



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF
LIFELONG EDUCATION, ADVANCEMENT, AND POTENTIAL
LANSING

MICHELLE RICHARD
ACTING DIRECTOR

REDACTED REPORT

January 26, 2024

Ms. Lisa Hunt, licensee designee
Phoenix Child Care & Academy East Jackson
2411 Joseph Dr.
Sterling Heights MI, 48314

License Number: DC380378239

Special Investigation Number: SI-00028978

Dear Ms. Hunt,

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

Rule/Law Number	Rule Description
R 400.8140(1)	Positive methods of discipline that encourage self-control, self-direction, self-esteem, and cooperation must be used.
R 400.8140(4)	A written policy must be developed and implemented regarding the age appropriate, non-severe discipline of children. The policy must be provided to staff and parents.
R 400.8125(2)	All staff and volunteers shall act in a manner that is conducive to the welfare of children.

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

- [REDACTED] and I interviewed: complainant, children, parents, program director, child care staff members and licensee designee.
- I completed on-site inspections on the following dates: 7/25/2023 and 08/03/2023.

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

Rule/Law Number	Rule Description
R 400.8140(1)	Positive methods of discipline that encourage self-control, self-direction, self-esteem, and cooperation must be used.
R 400.8140(4)	A written policy must be developed and implemented regarding the age appropriate, non-severe discipline of children. The policy must be provided to staff and parents.
R 400.8179(10)(a)	Activities must be developmentally appropriate.
R 400.8179(10)(c)	Media with violent or adult content are prohibited while children are in care.
R 400.8179(10)(d)	Use of non-interactive media must not exceed 2 hours per week per child.
R 400.8125(1)	All staff and volunteers shall provide appropriate care and supervision of children at all times.
R 400.8525(6)	Means of egress shall be maintained in an unobstructed, easily traveled condition at all times that the center is in operation. Means of egress shall not be exposed to inherent hazards of the building, including the heating plant, flammable storage, commercial kitchen, or other similar conditions.
R 400.8125(1)	All staff and volunteers shall provide appropriate care and supervision of children at all times.
R 400.8167(3)	A center shall provide a floor plan of all child use areas to the department at initial licensure and before making structural changes or adding any child use space. Only space that has received prior approval for child use by the department may be used for child care.
722.115n	Application for or renewal of license to operate child care center, group child care home, or family child care home; household member or child care staff member; criminal history check; requirements; duties of department.
R 400.8131(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.
R 400.8131(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.

Due to the violations, you must send us a corrective action plan by 2/15/2024. 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.

Upon the approval of an acceptable corrective action plan, I recommend the issuance of a 1st provisional license. If you accept the provisional license, you must sign and return the enclosed waiver form. If you do not accept the provisional license, you must notify this office in writing and an administrative hearing will be scheduled. Even if you don't accept the provisional license, you must still send us an acceptable corrective action plan.

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 this report for accuracy and contact your consultant, Michelle Gleed at (517) 599-7404 or gleedm@michigan.gov. In the event that Michelle Gleed is not available and you need to speak to someone immediately, please contact the Child Care Licensing Bureau at 517-284-9730.

Sincerely,

A handwritten signature in cursive script, appearing to read "Michelle Gleed".

Michelle Gleed, Licensing Consultant

Enclosure

**MICHIGAN DEPARTMENT OF LIFELONG EDUCATION,
ADVANCEMENT AND POTENTIAL
CHILD CARE LICENSING BUREAU**

Report Type: Special Investigation

Date of Report: 1/26/2024

Special Investigation Number	Complaint/Incident Receipt Date
SI-00028978	7/24/2023
Investigation Initiation Date	Report Due Date
9/22/2023	11/28/2023
License Number	Licensee Name(s)
DC380378239	Phoenix Child Care & Academy East Jackson, Inc.
Facility Name	Licensee Designee(s)
Phoenix Child Care & Academy East Jackson	Lisa Hunt
Program Type	Central Administrator(s)
Center	N/A
Capacity	Program Director(s) Name
192	Jacqueline Rose Wine Qualifications: R400.8113 (7)(a) & (9) Date PD Approved: 04/14/2023
Facility Address	Mailing Address
345 North Dettman, Jackson, MI, 49202	345 North Dettman, Jackson, MI, 49202
Facility Phone Number	Facility Email Address
(517) 513-8048	phoenixchildcareandacademy@gmail.com
Original License Issuance Date	License Status:
8/21/2015	Regular
License Effective Date:	License Expiration Date:
10/30/2022	10/29/2024

ALLEGATION(S)

	Violation Established?	
On July 19, 2023, Child Care Staff Member 1 (CCSM 1) restrained Child A (10 years old) to the point that he could not breathe. Child A was out of control, and he was running from Child Care Staff Member 1 (CCSM 1) when she was trying to grab his cell phone from him. Child A does not have any marks. This is the first time this has happened.	Yes	
Additional Findings:	Yes	

METHODOLOGY

Date	Activity
9/22/2023	Special Investigation Case Created SI-00028978
08/22/2023	Contact – Phone Call Made [REDACTED] [REDACTED] [REDACTED] and I spoke with licensee Lisa Hunt and her husband [REDACTED]
7/24/2023	Contact – Document Received I received a forwarded email from CCSM 1 to child care licensing consultant Jenny Brundage.
7/25/2023	Special Investigation Initiated via On-site [REDACTED] (hereinafter "[REDACTED]") and I completed an on-site inspection from 2:15 to 4:15 p.m. We spoke with program director Jacqueline Wine and Child Care Staff Member 1 (hereinafter "CCSM 1").
7/25/2023	Contact – Document Received I received an email from program director Jackie Wine.
7/25/2023	Contact – Face to Face [REDACTED] [REDACTED] and I completed a face-to-face contact from 1:00 p.m. to 2:10 p.m. We spoke with Child A, Child B, Child A and B's Mother, and Child A and B's Father.
8/1/2023	Contact – Phone Call Made [REDACTED] [REDACTED] [REDACTED] and I left a voicemail for Child Care Staff Member 4 (hereinafter "CCSM 4").
8/1/2023	Contact – Phone Call Made [REDACTED] [REDACTED] [REDACTED] and I left a voicemail for the second complainant.
8/1/2023	Contact – Phone Call Made [REDACTED] [REDACTED] [REDACTED] and I spoke with CCSM 4.
8/1/2023	Contact – Text Message Sent [REDACTED] [REDACTED] [REDACTED] sent a text message to CCSM 3.
8/1/2023	Contact – Phone Call Made [REDACTED] [REDACTED] [REDACTED] and I left a voicemail for Child Care Staff Member 3 (hereinafter "CCSM 3").
8/1/2023	Contact – Phone Call Made [REDACTED] [REDACTED] [REDACTED] and I spoke with CCSM 3.
8/1/2023	Contact – Text Message Sent

