the training of child care staff, but indicated she would be upset to hear they were not receiving the training they need to work with children.

Child E's Mother does have concerns with the training of child care staff and feels that it is lacking. She reported that the staff do not seem like they know how to handle behavior issues that children have.

APPLICABLE RULE	
R 400.8131	Professional development requirements.
	(3) Before caring for children, all child care staff members and unsupervised volunteers who work directly with

	children shall be trained on prevention of shaken baby syndrome, abusive head trauma and child maltreatment, and recognition and reporting of child abuse and neglect.
ANALYSIS:	On 05/18/2023 I reviewed the child care training records on MiRegistry. There were four current child care staff that did not have training on prevention of shaken baby syndrome, abusive head trauma and maltreatment, and recognition and reporting of child abuse neglect (health and safety, course 2).
CONCLUSION:	VIOLATION ESTABLISHED

APPLICABLE RULE	
R 400.8131	Professional development requirements.
	(4) Before unsupervised contact with children, all child care staff members who work directly with children shall complete prevention and control of infectious disease training, including immunizations.
ANALYSIS:	On 05/18/2023 I reviewed the child care training records on MiRegistry. There were four current child care staff that did not have training on prevention and control of infectious disease, including immunizations (health and safety, course 1).
CONCLUSION:	VIOLATION ESTABLISHED

APPLICABLE RULE	
R 400.8131	Professional development requirements.
	(5) Within 90 days of being hired, or the first day as an unsupervised volunteer, all child care staff members and unsupervised volunteers who work directly with children shall complete the following trainings, which may count toward annual professional development hours and are available at MiRegistry: (a) Administration of medication. (b) Prevention of and response to emergencies due to food and allergic reactions. (c) Building and physical premises safety. (d) Emergency preparedness and response planning.

	<p>(e) Handling and storage of hazardous materials and appropriate disposal of biocontaminants.</p> <p>(f) Precautions in transporting children, if applicable.</p> <p>(g) Child development.</p>
ANALYSIS:	On 05/18/2023 I reviewed the child care training records on MiRegistry. There were four current child care staff that had been employed more than 90 days and have not completed training in administration of medication, prevention of and response to emergencies due to food and allergic reactions, building and physical premises safety, emergency preparedness and response planning, handling and storage of hazardous materials and appropriate disposal of bio contaminants, and child development. (health and safety, courses 1 and 2).
CONCLUSION:	VIOLATION ESTABLISHED

APPLICABLE RULE	
R 400.8131	Professional development requirements.
	(12) When the department of licensing and regulatory affairs or the department of education publishes a notice that a new health and safety update document or a new health and safety update training activity has been published on MiRegistry, the licensee shall ensure that all personnel read and acknowledge the document or complete the activity within 6 month of the notice.
ANALYSIS:	Four child care staff have not completed required health and safety annual refresher trainings 2020-2022.
CONCLUSION:	VIOLATION ESTABLISHED

ALLEGATION: Child care staff physically moved Child A down the hallway and into the gym when he refused to go down there himself.

INVESTIGATION: On 05/04/2023 I spoke with Ms. Gordon. I asked Ms. Gordon to send me a copy of the parent handbook, which she did email to me this same day. She reported that the parent handbook is currently being modified by the center and school, so the copy that I received, may have some highlights/changes.

I reviewed the guidance policy in the parent handbook. The handbook states, "Behavior management is the joint responsibility of students, parents, and center

staff. Staff encourages self-control and appropriate social behavior in children. Positive methods of developing the behaviors are used in the center. When children are given meaningful choices, know the rules, have helpful and caring supervision in an enriching environment the need for discipline becomes less. Staff help students work through Conflict Resolution steps and children are encouraged to use a problem-solving approach. Staff will observe. If adults interfere in problem-solving too often or too soon, children will come to rely on adults to solve problems. Staff will approach and be available to model problem solving and negotiation skills. Staff will suggest alternatives that the children can try. Staff and children together will resolve the problem. If children are unable to resolve a problem without adult assistance, staff may choose to implement a “break,” where a child or group of children may need to separate from the group or the activity for a few short moments. Children in a “break” will be given a choice of sitting quietly or participating in an activity such as reading while calming down and thinking through alternative behaviors. The adult and child will talk about the decision to rejoin the group when the child is ready.” The guidance policy indicated that child care staff will never use physical or corporal punishment, withholding outdoor or gross-motor experiences, mental or emotional punishment, restricting a child’s movement by binding/tying, or confining a child to an enclosed area, such as a closet, locked room, etc.

