



STATE OF MICHIGAN
 DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
 LANSING

GRETCHEN WHITMER
 GOVERNOR

ORLENE HAWKS
 DIRECTOR

March 29, 2023

Becky Samra
 Kinderhaus Montessori PreSchool
 701 N. Linden St.
 Marshall, MI 49068

RE: License #: DC130400330
 Investigation #: 2023D0207008
 Kinderhaus Montessori School

Dear Mrs. Samra:

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:

- R 400.8125(1) Staff; volunteer; requirements
- R 400.8137(10) Diapering; toileting.

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

- I interviewed the program director, child care staff member, and parents.
- I completed an on-site inspections on the following date: 3/20/2023.

As a result of this investigation, I recommend no change to the current license status. I did not find any violations. The special investigation report is attached.

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.

Sincerely,

Charnell Lennox

Charnell Lennox, Licensing Consultant
611 W. Ottawa
P.O Box 30664
Lansing, MI 48909

enclosure

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

I. IDENTIFYING INFORMATION

License #:	DC130400330
Investigation #:	2023D0207008
Complaint Receipt Date:	03/17/2023
Investigation Initiation Date:	03/20/2023
Report Due Date:	05/16/2023
Licensee Name:	Kinderhaus Montessori PreSchool
Licensee Address:	701 N. Linden St. Marshall, MI 49068
Licensee Telephone #:	(269) 781-4062
Administrator:	Becky Samra, Designee
Licensee Designee:	Becky Samra, Designee
Name of Facility:	Kinderhaus Montessori School
Facility Address:	701 N. Linden St. Marshall, MI 49068
Facility Telephone #:	(269) 781-4062
Original Issuance Date:	08/21/2019
License Status:	REGULAR
Effective Date:	02/23/2022
Expiration Date:	02/22/2024
Capacity:	112
Program Type:	CHILD CARE CENTER

II. ALLEGATION(S)

	Violation Established?
Child care staff members are not providing appropriate care for Child A when he has an accident in his pants.	No
Child care staff members are not working cooperatively with parents for toilet training for Child A.	No

III. METHODOLOGY

03/17/2023	Special Investigation Intake 2023D0207008
03/20/2023	Special Investigation Initiated - On Site Interviews completed with program director Becky Samra and child care staff member 1 and child care staff member 2 from 02:00 p.m. to 03:10p.m.
03/20/2023	Contact - Telephone call made Phone call to licensing worker Beth Gonding.
03/28/2023	Contact - Telephone call made Phone call to Child A's mother, Child B's mother and Child C's mother.
03/29/2023	Exit Conference Completed with program director via email.

ALLEGATION: Child care staff members are not providing appropriate care for Child A when he has an accident in his pants

INVESTIGATION: I completed an onsite inspection and interviews with program director Becky Samra and child care staff member 1 and child care staff member 2 on 3/20/2023. Ms. Samra reported that Child A is currently over 3.5 years old (44 months) and is enrolled in the 3-4 year old classroom. It is the expectation of this

classroom which is located at the top of the stairs in the bi-level building, that the children are fully potty trained and able to clean up themselves up. The protocol is that the classroom breaks every hour to hour and a half for toilet breaks. If a child needs to go before the scheduled toilet break an office staff member will be called into the classroom so a child care staff member can accompany the child down the steps to the main floor where the bathroom is located. Ms. Samra reported that they have enough toilet breaks as a class so it is pretty rare for a child to have to go in between. However, Child A has been having a significant amount of accidents by soiling his underwear that it is disrupting to the classroom, and child care staff members. They have been trying to work with Child A's parents on this issue. She reported that Child A is not left unsupervised in the bathroom as he needs assistance in cleaning up and it typically takes about 20 minutes because the accidents are so large due to his constipation issues. I observed the ratio and capacity for the room where Child A attended. The center is within ratio and capacity for the age group. There are 20 children enrolled in the room with two child care staff members present at all times.

Child care staff member 1 reported that Child A is has been having issues with toilet training since summer of 2022 and they have been trying to work with Child A's parents to understand and help him through this. However, it has become a disruption when Child A has so many accidents that they have to call a staff member from the office into the classroom to maintain ratio so that a child care staff member can accompany Child A down the steps to the bathroom for clean up and care. She feels they have provided appropriate care for Child A throughout the entire toilet learning process.

Child care staff member 2 reported that she feels she and the other child care staff members in the center have been working hard to recognize when Child A is about to have an accident to prevent them from having to disrupt the class to take him to clean up, but it does not always happen. She said they have toilet breaks about every hour or so, and for the other children this is not an issue. However, Child A has a difficult time recognizing when he is about to go and it is often too late. She said that they are always within their ratio when they have to accompany children to the bathroom located at the bottom of the steps.