	██████████ ██████████ ██████████ sent a text message to CCSM 4.
8/3/2023	Contact – Document Sent I sent an email to program director Jackie Wine.
8/3/2023	Contact – Face to Face ██████████ ██████████ ██████████ and I completed an on-site inspection from 2:00 to 4:30 p.m. We spoke with program director Jackie Wine, and Child Care Staff Member 2 (hereinafter "CCSM 2").
8/3/2023	Contact – Face to Face ██████████ ██████████ ██████████ and I completed an onsite inspection from 2:00 p.m. to 4:00 p.m. We spoke with program director Jaqueline Wine, CCSM 2,
8/16/2023	Contact – Phone Call Made ██████████ ██████████ ██████████ and I spoke with Child N's Mother.
8/16/2023	Contact – Phone Call Made ██████████ ██████████ ██████████ and I spoke with Child Care Staff Member 8 (CCSM 8).
8/16/2023	Contact – Phone Call Made ██████████ ██████████ ██████████ and I spoke with Child J and K's Mother.
8/16/2023	Contact – Phone Call Made ██████████ ██████████ ██████████ and I left a voicemail for Child C, D, & E's Mother.
8/16/2023	Contact – Phone Call Made ██████████ ██████████ ██████████ and I left a voicemail for Child J and K's Mother.
8/16/2023	Contact – Phone Call Made ██████████ ██████████ ██████████ and I called child Care Staff Member 5 (CCSM 5).
8/23/2023	Contact – Phone Call Made ██████████ ██████████ ██████████ ██████████ ██████████ Area Manager Darlese McConnell, and I had a case conference.
9/5/2023	Contact – Document Received I received an email from ██████████ ██████████ ██████████ ██████████
11/9/2023	Exit conference – I completed an exit conference with Lisa Hunt licensee and Jacqueline Wine program director.

ALLEGATION: On July 19, 2023, Child Care Staff Member 1 (CCSM 1) restrained Child A (10 years old) to the point that he could not breathe. Child A was out of control, and he was running from Child Care Staff Member 1 (CCSM 1) when she was trying to grab his cell phone from him. Child A does not have any marks. This is the first time this has happened.

INVESTIGATION: The following is a summary of [REDACTED] [REDACTED] [REDACTED] contact with Child A and B's Mother on July 24, 2023, Child A and B's Mother reported on July 21, 2023, Child A told her about the incident that occurred on July 19, 2023, with CCSM 1. Child A told her he also had a confrontational conversation with CCSM 1 in the hallway. CCSM 1 called her on July 20, 2023, and withdrew Child A from child care, due to the July 19, 2023, incident and one other incident. Child A's Mother received a message in the ProCare application regarding the July 19, 2023, incident which stated Child A's behavior was disruptive, he did not listen right away, and if it continued, he would need to be picked up early.

On July 24, 2023, I received an email which CCSM 1 sent to child care licensing consultant Jenny Brundage. The email states CCSM 1 was reaching out to let Ms. Brundage know Child A had some challenging behaviors and was excluded from care on July 20, 2023. Child A and B's Mother stated she would be reaching out to licensing with concerns.

On July 25, 2023, [REDACTED] [REDACTED] [REDACTED] and I completed a face-to-face contact at the home of Child A and B's Father. We spoke with Child A and B's Mother. Child A and B's Mother stated on July 19, 2023, CCSM 1 told her Child A was not respectful and told her Child A could no longer bring his cell phone to the child care. CCSM 1 told Child A and B's Mother she chased Child A around the classroom. CCSM 1 did not say anything about Child A being choked. Child A and Child B told her CCSM 1 choked Child A and none of the other children in the classroom witnessed it. CCSM 1 did not say Child A was restrained. There are no cameras in the school-age classroom. The child care staff member that worked in the school-age classroom quit on July 21, 2023. Child A and B's Mother stated she was told the other incident regarding Child A happened during a field trip where he spit in the woods. Because Child A is the oldest in the class, he was using his phone to play games.

On July 25, 2023, [REDACTED] [REDACTED] [REDACTED] forensically interviewed Child A. I was present for the interview. Child A stated he takes his mom's old phone to child care and he had the phone with him on July 19, 2023. He was unsure of the name of the child care staff member that he interacted with but described her as wearing glasses and being "heavy set." It was later confirmed it was CCSM 1. Child A stated CCSM 1 asked him to get off the phone, and he would not. Then CCSM 1 attempted to "snatch" the phone out of his hands at which time he attempted to do a video recording of CCSM 1. At that time, CCSM 1, while standing behind Child A tried to grab the phone by putting one arm around Child A's neck while attempting to take the phone from him with her free hand. Child A demonstrated this for us. Meanwhile, he was attempting to get the phone in his pocket. This happened in front of everyone that was in the classroom.

Child A stated when this occurred, he was standing, and he was over in the corner near the side of the classroom. Child A stated he tried to escape CCSM 1's grip and initially was unable to and then finally did. This took approximately 15 seconds for him to get away from CCSM 1. Child A stated when CCSM 1 had her arm around his neck it was hard for him to breathe. Child B was near Child A, she was awake, saw what happened, and told Child A CCSM 1 cannot do what she did. Child A stated CCSM 1 was tightening her grip around his neck, and he grabbed CCSM 1's arm and was able to get out and get away. Once he got away, his neck hurt for about a minute. CCSM 1 is not normally in his classroom. He does not feel safe at child care. Child A was upset that he was kicked out of child care and felt other children with worse behaviors were allowed to stay.

On July 25, 2023, [REDACTED] [REDACTED] [REDACTED] forensically interviewed Child B. I was present for the interview. Child B stated Child A was using her mom's play phone which Child A takes to Phoenix Child Care & Academy East Jackson. There was "a situation" which happened when a child care staff member asked Child A for his phone and Child A did not listen. This child care staff member was unknown to Child B but was found to be CCSM 1. CCSM 1 chased Child A around the classroom and started putting her arms around his neck. CCSM 1 was standing behind Child B and was using both arms choking him. Child B stated Child A told her it felt like she was choking him, and he could hardly breathe. Child B told CCSM 1, "You do not have permission to touch my brother." This happened on the rug with all the circles. The other child care staff members present were CCSM 3 and CCSM 4. Child B stated other children at the center hit her and her brother and this is one thing she does not like about the center. After this incident, someone from the center called and "kicked them out."

