



STATE OF MICHIGAN
 DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
 LANSING

GRETCHEN WHITMER
 GOVERNOR

ORLENE HAWKS
 DIRECTOR

December 27, 2021

Katelyn Barton
 Battle Creek Y Center
 182 Capital Ave Ne
 Battle Creek, MI 49017

RE: License #: DC130406016
 Investigation #: 2022D0217004
 YMCA Lemon Tree Preschool At Crowell School

Dear Ms. Barton:

I conducted a special investigation because the child care licensing division received a complaint against your facility that related to licensing rules or law. The allegations were related to the following:

R 400.8140(1)	Discipline.
R 400.8140(2)(a)	Discipline.

The details of the allegations are in the attached report. To investigate the allegations, I completed an onsite inspection on 11/22/2021. I interviewed child care staff members, parents, children, and others with relevant information.

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

R 400.8140(1)	Discipline.
R 400.8140(2)(a)	Discipline.
R 400.8112(2)(d)	Comprehensive background check; fingerprinting.
R 400.8112((2)(e)	Comprehensive background check; fingerprinting.
R 400.8113(2)(b)	Program director qualifications; responsibilities.
R 400.8131(3)	Professional development requirements.
R 400.8131(4)	Professional development requirements.
R 400.8143(1)	Children's records.
R 400.8143(3)	Children's records.

Due to the violations, you must send us a corrective action plan by 1/13/2022. You can use our [corrective action plan](#) form or create your own.

If you need help writing the corrective action plan, please contact me. If you do not send a corrective action plan, you may face disciplinary action. The corrective action plan must include the following:

- How compliance with each rule will be achieved.
- Who is directly responsible for implementing the corrective action for each violation.
- Specific time frames for each violation as to when the correction will be completed or implemented.
- How continuing compliance will be maintained once compliance is achieved.
- The signature of the responsible party and a date.

	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. 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,



Beth Goding, Licensing Consultant
Child Care Licensing Bureau
611 W. Ottawa
P.O Box 30664
Lansing, MI 48909
(269) 615-5489

enclosure

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

I. IDENTIFYING INFORMATION

License #:	DC130406016
Investigation #:	2022D0217004
Complaint Receipt Date:	11/18/2021
Investigation Initiation Date:	11/22/2021
Report Due Date:	01/17/2022
Licensee Name:	Battle Creek Y Center
Licensee Address:	182 Capital Ave Ne Battle Creek, MI 49017
Licensee Telephone #:	Unknown
Administrator:	Kimberly Batterson, Designee
Licensee Designee:	Kimberly Batterson, Designee
Name of Facility:	YMCA Lemon Tree Preschool At Crowell School
Facility Address:	1418 Cooper Street Albion, MI 49224
Facility Telephone #:	(269) 788-0160
Original Issuance Date:	08/31/2021
License Status:	ORIGINAL
Effective Date:	08/31/2021
Expiration Date:	02/27/2022
Capacity:	40
Program Type:	CHILD CARE CENTER

II. ALLEGATION(S)

	Violation Established?
Child care staff member Amy Craig spanked Child A for discipline.	Yes
Additional Findings	Yes

III. METHODOLOGY

11/18/2021	Special Investigation Intake 2022D0217004
11/18/2021	Contact - Document Sent Email sent to YMCA chief executive officer Jill Hinde. Requested incident and accident written report.
11/20/2021	Contact - Document Received Received written incident report.
11/22/2021	Special Investigation Initiated - Telephone Phone contact with Child A's Mother.
11/22/2021	Inspection Completed On-site from 10:30 AM until 11:20 AM. Unannounced onsite inspection and interviews with child care staff member Maliya Frost and Child A.
11/22/2021	Contact - Telephone call made Phone contact with child care staff member Amy Craig.
11/23/2021	Contact - Document Sent Email communication with Ms. Craig's former employer and Garden of Dreams program director Robin Beasley.
11/24/2021	Contact - Document Received Received email from prospective licensee designee and YMCA associate executive director Katelyn Barton. New allegations received.
12/13/2021	Contact - Telephone call made Phone contact with Child B's Mother.
12/13/2021	Contact - Telephone call made Phone contact with Child C's Mother.