On 05/18/2023 I conducted an unannounced onsite inspection to Shamrock Center. I interviewed the program director, Ms. Gordon, and CCSM 1, and CCSM 2.

Ms. Gordon reported that the child care staff involved were CCSM 1, CCSM 2, and CCSM 3. Ms. Gordon was present for some of the incident that occurred on 05/01/2023. She reported that she saw staff trying to convince Child A to go to the gym, but he did not want to. Ms. Gordon stepped out into the hallway to try to assist the child care staff, and CCSM 2 said, "watch out he is going to hit you!" Child A then hit Ms. Gordon on her back. He was also swinging at other child care staff, and they were concerned as there were other children nearby. Ms. Gordon went to her office and contacted Child A's Mother. Child A was looking through the office window, so Ms. Gordon let him in to have him speak with his mother. Child A screamed and went out the door of the office into the classroom. Child A then got the office chair from the classroom and started rolling around in the chair taking the chair out the other classroom door and into the hallway. Ms. Gordon then headed to the hallway near the gym area to usher the other children to safety away from him in the hallway as he was behaving aggressively towards everyone. Child A's Father came to the center and picked him up shortly after that. Ms. Gordon reported that somehow in the whole incident CCSM 3 got bit multiple times on her hands. She observed bite marks on CCSM 3's finger. Ms. Gordon did not see that part of the incident happen as there was chaos going on trying to protect the other children and calm Child A down. She reported that Child A has a history of running from rooms if he does not want to do something and this is not the first time, he has gotten physical with child care staff and other children.

I asked Ms. Gordon if the staff involved physically moved Child A to the gym, and she reported she was not present for the entire incident as she stepped out when she heard the commotion, but that he had the office chair and was rolling down the hallway towards the gym, so she assumed that is how he got down to the gym hallway area. I asked Ms. Gordon if she or other staff have ever physically moved or disciplined Child A or other children, and she indicated they do not. She reported that with Child A they usually just follow him around closely and try redirecting him to activities he enjoys. Ms. Gordon said child care staff would only intervene with a child if he/she was harming himself/herself or other children and had to be removed from a situation. Ms. Gordon indicated they do try to accommodate Child A's needs by having him use his headphones if he does not like sounds or take toys he enjoys down to the gym area to play with. The children are not forced to participate in the activities going on in the gym if they do not want to. There are tables set up in the hallway outside the doors of the gym that children are allowed to sit at and do an activity of their choice. They just need all children to be in the same room/area for supervision/staffing purposes, which is why Child A needed to be with the other children and staff in the gym area.

CCSM 1 was present on 05/01/2023. She reported that Child A was sitting in the classroom but came down to the gym when she offered to get out his Octonaut toys. He was content playing with them for a bit, but then got up and walked into the

storage closet in the gym to get out “marble tracks.” He sat back down and dug through the tubs, realizing the marbles were missing. He went back to the storage closet to find the marbles. CCSM 1 stood at the doors to the storage closet and told him there were no marbles. CCSM 2 overheard and came over to the closet and asked him to leave the storage closet (children are not allowed in the closet alone). Child A walked out of the storage closet and left the gym. CCSM 2 had to stay with CCSM 1 as minor staff have to be supervised at all times, but they watched Child A walk back down the hallway to the classroom. At that moment, Ms. Gordon yelled that Child A could not be down by the classroom and to have him go back to the gym area with everyone else. CCSM 3 said, “I got it,” and walked down the hallway to Child A. CCSM 2 then walked out of the gym and Ms. Gordon out of her office. Child A then hit Ms. Gordon on her back. CCSM 1 was standing in the doorway of the gym supervising children in the gym, but in the line of sight in the hallway was Child A, CCSM 2, CCSM 3, and Ms. Gordon.