On July 25, 2023, [REDACTED] [REDACTED] [REDACTED] and I spoke with program director Jacqueline Wine. Ms. Wine stated Ms. Wine stated Child A would bring his phone to school and then be very rude and stubborn to child care staff members regarding the phone, and the child care staff members would encourage him not to be on it. She does not remember anything specific to the week of July 19, 2023, regarding Child A and his phone. Child A no longer attends Phoenix Child Care & Academy East Jackson. She did have a conversation with Child A's parents and suggested him not coming to school because he was encouraging children to behave poorly and everyone else would follow his behaviors. These behaviors were going on for most of the summer. Child A was not in attendance at Phoenix Child Care and Academy East Jackson, Inc. every day it just depended on Child A and B's Mother's work schedule, but he was "pretty much" full time.

Ms. Wine stated Child A would bring his phone and sometimes he would put it away and sometimes there would be a fight about it. The main child care staff members in the school-age program are Child Care Staff Member 9 (CCSM 9), CCSM 3, and CCSM 4. CCSM 3 and CCSM 4 both resigned from their employment last week. Ms. Wine stated there are typically between 0-17 children in the school-age classroom with two child care staff members.

On July 19, 2023, CCSM 3 and CCSM 4 were working in the school-age classroom and CCSM 1 was in and out of the classroom that day. CCSM 8 and CCSM 5 have been in the school-age classroom since the week of July 17, 2023. Last week CCSM 1 was also in and out of that classroom. On July 19, 2023, the only incident they have in their ProCare system is from Child A being disrespectful to child care staff members and he was asked multiple times to get off the cot carrier, he threw things very aggressively saying "no you are not my mom." Ms. Wine stated their policy states if there are three major incidents, they submit the incident reports/notify parents through ProCare, and if there are more than three, they hand write a paper copy. They give the child five more chances and then ask for part time or come up with a solution. With Child A they did not follow their policy and she is not sure why as he was disenrolled when she was on leave. There were three incidents in ProCare, there were no incident reports hand written, and then Child A was disenrolled. All of Child A's incident reports were requested. Ms. Wine was asked to produce all incident reports for July 2023 and child information cards for the school-age classroom. The classroom where the incident occurred was observed. The classroom was empty at this time and no concerns were noted.

On July 25, 2023, [REDACTED] [REDACTED] [REDACTED] and I spoke with CCSM 1. CCSM 1 stated she is the staff development specialist, her responsibilities include hiring, retention, training, and supporting the staff and the program directors. She covers five Phoenix Child Care & Academy, Inc. locations. On July 19, 2023, she was working in the school-age classroom when Child A had some challenging behaviors with the child care staff members in the classroom and she was helping them out. She was helping all day and this incident with Child A occurred right before rest time. Child A was screaming in CCSM 3 and CCSM 4's faces. Child A was watching TikTok when he went over to his rest area near the back door and remained on his phone. She had asked him to put his phone away, and when she asked again Child A responded with "I don't have to listen you are not my mom." She insisted he give her his phone and Child A began running around the tables in the classroom and refused to give her the telephone. She was following him around the tables and the other side of the classroom.

CCSM 1 stated she went to grab Child A's phone as she was standing behind him by reaching around him near his stomach area. She had one arm around his stomach area, and she does not remember what her other arm was doing. Child A began saying, "you are choking me. You are choking me." She let go and told him to go to his rest area. Later she sent a message to Child A and B's Mother in the ProCare system stating Child A is no longer allowed to bring his phone to child care. She showed this message to us on her phone. She stated this might be the only one she put in the system. The incident was then put into ProCare and was sent to Child A and B's Mother. CCSM 1 stated she did not physically restrain Child A for his phone. He is a large child, and she did not restrain him. She had one arm around his stomach. She does not think the other arm was around his neck, but she was not choking him. Child A was moving his hand around so she could not get his phone. CCSM 1 stated she does not know what her other arm was doing when she was trying to get the phone from

Child A; first it was under his arm then over his shoulder, it was never near his neck to try and choke him. If she had to do it again, she would not have followed him around the table, just let him be and speak to mom. The incident lasted maybe 5-10 minutes from start to finish. CCSM 3 and CCSM 4 both said, they are her witnesses that CCSM 1 did not choke Child A.

CCSM 1 stated Child A was excluded July 20, 2023. She spoke to the licensee designee Lisa Hunt and told her what had happened. She explained the child care staff members have been having a hard time with Child A. Ms. Hunt told her this has been an ongoing issue, and they can exclude Child A immediately. CCSM 1 let Child A and B's Mother know.

On July 25, 2023, I received emails from program director Jacqueline Wine. Ms. Wine provided the parent handbook, daily sign in/out report, and ProCare daily reports for Child A for the month of July 2023. Child A was in attendance from 6:02 a.m. to 3:30 p.m. on July 19, 2023. The parent handbook was reviewed. The discipline policy states guidance is positive and encourages self-worth, self-control, and cooperation with others. During conflict child care staff members will approach calmly, stopping any hurtful actions, acknowledge children's feelings, gather information, restate the problem, ask for ideas for solutions, and give follow-up support as needed. The disruptive behavior policy-tuition only directly follows the discipline policy and states when behavior is disruptive parents will be notified via phone. If it continues, an immediate parent visit will be requested. A conference could be scheduled as a method to develop solutions and form a behavior plan. This shall include consideration for disabilities and needs and a special needs plan could be put into place if warranted. If an applicable solution cannot be reached, the child will be given two weeks' notice and be withdrawn from the program. There will not be a notice if safety of the child or others is a concern.

The ProCare reports for the month of July 2023 for Child A were reviewed. The following incidents regarding July 19, 2023, is noted:

1. On July 19, 2023, at 1:33 p.m. an incident is logged stating Child A was asked repeatedly to get off the cot carrier. Child A stated, "You are not my mom" and then began to aggressively throw things and push things out of his way. This is not the first time this type of behavior has occurred today.

On July 27, 2023, [REDACTED] [REDACTED] [REDACTED] and I attempted a telephone call to CCSM 3. A text message was also sent.

On July 27, 2023, [REDACTED] [REDACTED] [REDACTED] let me know a telephone call was received from CCSM 3 and she agreed to a telephone interview on August 1, 2023, at 11:30 a.m.

On July 27, 2023, [REDACTED] [REDACTED] [REDACTED] and I left a voicemail for CCSM 4.

On July 27, 2023, [REDACTED] [REDACTED] [REDACTED] let me know CCSM 4 scheduled a telephone interview for August 1, 2023, at 11:00 a.m.

