



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

June 16, 2023

Toby Berry
Community Action Agency
1214 Greenwood Ave
Jackson, MI 49203

RE: License #: DC380299040
Investigation #: 2023D0197013
Northeast Elementary School

Dear Ms. Berry:

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

R400.8140 (2)(a): Discipline

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

- I interviewed the person who made the complaint, a center administrator, program director, child care staff members, parents, and one child with relevant information.
- I completed on-site inspections on the following dates: 3/20/23 and 4/12/23.

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.	☐	☒
A rule or law violation was found and abuse and/or neglect of a child occurred.	☐	☒

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,

A handwritten signature in cursive script that reads "Jenny Camburn Brundage".

Jenny L. Camburn Brundage, Licensing Consultant
Child Care Licensing Bureau
611 W. Ottawa Street
P.O. Box 30664
Lansing, MI 48909
(517) 262-9717

enclosure

**MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
CHILD CARE LICENSING BUREAU
SPECIAL INVESTIGATION REPORT**

I. IDENTIFYING INFORMATION

License #:	DC380299040
Investigation #:	2023D0197013
Complaint Receipt Date:	03/16/2023
Investigation Initiation Date:	03/16/2023
Report Due Date:	05/15/2023
Licensee Name:	Community Action Agency
Licensee Address:	1214 Greenwood Ave Jackson, MI 49203
Licensee Telephone #:	(517) 784-4800
Administrator:	Toby Berry, Designee
Licensee Designee:	Toby Berry, Designee
Name of Facility:	Northeast Elementary School
Facility Address:	1024 Fleming St. Jackson, MI 49202
Facility Telephone #:	(517) 859-6925
Original Issuance Date:	09/08/2009
License Status:	REGULAR
Effective Date:	02/03/2022
Expiration Date:	02/02/2024
Capacity:	60
Program Type:	CHILD CARE CENTER

II. ALLEGATION(S)

	Violation Established?
On 3/15/23, Child A (age 4 years, male) he was scared to go to the center. Child A initially indicated that program director Ms. O'Harrow hit him in the face. Child A later changed his story and is now maintaining that nothing happened to him. There are no known time frames. Child A has never had any marks or bruises.	No

III. METHODOLOGY

03/16/2023	Special Investigation Intake 2023D0197013
03/16/2023	Contact – Telephone call received Interview with Administrator 1
03/16/2023	Special Investigation Initiated - Telephone Interview with Child A's Mother.
03/20/2023	Inspection Completed On-site. Unannounced on-site inspection from approximately 9:35a.m.-10:30a.m. Interviews with Child A and Ms. O'Harrow, program director.
03/20/2023	Contact - Telephone call made Telephone message left for Jackson Police Department
03/20/2023	Contact - Telephone call made Second contact with Child A's Mother.
04/04/2023	Contact - Telephone call received Contact with Jackson Police Department Officer Kuhn.
04/12/2023	Inspection Completed On-site. On site inspection from approximately 9:30a.m. - 10:30a.m. Interviews with Ms. O'Harrow, Child Care Staff Members 1 and 2.
05/25/2023	Contact - Telephone call made Interview with Child B's Mother
05/25/2023	Contact - Telephone call made Attempted contact with Child C's Mother.
06/11/2023	Exit Conference with Ms. Berry.

ALLEGATION: On 3/15/23, Child A (age 4 years, male) he was scared to go to the center. Child A initially indicated that program director Ms. O'Harrow hit him in the face. Child A later changed his story and is now maintaining that nothing happened to him. There are no known time frames. Child A has never had any marks or bruises.

INVESTIGATION: I interviewed center Administrator 1. Administrator 1 spoke with Child A's Mother, who relayed the following information. Child A has struggled with transitions, especially during pick up and drops offs since the beginning of the school year. The child care staff members (CCSMs) told Child A's Mother that Child A calms down within a few minutes of drop off and then he has a great day. Picking up from care has also started to go smoother. On 3/15/23, they were running late to the center. Child A was upset saying that he did not want to go to school. Child A's Mother directly asked him if he was being hurt by someone and he said yes. Upon direct questioning, Child A said that Ms. O'Harrow slapped him in the face. Child A also repeated the story to his father. Later that day, Child A's Mother spoke with Child A about telling the truth versus a lie. It was then that Child A's story changed dramatically. Child A began saying that he feared a ghost in the room, that there was "a big mean chair ghost," and the "big mean ghost" was Ms. O'Harrow. Child A then said that the ghost was not Ms. O'Harrow. Child A then changed his story again saying that no one hit him, that he is not afraid of ghosts, and that he wanted to go back to the center. Child A is now maintaining that nothing happened. Child A's Mother expressed to Administrator 1 that perhaps the way she questioned Child A is why he said "yes" to something occurring. As such, she was not sure if anything happened. Child A has not had any concerning marks or bruises. In addition, Child A's Mother also shared only positive things about CCSMs prior to this concern. Child A's Mother described the CCSMs as wonderful and said specifically that Ms. O'Harrow was very kind and nice.