CCSM 1 was not sure exactly how it happened, but next thing she saw was Child A “charging” down the hallway with the office chair. He was sitting in the chair. CCSM 3 grabbed the chair trying to stop Child A, and he started pushing on her arms. Somehow CCSM 3 got behind the chair and had her hands on the headrest of the chair. Child A bit CCSM 3 on her hand. CCSM 3 reacted by flinging her hand, which hit Child A on his shoulder area. Child A continued to be aggressive in the chair, so Ms. Gordon was ushering the other children that were sitting in the hallway gym area to get inside the gym. CCSM 1 stood in the doorway to block Child A from gaining access to the other children as he was pushing on her with the chair. Ms. Gordon called the school office to send a male down to assist with the situation, but the situation was de-escalated by the time the school principal arrived. Child A’s Father arrived and took Child A home.

CCSM 2 was present for the incident that occurred on 05/01/2023 involving Child A. CCSM 2 reported that on this day children were having snack and then went down to the gym around 3:45PM. While in the gym, she heard some discussion going on in the storage closet. It was Child A arguing with CCSM 1 because he wanted marbles. CCSM 2 told Child A there were no marbles and asked him to leave the closet because he was touching the school physical education teacher’s equipment. Child A left the closet and walked out of the gym, she assumed to the table area in the hallway where CCSM 3 was positioned. CCSM 2 then heard Ms. Gordon yell for her to get Child A as he was in the hallway by the classroom. CCSM 2 convinced Child A to come back towards the gym area, but on the way, Ms. Gordon told Child A it was not ok to be in the classroom when everyone is in the gym. CCSM 2 told Ms. Gordon not to engage with him as he was going to hit her, and then he did hit Ms. Gordon in the small of her back. CCSM 2 got Child A to go back to the gym area, but then he took off again. This time CCSM 3 said, “I got it,” and went after Child A. CCSM 3 disappeared from her line of sight, so CCSM 2 stepped into the hallway and asked Ms. Gordon where CCSM 3 and Child A went. Ms. Gordon replied that they were back in the classroom as Child A had gone through her office door to the classroom when she called Child A’s Mother.

CCSM 2 told Ms. Gordon they needed a male presence to talk with Child A. Meanwhile, Child A had grabbed the rolling office chair from the classroom and rolled himself out of the room and down the hallway towards the gym area. CCSM 2 and Ms. Gordon headed to where Child A was to assist with the situation and CCSM 2 observed Child A bite CCSM 3. CCSM 3 told them he had just bit her multiple times. Ms. Gordon then started ushering all the children into the gym to separate them from Child A as they were afraid, he would be physical with the children. CCSM 1 was standing in the doorway trying to hold Child A from gaining access to the children as Child A pushed on her body. CCSM 2 held the back of the chair to stop Child A from scooting and pushing into CCSM 1. This caused Child A to fall forward. He ran after CCSM 2 to retaliate. She knew he was going to hit her, so she put her arms up over her face to block him, so Child A hit her arm instead. Child A got back in the chair and started heading toward the elementary part of the school building just as his father arrived and picked him up. CCSM 2 reported that Child A often gets physical with others (he tried to choke her last week because he wanted back in the building but was supposed to be getting on the school bus), but she is usually able to de-escalate him quickly as she has gotten to know him pretty well. She knows what triggers him, makes him upset, and what he is interested in and what he can be re-directed or distracted to. CCSM 2 did not observe CCSM 3 hitting Child A or flinging her hand at him. She did not have concerns with CCSM 1 or any other staff and their interactions with the children.