On July 26, 2023, a duplicate intake was received from a second complainant. On July 27, 2023, [REDACTED] [REDACTED] [REDACTED] and I left a voicemail for the reporting source.

On August 1, 2023, [REDACTED] [REDACTED] [REDACTED] and I spoke with CCSM 4. CCSM 4 stated July 19, 2023, was a Wednesday and she was in the classroom with CCSM 1 and CCSM 3. It was naptime and the expectation is that children will stay on their mat sitting, laying, and being quiet. They have a lot of children that just got out of preschool and had not started kindergarten and needed that extra time. She was washing dishes but believes she saw most of what happened with Child A and CCSM 1. Child A was on his phone, it was too loud (for naptime), and that was "the last straw." CCSM 1 was trying to take the phone from Child A, and he refused to give it to her. She saw CCSM 1 trying to walk around the room to catch him and she was trying to get the phone. He was grabbing it back so she could not get it. She was doing dishes about 10 feet away; they were behind her. CCSM 1 and Child A were in the middle of the classroom which is where the sink is. She thought CCSM 1 got the phone from Child A, but she found later that Child A still had it. At no time did she see CCSM 1 make physical contact with Child A. She heard Child A say something like "you're choking me" or "Ah stop you're choking me." She thought it was just Child A being "over dramatic." She turned around and she looked and did not see CCSM 1 touching him. There was not a big lapse in time from when she heard Child A say he was being choked to when she turned around and looked. The incident ended with CCSM 1 telling Child A she would be speaking to his mom, and he would not be allowed to keep the phone at child care anymore. CCSM 1 left the classroom at that point and Child A still had his phone.

On August 1, 2023, [REDACTED] [REDACTED] [REDACTED] and I spoke with CCSM 3. CCSM 3 stated on July 19, 2023, she was in the school-age classroom with Child A, CCSM 1, and CCSM 4. That classroom is very busy and there are seven children with big behaviors. CCSM 1 was trying to get a phone from Child A, and she did not see the entire thing because she went to help with two other children. She did not see anything as she was also wiping down tables and helping other children. She only saw CCSM 1 reaching for Child A's cell phone. She was cleaning and two children were "getting into it" and she stopped and went to those children. At that point CCSM 1 and Child A were in a different area of the classroom. CCSM 4 may have seen more than she did. She saw CCSM 1 reaching over Child A, and it seemed like she was kind of behind him but reaching toward the front. She only saw her reaching with one arm. That is what she remembers seeing. CCSM 1 was going over Child A's shoulder and he was trying to hold the phone tight to his chest. She did not hear anything, no screams, no statements. If she would have, she would have looked and checked on CCSM 1 and Child A. The way that CCSM 1's arm was over Child A's shoulder it was loose and not forceful at all from where she was viewing the incident. CCSM 3 has had Crisis Prevention Institute training and would not have handled the situation the way CCSM 1 did. She does not put hands on children unless it is necessary to separate them. However, from what she saw it did not look like what CCSM 1 was doing was restricting Child A at all.

On August 1, 2023, [REDACTED] [REDACTED] [REDACTED] and I attempted to reach the second complainant and there was no answer, a message was left.

On August 3, 2023, [REDACTED] [REDACTED] [REDACTED] stated she received a telephone call from the second complainant. Child A reported this incident to the second complainant on July 26, 2023, stating it occurred on July 25, 2023. Child A stated CCSM 1 was attempting to get his phone and CCSM 1 choked him.

On August 3, 2023, [REDACTED] [REDACTED] [REDACTED] and I completed an on-site inspection. We spoke with program director Jacqueline Wine. Ms. Wine reported two weeks prior to the initiation of this investigation she spoke to Child A's Mother on the telephone, and she told her she would follow up with Child A regarding his behaviors. Ms. Wine stated she gave Child A's Mother a warning regarding bringing the phone to care. She informed Child A's Mother the times she is asking Child A to put the phone away it is due to Child A being too loud or disruptive.

On August 16, 2023, [REDACTED] [REDACTED] [REDACTED] and I left a voicemail for Child J and K's Mother.

On August 16, 2023, [REDACTED] [REDACTED] [REDACTED] and I spoke with Child J and K's Mother. She stated her children's teachers are amazing and she has no concerns.

On August 16, 2023, [REDACTED] [REDACTED] [REDACTED] and I spoke with Child N's Mother. Child N's Mother stated her only concern is she feels child care staff members release children to people without having them show their identification, like Child N's Father and grandmother. She does not feel communication is good.

On August 16, 2023, [REDACTED] [REDACTED] [REDACTED] and I left a voicemail for Child C, D, & E's Mother.

On August 22, 2023, [REDACTED] [REDACTED] [REDACTED] and I spoke with licensee designee Lisa Hunt and Adult Community Member 1 (ACM 1). Ms. Hunt stated the situation with Child A was different because he is a "big" kid and if he loses his temper, he could hurt other children. She felt Child A's exclusion was warranted based on his behaviors and size; he could really "do some damage." No additional services were ever referred for Child A.

On November 9, 2023, I completed an exit conference with licensee Lisa Hunt and program director Jacqueline Wine. I reviewed the allegations, investigation, findings, and additional findings. Regarding the supervision violations, I discussed the importance of keeping a global view, ensuring child care staff members are consistently engaging with each other regarding supervision and what area of the classroom they are in, letting one another know when they leave the classroom and how many children they have with them, and how many children are being left. I discussed mirrors in the classroom to aid but not replace supervision. I suggested a wipe off board near the door where the number of children in the room is constantly updated and announced. I recommended a transition policy which could include face-to-name counting, counting at each threshold. I discussed the dangers of not having appropriate supervision

including behaviors, losing a child, having a child get out of the building, and the fact the center is located on a busy road. Ms. Hunt thanked me for the suggestions and stated she agreed with some of the violations but did not agree with others.

On August 23, 2023, [REDACTED] [REDACTED] [REDACTED] [REDACTED] MiLEAP area manager Darlese McConnell, and I had a telephone case conference. [REDACTED] completed and closed her investigation.

The Child Care Organizations Act allows the Child Care Licensing Bureau the ability to utilize available information, including, but not limited to, any of the following: (a) Investigative report, such as a law enforcement report and a children's protective services report. (b) Medical report. (c) Public record. (d) Child care center, group child care home, or family child care home record. (e) Inspection of the child care center, group child care home, or family child care home, as well as criminal history information to determine whether an individual is conducive to the welfare of children. Based on my interviews and review of allowable information, the Child Care Licensing Bureau finds that the disposition, temperament, condition, and actions of program director Jacqueline Wine do promote the safety and well-being of children in a licensed child care setting. The Child Care Licensing Bureau finds that Jacqueline Wine is conducive to the welfare of children.