3/28/2023 I spoke to Child A's mother, Child B's mother and Child C's mother. Child A's mother reported that she wanted to know what her rights were as a parent because the center has terminated Child A's contract due to not having the ability to deal with his accidents. She had concerns that this meant her child was not getting cared for appropriately. I informed her that termination of care is not regulated by the department. She reported that when she was told by Ms. Samra that they did not have the staffing capabilities to clean him up so frequently this made her believe that they were not well staffed. I explained the ratio and capacity of the room. Child A's mother reported that she believes it should only take five minutes for the child care staff member to take Child A to the bathroom and clean him up. She felt it was unfair for her to have to look for a new daycare without notice over toilet training. Child A's

mother said she feels that Child A should not have been asked to clean himself up, as it would have taken the child care staff members a lot less time if they had done this so everyone could get back to the classroom and then there would not be an issue. Child B's mother and Child C's mother reported that they have no concerns about appropriate care or the toilet arrangements in the classroom.

APPLICABLE RULE	
R 400.8125	Staff; volunteer; requirements.
	(1) All staff and volunteers shall provide appropriate care and supervision of children at all times.
ANALYSIS:	Appropriate care and supervision were being provided to Child A during toilet time.
CONCLUSION:	VIOLATION NOT ESTABLISHED

ALLEGATION: Child care staff members are not working cooperatively with parents for toilet training for Child A.

INVESTIGATION: Ms. Samra reported that they have been working cooperatively with Child A's parents to introduce toilet training since last year. However, Child A has been diagnosed with constipation and has been prescribed MiraLAX in small doses to help. Throughout the summer and fall of 2022 there were several times when Child A defecated in his underwear which required child care staff members to accompany him to the bathroom that is located on the lower level of the center to clean him up. When this happens, an office staff member will be called to the classroom to ensure the facility is staying within ratio while the child care staff member accompany Child A to the bathroom.

Last week Child A had three incidents where he defecated in his underwear. The last incident the classroom was outside, so this became more complicated to get him inside to clean up. This resulted in Ms. Samra calling Child A's mother and asking her to come pick up Child A because they did not have the child care staffing ability to continually send a child care staff member to the bathroom to clean up Child A. Ms. Samra said this upset Child A's mother because she works 30 minutes away. They had another meeting with Child A's parents to attempt to problem solve why he is having so many issues and Ms. Samra was informed that he was on an antibiotic for an ear infection and on the MiraLAX again. Ms. Samra told Child A's parents that until the potty training was complete, they might not be a good fit for him at this time, due to not having the ability to hire another child care staff member to continually clean up Child A. Ms. Samra reported that it is the expectation of this classroom that

the children are fully potty trained and do not require help. They encourage the children to learn independence as part of the programming for self care by this age. Ms. Samra reported that she believes she has gone above and beyond working cooperatively with Child A's parents since last year to try and problem solve.

Child care staff member 1 reported that she has been communicating with Child A's parents and a part of the parent meetings since last summer in regards to Child A's toileting issues. She said that they have tried to work through his special needs while on MiraLAX and offer bathroom trips every one to one and a half hour. If a child needs to go before the next round of toilet breaks, then she or child care staff member 2 will call the office to have someone come down and be with the classroom while she or child care staff member 2 takes the child to the bathroom which is located down 10 steps from classroom. Child care staff member 2 reported that this classroom is ages 3-4 and the expectation is that the children are fully potty trained before transitioning, but they understood Child A's special circumstances and have been trying to work with him to recognize when he needs to use the bathroom before it happens in his underwear. They have 20 students enrolled in that classroom with two child care staff members which is within the ratio for that age group and capacity for the classroom.

Child care staff member 2 reported that she feels she and the other child care staff members in the center have been working on cooperatively toilet training with Child A and his parents more than other centers might even do. It is in their curriculum that they begin to introduce toilet training at age 2 and by the time they transition into her classroom at age 3 they are typically fully potty trained. They were sympathetic to Child A's constipation and how the medicine might cause him to have accidents, but it has become a very difficult situation to clean him up because it takes a child care staff member out of the classroom for at least 20 minutes. This is because they do ask Child A to assist them in his clean up to teach him self-care and reduce the amount of touching the child care staff member engages in. She said this seemed to upset Child A's parents as they think it was not necessary for Child A to help clean himself up, and they should be able to have him back in the classroom within five minutes. Child care staff member 1 said when Child A has these accidents they are large and extremely messy, often requiring a change of clothing too.

Child A's mother explained the digestive issues Child A has been experiencing since summer 2022 and said they have had several meetings with child care staff member 1, child care staff member 2 and Ms. Samra. Child A's mother felt that Ms. Samra did not agree with the medical doctor's advice about the MiraLAX and she feels this was out of line and part of the reason Ms. Samra terminated their contract. She did not feel that potty training Child A at age two was appropriate, but they had to because that is what the center was introducing. Child B's mother and Child C's mother had no concerns for toilet training, and both reported that it was done cooperatively between them and the center.

APPLICABLE RULE	
R 400.8137	Diapering; toileting.
	(10) Toilet learning or training must be planned cooperatively between the child's regular caregivers and the child's parent so the toilet routine established is consistent between the center and the child's home.
ANALYSIS:	Child care staff members have attempted to work cooperatively with Child A's parents for toilet learning.
CONCLUSION:	VIOLATION NOT ESTABLISHED

IV. RECOMMENDATION

I recommend no change in license status.

Charnell Lennox

3/29/2023

Charnell Lennox
Licensing Consultant

Date

Approved By:

Yolanda Sims

3/29/2023

Yolanda Sims
Area Manager

Date