On 05/23/2023 I spoke with CCSM 3's Mother to set up a time/date to speak with CCSM 3. CCSM 3 is a minor employed at the child care center. CCSM 3's Mother gave me permission to speak with CCSM 3 with her present as well.

On 05/24/2023 I spoke with CCSM 3 who indicated that Child A is her godbrother and his parents are her godparents. CCSM 3's Mother was present on this phone call. CCSM 3 reported that Child A gets off the bus later than other children afterschool, so the children are always eating their snack when he arrives. On the day the incident occurred (05/01/2023), the children were finishing their afterschool snack and then went down to the gym. Child A was standing outside of the classroom in the hallway refusing to go down to the gym. CCSM 3 tried to convince him to come down to the gym, but he remained in the hallway in her line of sight from the gym door. Ms. Gordon told CCSM 3 that Child A could not be down by the classroom, so CCSM 3 again attempted to convince him to go down to the gym with her, but he refused, so CCSM 3 suggested calling Child A's Mother. Child A wanted to talk with his mother, so they called her from Ms. Gordon's office (next to the classroom). Child A then went through the office door connected to the classroom and grabbed the rolling office chair from the classroom and pushed it out the classroom door into the hallway. Child A rolled down the hallway in the chair to the gym area. Ms. Gordon, CCSM 1, CCSM 2, and CCSM 3 were all present. Child A was being aggressive towards staff. CCSM 3 intervened by putting her hands on the back of the chair by the headrest to stop Child A. Child A then bit CCSM 3 on her

hand. CCSM 3 indicated she then pushed the side of his head (by his ear) as a natural reaction to him biting her and self-defense from him hurting her further.

CCSM 3 tried again to get the office chair from Child A as he was still being aggressive towards others, and Child A bit her again on the opposite hand. Ms. Gordon said, "we have to get all the kids in the gym" as there were children sitting at the tables right outside of the gym (they do activities there if they do not want to be inside the gym) and she was concerned Child A was going to harm one of them. Ms. Gordon started ushering the children at the tables in the hallway into the gym. Child A ran towards the gym doors. CCSM 1 stood in the doorway to stop him and CCSM 3 stood in front of Child A in an attempt to assist CCSM 1. CCSM 3 grabbed Child A's arm and brought him to Ms. Gordon's office. Child A ran and the staff just let him go as he was still in their line of sight in the hallway. Child A's Father arrived several minutes later. When Child A left, he was crying and said, "I hate Shamrock." CCSM 3 reported this type of behavior is not unusual for Child A. He gets aggressive when he gets upset. During this incident, Child A also hit Ms. Gordon on her back. This happened around the time when they called Child A's Mother.

On 06/12/2023 I spoke with Child A's Father. Child A's Father confirmed that CCSM 3 is their goddaughter, and that CCSM 3 has a close relationship with Child A and the family. He also indicated that Child A has Autism. Child A's Father reported that the incident occurred on 05/01/2023. He received a phone call from Shamrock Center asking him to pick Child A up as Child A was "out of control." Child A told him that he did not want to go to the gym and wanted to stay in the classroom, but the staff would not allow him to do so and physically moved him to the gym. Child A's Father is concerned with how the center handled this situation as the child care staff are not properly trained to physically handle children. He did not fault CCSM 3 for her actions in this incident as she has not received proper training to manage behavior issues, including escalated behavior situations. He faults the center for not properly training the staff. Child A's Father reported that Child A was suspended from the program for 30 days, so Child A is not currently attending the center.

On this same day I received an email from Child A's Mother. Child A's Mother sent me a copy of the letter that they received regarding Child A being suspended from the child care program. Child A's Mother is concerned with the discipline methods at the center.

On 06/14/2023 I spoke with Child B, Child C, Child D, and Child E's Mothers.