RULE/STATUTORY VIOLATIONS:

APPLICABLE RULES	
R 400.8140(1)	Positive methods of discipline that encourage self-control, self-direction, self-esteem, and cooperation must be used.
ANALYSIS:	CCSM 1 did not use positive methods of discipline that encourage self-control, self-direction, and self-esteem, and cooperation when she demanded Child A's phone and then chased him around the classroom attempting to get it from him.
CONCLUSION:	Violation Established

APPLICABLE RULES	
R 400.8140(4)	A written policy must be developed and implemented regarding the age appropriate, non-severe discipline of children. The policy must be provided to staff and parents.
ANALYSIS:	CCSM 1 did not follow the discipline policy of the center when she chased Child A around the room and then attempted to take his phone from him by reaching around his body near his stomach area, under his arm, and over his shoulder. Child A reports her other arm was around his neck area.

CONCLUSION:	Violation Established
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APPLICABLE RULES	
R 400.8125(2)	All staff and volunteers shall act in a manner that is conducive to the welfare of children.
ANALYSIS:	CCSM 1 is conducive to the welfare of children.
CONCLUSION:	Violation Not Established

ADDITIONAL FINDINGS:

INVESTIGATION: On July 25, 2023, [REDACTED] [REDACTED] [REDACTED] and I spoke with Child A and B's Mother. Child A and B's Mother stated on July 19, 2023, Child A was on the phone for 6 hours and 11 minutes. She knows this because she checked his phone report for that day.

On July 25, 2023, [REDACTED] [REDACTED] [REDACTED] forensically interviewed Child A. I was present for the interview. Child A stated when he takes his mom's phone to child care he is on it all day long unless he is in the gym or outside. During these times he places the phone on his charger.

On July 25, 2023, [REDACTED] [REDACTED] [REDACTED] and I spoke with program director Jacqueline Wine. Ms. Wine stated Child A would bring his phone.

On July 25, 2023, [REDACTED] [REDACTED] [REDACTED] and I spoke with CCSM 1. CCSM 1 stated on July 18, 2023, Child A was listening to inappropriate music on his phone and on July 19, 2023, he was watching TikTok. CCSM 1 stated Child A uses his phone during work time, as soon as they get back from outside, play time, and rest time. Basically, all times except outside time. Child A is on his phone a lot. One day she asked Child A to turn his phone off because he was listening to "naughty" music.

On July 25, 2023, I received emails from program director Jacqueline Wine. Ms. Wine provided the parent handbook. The child-owned technology policy was reviewed and states they only allow the use of technology during rest time or when specifically planned by the child care staff members. Children are always directly supervised during technology use. Never will a child be allowed to use the center internet. If abuse of use of technology happens, it will be removed from the child and the parent will be notified.

On August 1, 2023, [REDACTED] [REDACTED] [REDACTED] and I spoke with CCSM 3. CCSM 3 stated she does not remember what Child A was watching on his phone on July 19, 2023, but in the past, he has watched Huggy Wuggy on his phone.

On August 3, 2023, [REDACTED] [REDACTED] [REDACTED] and I completed an on-site inspection. We spoke with program director Jacqueline Wine. Ms. Wine stated that Child A used his phone all day every day during care. She was unclear what he was doing on the phone other than he “may be on social media or just listening to music.” Ms. Wine acknowledged she did not know exactly what Child A was accessing on his phone, if he was using internet or data, or what he was watching/listening too. This concern was happening over the entire summer and Child A’s Mother was spoke to about his issue one time, just two weeks before he was disenrolled.

RULE/STATUTORY VIOLATIONS:

APPLICABLE RULES	
R 400.8179(10)(a)	Activities must be developmentally appropriate.
ANALYSIS:	Child A was allowed to use his cell phone at Phoenix Child Care & Academy East Jackson and accessed applications and sites that were not developmentally appropriate. He accessed TIKTOK, watched Huggy Wuggy, and listened to developmentally inappropriate music.
CONCLUSION:	Violation Established

APPLICABLE RULES	
R 400.8179(10)(c)	Media with violent or adult content are prohibited while children are in care.
ANALYSIS:	Child A was allowed to use his cell phone at Phoenix Child Care & Academy East Jackson and accessed adult content as he was able to access TIKTOK unsupervised, watch Huggy Wuggy, and listened to music that was age inappropriate.
CONCLUSION:	Violation Established

APPLICABLE RULES	
R 400.8179(10)(d)	Use of non-interactive media must not exceed 2 hours per week per child.
ANALYSIS:	Child A was able to use his phone at child care for the entire day with the exception of recess, gym time, and certain nap periods. Child A’s Mother checked the phone report and on July 19, 2023, Child A was on his phone for 6 hours and 11 minutes.
CONCLUSION:	Violation Established

ADDITIONAL FINDING:

INVESTIGATION: On July 25, 2023, [REDACTED] [REDACTED] [REDACTED] and I spoke with Child A and B's Mother.

On July 25, 2023, [REDACTED] [REDACTED] [REDACTED] and I spoke with program director Jacqueline Wine. Ms. Wine stated she was gone last week and there were a few incidents reported to her. In the school-age classroom, there were some issues with Child I as he hurt other children and child care staff members.

On July 25, 2023, [REDACTED] [REDACTED] [REDACTED] and I spoke with CCSM 1. CCSM 1 stated Child I has challenging behaviors, he is currently working through the behavior plan.

On August 1, 2023, [REDACTED] [REDACTED] [REDACTED] and I spoke with CCSM 4. CCSM 4 stated she left her employment at Phoenix Child Care & Academy East Jackson, Inc. in large part due to the fact Child I was hitting, kicking, and "biting" child care staff members and was allowed to stay even though she and others felt he was creating an unsafe environment. She stated program director Jacqueline Wine knew about Child I on day five of her employment. Child I's behaviors got worse over time, each day. Child I would kick, bite, throw chairs, and hit children with toys; this is at only five years of age.

CCSM 4 stated Child I was with her on June 12, 2023, her first day of employment and she was alone in the school-age classroom. Child I was climbing on the furniture in the morning, and she had to get him and put him back on the ground 10 times. Then he was climbing on this life size Connect Four game. At one point he got a hold of some child scissors and was chasing other children with them in the classroom, she was able to get them away from Child I. Child I was always triggered, he would try and hurt others, throw furniture, stomp on a water bottle, and make a mess in the classroom.