12/13/2021	Contact - Telephone call made Phone contact with Child D's Mother.
12/20/2021	Inspection Completed-BCAL Sub. Non-Compliance
12/20/2021	Corrective Action Plan Requested and Due on 01/15/2022
12/20/2021	Contact - Document Sent Email to Ms. Craig's former employer and program director of Learning Zone Child Care Kimberly Wolfersberger
12/20/2021	Contact – Document Received. Email response from Ms. Wolfersberger.
12/21/2021	Exit Conference-Katelyn Barton.

ALLEGATION: Child care staff member Amy Craig spanked Child A for discipline.

INVESTIGATION: On 11/19/2021 I received email notification from YMCA chief executive officer Jill Hinde that there was a reported incident of child care staff member Amy Craig spanking Child A on the butt for discipline. Ms. Hinde later sent the detailed incident report and notified me that Ms. Craig was placed on temporary leave.

On 11/22/2021 I completed phone contact with Child A's Mother. Child A (male, 4 years) has been enrolled at the child care for approximately one week. She stated that on 11/17/2021 she received a message from Child E's Mother asking her if Child A had reported anything to her about being spanked. Child E's Mother stated that Child E (female, 4 years) told her that on that day during nap time, child care staff member Amy Craig spanked Child A on the butt and back for crying

Child A's Mother stated that she works for the Department of Health and Human Services, and she used non-leading questions to ask Child A about his day at the child care. She stated that during the questioning, Child A stated that Ms. Craig is "mean" and then reported that she spanked him on his butt for crying. Child A stated that Ms. Craig spanked him with her hand.

Child A's Mother stated that Child A does not have any bruises or marks from the reported incident. She expressed that she was upset about the incident but did not want to overreact. She waited until drop off the next day to talk to Ms. Craig about the concern. She asked Ms. Craig if she spanked Child A, and Ms. Craig denied any

incident of physical discipline. Ms. Craig stated that she did not have any idea why Child A would report that he was spanked.

Child A's Mother stated that Child A has always gone to child care during the day, but is new to this program. Child A has always been happy to go to child care. Since he started at this child care, he has begun crying and asking to not go. She is not sure if this is related to Ms. Craig, but feels it is strange and concerning. Child A's Mother agreed to allow me to interview Child A at the child care.

On 11/22/2021 I completed an unannounced onsite inspection and interview with child care staff member Maliya Frost and Child A. Ms. Frost reported that she is normally the assistant staff member in the classroom with Ms. Craig. Ms. Frost indicated that she was made aware of the reported allegations. She was told that Child A reported being spanked by Ms. Craig during nap time. She was also told that Child E witnessed the reported spanking.

Ms. Frost stated that she has never observed Ms. Craig spank or otherwise physically discipline a child. She has observed Ms. Craig become upset and raise her voice, but nothing physical. Ms. Frost reported that she goes on break during nap time, so it is possible that Ms. Craig spanked a child while she was not in the classroom.

During the onsite inspection, I interviewed Child A down the hall from the classroom in a private area. Child A was cooperative and developmentally capable of answering questions. Child A reported that he likes going to school. He indicated that he likes to play with the cars and coloring. He expressed that his teacher Maliyah is "nice" and he likes to color with her. He stated that his teacher Jennifer is "nice" but he does not really like the book she is reading.

Child A stated that he "doesn't like" his teacher Amy. He reported that one time Amy spanked him on the butt. He described that he was crying, and Amy spanked him one time on the butt and stated he was being a "baby." Child A demonstrated that he was spanked with an open hand. He reported that was the only time he was spanked. He expressed that he told his momma about the spanking.

On 11/22/2021 I completed phone contact with Ms. Craig. She denied knowledge of the specific allegations. I described the allegations, and she responded, "I have never spanked a child." Ms. Craig stated she has no idea why Child A would state he was spanked. She stated that Child A was crying at nap time. Child A was saying that he hates school and wants to go home to his mom. Ms. Craig stated that she was comforting Child A and told him there was only a couple hours left at school, and then he could go home. She told him to be a big boy, but never called him a baby or any other name.