Child B and Child C's Mother does have concerns with the discipline at the center. She reported that Child C has some behavior issues due to Attention Deficit Hyperactivity Disorder (ADHD) and the center has trouble managing his behaviors. There was an incident that occurred where he started destroying a classroom, so they cleared everyone from the room, and locked the door while he destroyed the room. Child B and Child C's Mother did not receive a phone call about this when it started and was upset by this. She indicated the child care staff do not have

patience when working with children with behavior issues and that the staff get angry easily with children.

Child D's Mother did not have concerns with discipline at the child care center currently. She reported that there was a child care staff she did have issue with, but that child care staff member no longer works at the center. Child D's Mother likes the current child care staff.

Child E's Mother did have concern with the discipline at the center as she feels the child care staff do not intervene in situations enough and allow poor behavior to continue to occur. She reported that Child E has picked up some inappropriate behaviors from other child care children in the program, and nothing has been done to rectify the situation.

On 06/13/2023 I had an exit conference with Ms. Gordon. I told her I was made aware that there is video footage of the incident that occurred on 05/01/2023 and that she had reviewed it. I asked her if I was able to review it and she said that she would see if it was available to be emailed to me or be viewed at the center. The video footage was no longer available to view. I told Ms. Gordon that parents voiced concern about the new policy of the cut-off age of 5th grade for the program and it not being in the parent handbook. Ms. Gordon reported they are in the process of re-writing the parent handbook and it is added policy. I also told her that there is concern that CCSM 3 is told to handle Child A because they are god-siblings. She denied that being true and indicated CCSM 3 is not told to handle Child A. I asked Ms. Gordon if a child had ever been locked in a classroom by themselves and she said no and that her child care staff would never leave a child unattended in a classroom or locked in the room alone.

On 06/24/2023 I emailed Ms. Gordon to address additional concerns parents have with her being available, following up with questions/concerns, and communicating with them.

APPLICABLE RULE	
R 400.8140	Discipline.
	(3) Non-severe and developmentally appropriate discipline or restraint may be used when reasonably necessary, based on a child's development, to prevent a child from harming himself or herself or to prevent a child from harming other persons or property, excluding those forms of punishment prohibited by subrule (2) of this rule.

ANALYSIS:	There is not enough information to say that the child care staff physically moved Child A to the gym area.
CONCLUSION:	VIOLATION NOT ESTABLISHED

ADDITIONAL FINDINGS:

INVESTIGATION: On 05/18/2023 I conducted an unannounced onsite inspection to Shamrock Center. During the interview with CCSM 1, she reported that she observed CCSM 3 fling her arm and hit Child A in the shoulder area as a defensive reaction to him biting CCSM 3's hand.

On 05/24/2023 I spoke with CCSM 3. CCSM 3 reported that she pushed Child A's head after he bit her as a knee-jerk reaction to the bite. She recalled it being the side of his head by his ear where she pushed his head.

On 06/13/2023 I had an exit conference with Ms. Gordon. I told her that during the investigation it had come to my attention that CCSM 3 may have pushed Child A's head or hit his shoulder. I asked Ms. Gordon if she recalled that occurring in the video footage she viewed, and she said she did not recall seeing that in the video, but maybe the office chair was blocking her view. She indicated the back of the office chair was facing the camera. It should be noted that I was not able to view the video footage during this investigation.

APPLICABLE RULE	
R 400.8140	Discipline.
	(2) All of the following means of punishment are prohibited: (a) Hitting, spanking, shaking, biting, pinching, or inflicting other forms of corporal punishment.
ANALYSIS:	CCSM 1 observed CCSM 3 fling her arm and hit Child A's shoulder area. CCSM 3 reported that Child A bit her in the hand, which caused her to push his head as a knee-jerk type reaction in defense.
CONCLUSION:	VIOLATION ESTABLISHED

IV. RECOMMENDATION

Upon receipt of an acceptable corrective action plan, I recommend no change in the license status of this child care center.

Roxanne Duckworth

06/26/2023

Roxanne Duckworth
Licensing Consultant

Date

Approved By:

Yolanda Sims

06/26/2023

Yolanda Sims
Area Manager

Date