CCSM 4 stated Ms. Wine did not provide her with any additional tools to use with Child I. Ms. Wine did give Child I some special toys and when Child I had a behavior problem Ms. Wine would come to the classroom and she would take him for a walk and give him fidget toys. Then the week of July 17, 2023, Child I injured other children, he hit one child in the head with a hockey stick leaving a bump on his head. He bit another child hard on the hand. Child I stomped on feet and punched hard. There were always incident reports done on ProCare when Child I injured other people; she counted in 15 incidents in ProCare.

On August 1, 2023, [REDACTED] [REDACTED] [REDACTED] and I spoke with CCSM 3. CCSM 3 stated she worked for Phoenix Child Care & Academy East Jackson for a little under a month. She worked in all classrooms, but mostly ended up in the school-age classroom. Her last day was July 21, 2023. On July 19, 2023, Child I hurt two children and she felt it was not safe for him to remain in the classroom. She brought her concerns to CCSM 1

as she was filling in for Ms. Wine. CCSM 3 stated Child I's behaviors were happening the entire time she worked there, he would scratch her, and he bit her several times. CCSM 3 stated she observed Child I be very aggressive daily. She tried to be very aware of Child I and stay close to him when she was there. Child I would go after staff and hit other children. In her opinion it is not safe for Child I to be in care.

On August 3, 2023, [REDACTED] [REDACTED] [REDACTED] and I completed an on-site inspection. We spoke with program director Jacqueline Wine. Ms. Wine stated Child I was previously in a different classroom, and he had the same behaviors there just not as intense or severe. Child I began before/after care in April of 2023. Since that time, he has at least 15 incident reports on Brightwheel and ProCare combined and at least three but maybe more written behavior reports. These incidents occurred between June 2, 2023, and August 3, 2023. Ms. Wine stated the paper incident reports were given to Child I's Mother and no copies were kept. It is their policy to give the written report to the parent and not keep a copy.

Ms. Wine stated she had a verbal behavior plan in place for Child I in June 2023, on the telephone. She does not recall the date in June she created the behavioral plan with Child I's Mother. She discussed how she would support him (toddler necklace, stress balls, empty water bottles he could twist). Many of these items that were provided Child I then got broken. Child I's Mother stated he typically does not have these behaviors at home. The current plan is to continue to provide different sensory items to help him and keep him close by. Ms. Wine stated she has removed Child I from the room multiple times, taking him on walks, into the gym, and talking with him regarding his behaviors. Child I has been excluded him from field trips due to behaviors. She has discussed the concerns with Child I's Mother multiple times and sent her information on what they are doing to trying to help him. None of these meetings or conversations are documented in the file. I explained to Ms. Wine the best way to prove her efforts is to be able to show documentation; otherwise, it is difficult to prove. In May 2023, licensee designee Lisa Hunt implemented a new behavioral policy which includes written reports and then a behavioral plan. This plan was emailed to Ms. Wine June 13, 2023, and she began using it right after that. Child Care Staff Members were provided copies of the new form/policy. Ms. Wine stated she keeps Ms. Hunt informed through conversations, text messages, and emails regarding the day-to-day business and specific concerns regarding children; Ms. Hunt also has access to ProCare and can look in there for updates on specific children as well. Ms. Wine stated they use the challenging behavior form which gives the child five offenses. However, Child I since she began using the form in June 2023, has had many incidents involving safety of children and child care staff members. Ms. Wine stated she intends to exclude Child I at the end of the day August 3, 2023. Child I is the only child at the center that has a behavior plan.

On August 3, 2023, [REDACTED] [REDACTED] [REDACTED] and I interviewed CCSM 2. CCSM 2 reported things are going well at the center, the children are getting used to her teaching style, and she is working with challenging behaviors. CCSM 2 stated she has two children who she feels are unsafe/violent and do/will require much redirection. There is a third child that is not violent but places himself in harm's way which is a

concern. She stated these children are Child I, Child M, and Child Q. She stated Child I is a “sweetheart” but becomes overstimulated easily and tends to lash out at friends and child care staff members. Sometimes it appears Child I just wants to “lash out” just to “lash out.” For example, just this morning after only being here an hour or two he pinched three friends leaving finger indents, and broken skin. She stated Child M's biggest issue is listening and again he will put himself in unsafe situations. These behaviors directly impact the classroom as it takes up the time and attention needed to run a classroom to deal with these escalated and ongoing behaviors. Because of this, CCSM 2 finds herself having to speak in a stern voice all day and this is the only way the children will do what she says. This is not her teaching style. She comes from a teaching style of talking about emotions and learning conflict resolution.

CCSM 2 stated she has not been told a lot regarding the behavior plan for Child I. She was introduced to Child I, informed about his behaviors, using redirection, and giving him a break or another activity. She has never seen nor is she aware of a written behavior plan for him. Child I has had at least three or more incidents this week. On her first day, she had five incident reports before 11:00 a.m. but not all for Child I. She does her incident reports through the ProCare system. When she was injured by Child I it was because he was trying to run out of the building. The classroom was lining up and he was upset about not being line leader. Child I began screaming repeatedly and he began to come toward the double doors in the front of the building. Another child care staff member came in the building, and she was helping her attempt to redirect Child I. Child I was pushing her and hitting her and trying to get by and she had to hold on to Child I to keep him from running out of the building and she hit her knee on the metal post between the two doors. She got a bruise on her knee. CCSM 2 stated today she asked Ms. Wine if she can look at a behavior plan for Child I and Ms. Wine told her if his behaviors continue then they can schedule a meeting with Child I's Mother. CCSM 2 clarified she has never been told there is already a behavior plan, that plan was not reviewed with her, and she has not seen a written copy of any behavior plan.

On August 3, 2023, we again spoke with program director Jaqueline Wine. Ms. Wine stated she does not know if she mentioned that Child I had a behavior plan to CCSM 2. She put the behavior reports in the classroom on a clipboard. CCSM 2 would not know that. When asked if she talked to CCSM 2 regarding creating a behavior plan, she said she excluded Child I from the field trip due to his behaviors. When asked if we call Child I's Mother if she would be able to remember the behavior plan made in June of 2023, Ms. Wine stated she does not know if she said those exact words “behavior plan.” She agrees that it would be important for Child I's Mother to know they were creating a behavior plan. She had a conversation with Child I's Mother regarding his behaviors, but she is not clear if she said they were creating a “behavior plan.” She is aware she is charged with the job of ensuring children are safe. She is not sure if she had a behavior plan meeting with Child I's Mother. [REDACTED] requested the letters from the child care staff members who left employment, any reports, and photos if applicable, all of Child I's incident reports, Child I's child information record, anything in Child I's file with dates of meetings, notes, documentation. Any documentation of concerns child care staff members have brought to her regarding Child I.