Administrator 1 stated that Child A's Mother was kind, pleasant, and apologetic about what Child A reported. Although Child A's Mother is not certain if anything happened, she still wanted the situation investigated. Administrator 1 stated that she assured Child A's Mother that there was no reason to apologize, and that their goal is also about child safety. According to Administrator 1, there have been no prior concerns regarding Ms. O'Harrow care or treatment of the children. Ms. O'Harrow, Child Care Staff Member 1 (CCSM 1) and Child Care Staff Member 2 (CCSM 2) are the main child care staff members in the room. Child A continues to attend the center.

I interviewed Child A's Mother. She stated that Child A has attended the center since the fall of 2022 with no previous concerns or child disclosures. Child A has not had any marks or bruises. She has not had any "red flags" during drop off or pick up time, and that all her interactions with Ms. O'Harrow and the other CCSMs have been positive. Child A's Mother is not sure if anything happened to Child A. She

stated that Child A normally does not tell stories, but this story has changed a lot. Child A has struggled with going to the center and sometimes says that he hates it. Drop off continues to be difficult as he gets upset about her leaving. Getting picked up has started to improve, as he used to get upset about leaving the center at the end of the day too. Child A's Mother stated that on 3/15/23, she and Child A were running late in the morning. While she was getting gasoline for her vehicle, she heard a woodpecker. Child A's Mother told Child A that when he gets to school, he could tell them about the bird, as she was trying to help him look forward to going. Child A said that he was scared to go. He initially did not report why he was scared. She then asked "why, hurting you?", referring to the CCSMs. Child A said "yes." She asked how they were hurting him, he said that he was hit in the face. When she asked by who, he identified Ms. O'Harrow by her first name. She asked Child A when this happened, and he did not answer. Child A's Mother later talked with Child A about the importance of telling the truth. It was then that Child A's statement changed several times to include that he feared a ghost, there is a "mean chair ghost," that Ms. O'Harrow was the "mean chair ghost," to nothing happened. Child A is now consistently maintaining that nothing happened, and that he wants to attend the center. Child A's Mother stated that she is not sure what to think about Child A statements. She indicated that there is a possibility nothing happened and that he was responding to how she questioned him. Child A's Mother wants the situation investigated and Child A interviewed just to be safe.

I attempted to interview Child A at the center using techniques used in the forensic interviewing protocol. Child A was not able to demonstrate an ability to correct me. Child A did not disclose any concerns. He was shy and quiet. Child A stated that he likes attending the center. He likes to play Roblox and fish, and he loves to dance to music. There is nothing about the center that he does not like. If he gets in trouble at the center, he did not know what would happen. Child A did not provide the names of any of the CCSMs, but he said that he likes all of them all and that they all like him too. There is nothing that he does not like about the CCSMs, or his classroom. I asked Child A directly if anything happened to face and said "no." I asked Child A directly if he is scared to be at the center and he said "no." Child A said that "I just like being with my mom." Child A ended the interview saying that he wanted to go back to his room. Child A went back to his room where I observed him approach Ms. O'Harrow for care and attention with no obvious signs of fear or hesitation.

I interviewed Ms. O'Harrow, program director. She was upset and crying about the allegation. She denied the allegations, saying that she would never hit a child. Ms. O'Harrow indicated that a law enforcement officer came to the center on 3/17/23, but she was not present at the time. As such, I ended the interview. I left a telephone message for the Jackson Police Department to return my phone call.

I spoke with Child A's Mother a second time regarding Child A's interview. Child A's Mother expressed relief that Child A did not disclose any concerns, as well as with the positive interactions that I observed. Child A will continue to attend the center. Child A's Mother did not report any other concerns.

I spoke with Jackson Police Department Officer Kuhn. She did not have any current law enforcement concerns regarding the allegation. She gave me permission to independently continue with my interviews, believing that no further law enforcement involvement was needed.

I interviewed Ms. O'Harrow a second time. She continued to deny the allegations, saying that she would never hit a child. She continues to be shocked and upset. She stressed that she loves children, and that she is heartbroken that someone would be concerned. She is careful while caring for the children, saying that even if she accidentally lightly bumps into child when walking or turning around, that she immediately apologizes. Discipline in the rooms consists of "conscious discipline" which uses talking, redirection, and a safe place with activities if a child is angry or upset. She has never observed Child A with an injury on his face. None of the children have expressed or exhibited any fear or concerns with being in contact with any of the CCSMs or with being in the room.