Ms. Craig denied that she ever patted Child A on the back or butt for comfort or discipline. She denied that she did anything that could have been misinterpreted as

a spanking. She described using redirection and talking to the children as the only method of discipline used. Ms. Craig stated that Child A has not really displayed any behavioral issues or concerns. She reported that the program has only been operating for a couple weeks.

On 11/23/2021 and 11/24/2021 I completed email contact with Garden of Dreams child care program director Robin Beasley. Ms. Beasley confirmed that Ms. Craig was a child care staff member at Garden of Dreams from 9/2020 until 8/2021. Ms. Beasley reported that Ms. Craig was terminated due to multiple reports of her being "loud and stern" and "tone not friendly or remarks to children inappropriate." She expressed that Ms. Craig was "shushing" children when they were crying and upset and "mocked" them for crying. There were no allegations of physical discipline.

On 11/24/2021 I received notification from Ms. Barton that another child care child reported inappropriate discipline by Ms. Craig. She stated that Child B (female, 4 years) reported that on one occasion, Ms. Craig would not allow her to use the bathroom during nap time. On another occasion, Child B reported that Ms. Craig pushed her down with her foot.

On 12/13/2021 I completed phone contact with Child B's Mother. She stated that Child B reported that on one day during nap, Ms. Craig would not allow her to use the bathroom. Child B reported that she got up during nap time and told Ms. Craig she needed to use the bathroom. Ms. Craig told her she could not use the bathroom and needed to lay back down on her cot. Child B returned to her cot and waited until after nap to use the bathroom. Child B did not have any toileting accidents.

Child B's Mother stated that Child B reported that on a different day, Ms. Craig pushed her down to her cot with her foot. Child B stated that she was laying on her cot but was wiggling around and wanting to get up. Child B described that she was laying down on her back, with her legs partially up and bent at the knee. She reported that Ms. Craig walked over to her cot and used her foot to push her legs back down and together. Child B's Mother denied any other incidents and did not discuss or question Ms. Craig about the allegations.

On 12/13/2021 I completed phone contact with Child C's Mother. Child C (female, 4 years) has been enrolled at the child care since it opened approximately one month ago. She reported that Child C recently told her that Ms. Craig will spank children as a consequence but denied ever receiving a spanking. Child C also could not state if she had ever observed anyone getting a spanking, so Child C's Mother was not certain if she just thought they would get a spanking or if a child was ever actually spanked. She denied any other issues or concerns.

On 12/13/2021 I completed phone contact with Child D's Mother. Child D (male, 4 years) has been enrolled at the child care since it opened approximately one month ago. Child D's Mother denied any issues or concerns. She reported that everything

has been going great. She stated that Child D has never described any discipline or concerns.

On 12/20/2021 I completed email contact with Learning Zone child care program director Kimberly Wolfersberger. Ms. Wolfersberger stated that Ms. Craig worked as a child care staff member until early 2020. She stated that initially, Ms. Craig was an amazing staff member with no issues or concerns, but one day things changed. She stated that suddenly Ms. Craig was cold and angry. They received numerous complaints from other child care staff and parents regarding Ms. Craig being aggressive and inappropriate in her discipline of children. Ms. Craig was terminated due to these concerns.

On 12/21/2021 I completed phone contact with Child E’s Mother. Child E (female, 4 years) has been enrolled at the child care since it began operating. Child E’s Mother stated that on 11/17/2021 she was talking to Child E about her day at the child care. During this conversation, Child E stated that she observed Child A getting spanked by Ms. Craig. Child E reported that Child A was crying during nap and asking for his dad. She stated that Ms. Craig spanked Child A on his butt and back. Child E reported that all the other child care children were asleep when the spanking occurred. Child E did not report any other incident of spanking.

Child E’s Mother stated that when she heard what occurred, she contacted Child A’s Mother and asked her if she was aware of Child A being spanked at child care. Child A’s Mother then asked Child A, and he reported that Ms. Craig had spanked him during nap time. Child E’s Mother denied any other incidents or concerns.