On August 3, 2023, Ms. Wine sent an email with requested documents and stated that her conversation with Child I's Mother in June 2023, was something like this: She approached Child I's Mother at pick-up, and she was joined by CCSM 4. It was noted Child I is having struggles controlling his own behaviors, being safe, and calming down when angry. Both Ms. Wine and CCMS 4 suggested sensory items for use in calming down, taking breaks, taking walks, and running around the gym. They discussed using reward stickers linked to prizes. Child I's Mother agreed to trying these strategies. Child I's Mother agreed to make herself available during the day to help with behaviors.

The letter Ms. Wine received from CCSM 4 was attached and reviewed. The letter states her concerns regarding Child I and the children and child care staff members not being safe with his behaviors. It also details those behaviors which include throwing things, punching, kicking, scratching, breaking a chair and toys, and attempting to bite. Child I hit CCSM 5 so hard in the stomach her recent belly piercing was partially ripped out, and he pulled her false eye lashes out completely. Children are in danger of flying chairs, frozen water bottles, and other objects. Other children are frightened by these behaviors, cover their ears, hid under tables, and cry.

On August 16, 2023, [REDACTED] [REDACTED] [REDACTED] and I called CCSM 5. CCSM 5 stated she is no longer working at Phoenix Child Care & Academy East Jackson due to relocating. She was only there a few months and she was a floater and worked mainly in the school-age classroom. CCSM 5 stated she let Jacqueline Wine program director know about her concerns for Child I's behaviors and that he was unsafe. Child I was out of control, he hit, ran, had aggressive behaviors towards friends and staff, and left the classroom. Child I had these behaviors daily. There was not a behavior plan for Child I, but Ms. Wine would normally come and take him for walks, sit with him for about an hour, and then bring him back to the classroom and he would be okay. The center is "out of control" and Child I should not be allowed to be there with his aggressive and severe behaviors.

On August 16, 23023, [REDACTED] [REDACTED] [REDACTED] and I spoke with Child I's Mother. Child I's Mother stated Child I is still attending Phoenix Child Care & Academy East Jackson; Inc. and she has been told about concerns regarding Child I's behaviors. The behaviors could be surrounding his medical condition and the medications that are used for that; they can cause aggression. She has been working with program director Ms. Wine to see what can be done. She has received two written reports, and she had a behavior plan meeting with Ms. Wine two weeks ago to discuss Child I's behaviors, what Child I's Mother is doing to help, and where to go from here. Ms. Wine told her she was going to "start over" with the incidents. Since then, she has received one report on August 10, 2023. She cannot remember what the report said. She also gets incident notifications on ProCare which are different than the written ones and the number of those varies week to week. She and Ms. Wine have regular discussions regarding Child I's behavior, but the behavior plan done two weeks ago was the first written behavior plan. Child I did not have these behaviors in preschool and then it was almost like "a

light switch” and they are trying to figure it out. She is in the process of having Child I tested for other special needs.

On August 16, 2023, [REDACTED] [REDACTED] [REDACTED] and I spoke with program director Jaqueline Wine. Ms. Wine was reminded that in the August 3, 2023, meeting with us she indicated she was excluding Child I that day. Ms. Wine stated she did not exclude Child I. She stated she felt it would be “more unsafe to exclude Child I than to keep him in care.”

On August 16, 2023, I received an email from Ms. Wine with many attachments Ms. Wine sent her notes from her meeting with Child I’s Mother on August 3, 2023. The notes discussed Child I’s behaviors, what works to calm Child I down, and noted Child I now has a “blank slate.” Child I will be allowed three preliminary offenses, five paper offenses, and then he will be disenrolled.

Two Challenging Behavior reports were received for physical aggression, 14 ProCare incident reports for aggression toward either children and/or child care staff members including pinching (left marks 1x), pushing, throwing, choking a child, and stabbing a child with a pencil. A review of [REDACTED] [REDACTED] [REDACTED] report notes the children involved in these incidents include Child F (5-year-old female), Child H (6-year-old female), Child D (5-year-old female), Child R (3-year-old female).

The following is a summary of contacts completed by [REDACTED] alone:

On August 16, 2023, [REDACTED] [REDACTED] [REDACTED] spoke with Child C, D, & E’s Mother. Child C, D, & E’s Mother stated Child I had been aggressive with both of her children, and she has complained to Ms. Wine. However, Ms. Wine tends to make excuses for Child I.

On August 16, 2023, [REDACTED] [REDACTED] [REDACTED] spoke with CCSM 9. CCSM 9 stated when she worked in the school-age classroom Child I hit other child care staff members, he hit other children, threw things, swung at her, and was “out of control.”

[REDACTED] report notes on August 17, 2023, she did another unannounced visit at the center. [REDACTED] let Ms. Wine know she has identified the four additional children that Child I harmed from August 3, 2023, to August 16, 2023, as victims; Child D, Child F, Child H, and Child R. Ms. Wine reported today Child I hit, kicked, and hurt CCSM 2.

[REDACTED] received two additional incident reports documenting behaviors for Child A on August 17, 2023, and August 17, 2023.

[REDACTED] forensically interviewed Child D. She has been hurt at the center a few times. She pointed to her arm and stated Child I pinched her last week and left that mark, and then he pinched Child H. She stated after that Ms. Wine took Child I. She stated she feels safe at the center. Child I pushes and hits child care staff members and

then they get Ms. Wine. She stated the rules at the center are no running, hitting, pushing, or saying naughty words.

██████████ forensically interviewed Child F. Child F reported knowing Child I is but reported she does not know anything about Child I.

██████████ forensically interviewed Child I. Child I stated he has been good. He stated to be safe means to “stop hitting somebody.” He feels safe.

██████████ met with Ms. Wine, and they discussed what licensee designee Lisa Hunt knew about the decision to not exclude Child I from care. Ms. Wine stated Ms. Hunt told her to have a discussion with Child I’s Mother which she did not August 3, 2023, and then Ms. Wine made the decision to not exclude Child I. They discussed the fact that the behavior plans created since June of 2023 have not worked, just this morning a staff member had to decide to have herself harmed to keep children from being harmed, and Ms. Wine’s comment that to exclude Child I would be more unsafe than keeping him in the care of the center.

August 17, 2023, ██████████ spoke with Child H’s Mother. Child H’s Mother stated Child H has been harmed by Child I twice at school. She thought the first time was innocent and then Child H told her Child I threw chairs at children, and punches child care staff members and they do nothing. Child I has pinched and scratched Child H. One time Child I made Child H bleed. He left a bruise on her arm by pinching her. She was told by CCSM 2 that she went to Ms. Wine regarding Child I.