Ms. O'Harrow stated that she has at least 13 years' experience working with children, and there have never been any previous concerns alleged against her. She described Child A as sweet and funny. She enjoys having Child A in in her room, and he likes to give and receive hugs. Child A is well behaved, but transitions can be difficult especially during drop off and pick up times. As such, they have started giving him advanced warnings when things are going to change. Although Child A is upset when he is first dropped off, he calms down in a few minutes, and then he enjoys the rest of the day. Ms. O' Harrow believes that the all the children in care receive good care and supervision, saying that it has been a "great school year." She stated all the CCSMs in the room work well together.

I interviewed CCSM 1. She has worked daily alongside Ms. O'Harrow for several months, and she "loves" working with her. CCSM 1 does not believe the allegations, saying that Ms. O'Harrow would "not hurt a fly." CCSM 1 stressed that she has no concerns regarding Ms. O'Harrow's treatment of the children, describing her as "amazing", "kindhearted", "calm and patient." She has never observed her hit anyone. She has never observed anyone hit Child A, nor has he had any injuries, including on his face. She believes that all the children receive good care and supervision. Discipline consists of talking, redirection, and the use of a safe space. None of the children have disclosed anything concerning about their treatment nor concerns regarding the classroom environment. CCSM 1 described Child A as a sweet child, saying that she likes him very much. Child A struggles with transitions, including being dropped off at the center. Once he calms down, he does well in the room. CCSM 1 stated that if she ever had concerns regarding the care of the children that she would immediately report it. She does not have any concerns.

I interviewed CCSM 2. She has worked alongside Ms. O'Harrow for five years, with no concerns regarding her care or treatment of the children. She was "shocked" by, and she does not believe the allegations, saying that Ms. O'Harrow is "loving, calm,

and patient.” She has never observed her hit any child, and there is no physical discipline used in the room. None of the children have ever expressed or exhibited any concerns regarding their treatment. She has not observed Child A with any injuries. Discipline in the room consists of talking, redirection, and the use of a safe place. CCSM 2 described Child A as “sweet and funny” who struggles with transitions. He does not appear to be fearful of being at the center, and he “loves” Ms. O’Harrow. She believes that Child A would have told her if there was something wrong. In addition, once Child A arrives and calms down, he has a good day. CCSM2 stated that the school year has been a positive experience for the CCSMs and the children.

During the investigation, I observed Child A’s room on two occasions including 3/20/23 and 4/12/23, with no concerns observed. The room has an open floor plan allowing for easy observation. During my two observations, the children received good care, supervision, and treatment. I observed Child A actively seek out care and attention from Ms. O’Harrow, to include sitting next to her and playing together. Ms. O’Harrow, CCSM 1, and CCSM 2 all used patient and calm voices while speaking or when giving redirection. I only observed positive interactions between the CCSMs and the children. None of the children expressed or exhibited any concerns.

I interviewed Child B’s Mother. She has no concerns regarding the treatment the children receive while in care. She is looking forward to Child B attending again next year. Child B “loves” attending the center and she is upset when she cannot attend. Child B has not disclosed any concerns. Child B’s Mother has only observed positive CCSM interactions, saying that she “loves” Ms. O’Harrow and CCSM 2. She described the CCSMs as giving the children structure in which they learn every day. In addition, the CCSMs have excellent communication regarding Child B. Discipline in the room consists of redirection. Child B has not been injured while in care.

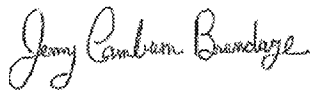
I attempted to contact an additional parent but was not successful.

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:	The CCSMs do not use prohibited means of punishment. Although Child A initially reported that he was struck by Ms. O'Harrow, he later changed his story to say that it did not happen. In addition, when I interviewed Child A and he did not disclose any concerns. Ms. O'Harrow and the two CCSMs that work with her daily all deny the allegation.
CONCLUSION:	VIOLATION NOT ESTABLISHED

IV. RECOMMENDATION

I recommend no change in the license status

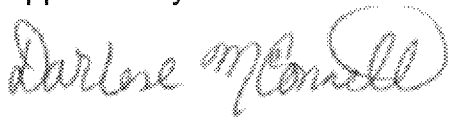


6/11/23

Jenny L. Camburn Brundage
Licensing Consultant

Date

Approved By:



06/16/2023

Darlese McConnell
Area Manager

Date