APPLICABLE RULE	
R 400.8140	Discipline.
	(1) Positive methods of discipline that encourage self-control, self-direction, self-esteem, and cooperation must be used.
ANALYSIS:	There is adequate information to support that Ms. Craig failed to use positive methods of discipline with Child A and Child B on at least one occasion. There is concern that Ms. Craig has a pattern of utilizing methods of discipline that do not encourage self-control, self-direction, self-esteem, and cooperation.
CONCLUSION:	VIOLATION ESTABLISHED

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:	There is adequate information to support that Ms. Craig spanked Child A on the butt or back for discipline.
CONCLUSION:	VIOLATION ESTABLISHED

ADDITIONAL FINDINGS:

INVESTIGATION: During the course of the investigation, I observed that the comprehensive background check system did not have any child care staff members or other individuals connected to the license or identified as eligible or ineligible.

APPLICABLE RULE	
R 400.8112	Comprehensive background check; fingerprinting.
	(2) An applicant or licensee shall do all of the following: (d) Establish and activate an account and accurately enroll each individual listed in subrule (1) of this rule in the child care background check system.
ANALYSIS:	The licensee has not accurately enrolled and listed each individual working at the child care into the background check system.
CONCLUSION:	VIOLATION ESTABLISHED

APPLICABLE RULE	
R 400.8112	Comprehensive background check; fingerprinting.
	(2) An applicant or licensee shall do all of the following: (e) Within the department's child care background check system, accurately complete and maintain the connection, disconnection, or withdrawn status of each individual associated with the license.

ANALYSIS:	The licensee has not accurately connected, disconnected, or withdrawn any child care staff to the child care license.
CONCLUSION:	VIOLATION ESTABLISHED

INVESTIGATION: During the course of the investigation, Ms. Barton confirmed that the center does not currently have an approved program director.

APPLICABLE RULE	
R 400.8113	Program director qualifications; responsibilities.
	(2) A program director shall be present in the center in the following manner: (b) At least 50% of the time children are in care but not less than a total of 6 hours per day for programs operating 6 or more continuous hours.
ANALYSIS:	The child care program does not have an approved program director for either preschool classroom.
CONCLUSION:	VIOLATION ESTABLISHED

INVESTIGATION: During the course of the investigation, I observed that many of the child care staff members currently working at the child care did not have verification of health and safety training either on MIRegistry or otherwise. During contact with Ms. Barton, she confirmed that several child care staff have not completed any of the health and safety trainings.

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:	Child Care staff members have not completed the health and safety trainings, including prevention of shaken baby, abusive head trauma, child maltreatment, and recognition or reporting of child abuse and neglect.
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:	Child care staff members have not completed the health and safety trainings, including prevention and control of infectious disease training and immunizations.
CONCLUSION:	VIOLATION ESTABLISHED

INVESTIGATION: During the initial onsite inspection, Ms. Frost indicated that there were no child information cards or any children files on site. She expressed that these files were currently offsite at their licensee office.

APPLICABLE RULE	
R 400.8143	Children's records.
	(1) At the time of a child's initial attendance, a center shall obtain a child information card, using a form provided by the department or a comparable substitute, that is completed and signed by the child's parent. The center shall keep it on file and accessible in the center.
ANALYSIS:	Child information cards were not on file or accessible at the child care center during the onsite inspection.
CONCLUSION:	VIOLATION ESTABLISHED

APPLICABLE RULE	
R 400.8143	Children's records.
	<p>(3) For children under school-age, at the time of a child's initial attendance, a center shall obtain, keep on file, and make accessible in the center 1 of the following:</p> <p>(a) A certificate of immunization showing a minimum of 1 dose of each immunizing agent specified by the department of health and human services (DHHS).</p> <p>(b) A copy of a waiver addressed to DHHS and signed by the parent stating immunizations are not being administered due to religious, medical, or other reasons.</p>
ANALYSIS:	Child immunization records were not on file during the onsite inspection.
CONCLUSION:	VIOLATION ESTABLISHED

IV. RECOMMENDATION

Upon receipt of an acceptable corrective action plan, I recommend that the status of the 1st provisional license remain unchanged.



12/27/2021

Beth Goding
Licensing Consultant

Date

Approved By:



12/27/2021

Yolanda Sims
Area Manager

Date