August 17, 2023, ██████████ spoke with Child D’s Mother. Child D’s other stated she was notified of the incidents that occurred involving Child D on August 10, 2023, and August 11, 2023; she was not made aware of the incident on August 9, 2023.

August 17, 2023, ██████████ spoke with Child F and G’s Mother. Child F and G’s Mother stated she did receive notice of Child F being grabbed by another child and she did not have any marks and did not seem upset about it. She has been pleased with the care Child F receives at Phoenix Child Care & Academy East Jackson. Child F and G’s Mother stated she does not have any concerns and she did not feel it was necessary to find out who the other child was. Child F and Child G have told her in the past that Child I will throw a fit when he is upset.

August 18, 2023, ██████████ completed an on-site inspection. ██████████ spoke with program director Jacqueline Wine. Ms. Wine stated Child R, the child that Child I choked and pushed on August 10, 2023, has a speech delay, and can struggle with communication. ██████████ observed Child R while she was sleeping.

██████████ forensically interviewed Child H. Child H stated she has been hurt at Phoenix Child Care & Academy East Jackson. two times, both times she was pinched by “the mean boy.” Child H stated she had marks which looked like Child I’s nails and her teacher helped her.

On August 22, 2023, [REDACTED] [REDACTED] [REDACTED] and I spoke with licensee designee Lisa Hunt and Adult Community Member 1 (ACM 1). Ms. Hunt advised they have changed their policies as they do not want to do five strikes and you're out and she believes it can be very subjective based on each situation. The Outstanding Incident Report is utilized first and that gives child care staff members a better idea of what is going on. They have gotten feedback from Great Start to Readiness Program that they should only be disenrolling children in extreme cases and should be connecting children to resources. She feels there are no resources and fears children will be at home with a babysitter instead. I explained the parent can request an assessment from the Jackson County Intermediate School District and they will assess the child and provide services where necessary. Those services can often be completed at the child care. Ms. Hunt stated she was not aware of this.

Ms. Hunt was hesitant to answer questions regarding the Challenging Behavior Report and behavior plan being in tandem with one another. She stated the log can be anything and the Challenging Behavior Report must be extreme behaviors only. An example of an offense which is documented on the Challenging Behavior Report was if a child hits another child with a hammer. Ms. Hunt stated she does consider choking and throwing rocks to be extreme behaviors and she has not been made aware of Child I's behaviors being that extreme. Ms. Hunt was reminded of the concerns brought to administration by CCSM 3, CCSM 4, CCSM 5, and CCSM 9. Ms. Hunt attempted to deflect by discussing unrelated staff behaviors and followed it with "disgruntled" staff tend to tell a story that paints a horrible picture. Ms. Hunt stated Child I is only 4 years old and his tantrums look different than Child A's tantrums. No additional services were ever referred for Child I.

RULE/STATUTORY VIOLATIONS:

APPLICABLE RULES	
R 400.8125(1)	All staff and volunteers shall provide appropriate care and supervision of children at all times.
ANALYSIS:	Child I had repeated behaviors resulting in injuries to other children, child care staff members and placing both groups in an ongoing hazardous environment. Child D, Child F, Child H, and Child R were not properly supervised when Child I was able to be physically aggressive with them and each on sustained an injury.
CONCLUSION:	Violation Established

ADDITIONAL FINDING:

INVESTIGATION: On July 25, 2023, during an on-site inspection, I observed large items in the hallways throughout the center. I explained to the program director Ms. Wine that there cannot be anything stored or sitting in a means of egress.

On August 3, 2023, it was observed all of the hallways were clear of the items previously observed on July 25, 2023. I observed the classroom where the incident occurred. A large fan was observed in the middle of the entry way to the classroom. It was noted this fan is also blocking a means of egress. An email was sent to Ms. Wine after leaving the center as a follow up on the fan, hazard, and removal.

RULE/STATUTORY VIOLATIONS:

APPLICABLE RULES	
R 400.8525(6)	Means of egress shall be maintained in an unobstructed, easily traveled condition at all times that the center is in operation. Means of egress shall not be exposed to inherent hazards of the building, including the heating plant, flammable storage, commercial kitchen, or other similar conditions.
ANALYSIS:	On July 25, 2023, I observed the hallways of the center to have items being stored and/or sitting in the hallways throughout the center. On August 3, 2023, I observed a large circular fan blocking the entryway to a licensed classroom.
CONCLUSION:	Violation Established

ADDITIONAL FINDING:

INVESTIGATION: On August 3, 2023, I observed that the child care staff members were not keeping a global view of the classroom and rather only watching their section of children, and they were not communicating with one another. After an altercation with Child M, I observed Child I running up to the fan and putting a small toy he had in his hand at the edge of the holes between the metal slates as if he was going to stick it in the fan (the holes were large enough for me to stick my pinky almost to the first knuckle in one of the spaces leading to the area where the blade twirls) and then he pulled his hand back; he did this a few times and walked away. No child care staff members

appeared to notice this. Child care staff members were asked to remove the fan and they did.

CCSM 1 and CCSM 2 were present, and the children were playing with manipulatives on the rug and playdough at the small table. When it was time to clean up, Child I began yelling and then making punching motions in the air at CCSM 1. Child I and Child M began chasing each other around the classroom, Child M jumped onto the top of a table then quickly jumped off. CCSM 1 eventually had to physically separate Child I and Child M. Child M ran out of the classroom.

It was also noted that children left the classroom, went to the doorway, and exited in a very chaotic manner. At one point, it appeared they were looking for a child in the restroom and it seemed the child care staff members did not agree on how many children were present. Ms. Wine was not aware this was an issue. Ms. Wine was made aware of this concern and a follow up email was sent indicating the concern of not counting children before transitioning to the hallway and being unclear if their totals were the same or not. It was noted that there is a concern regarding appropriate supervision during times of transition and this is the type of transition that can very likely lead to a lost child or worse. I recommended Ms. Wine immediately implement a transition plan and make her staff aware of this. I let her know best practice is counting at every threshold, and many centers use a name-to-face sheet for transitions when leaving and entering a classroom/threshold. She thanked me for my observation and recommendation, stated she will implement a transition plan that includes name-to-face counting of children at every threshold and ensuring all staff are aware.

RULE/STATUTORY VIOLATIONS:

APPLICABLE RULES	
R 400.8125(1)	All staff and volunteers shall provide appropriate care and supervision of children at all times.
ANALYSIS:	CCSM 1 and CCSM 2 did not provide appropriate supervision to Child I when he was able to walk over to a large fan and put his finger up to the opening leading to the blade and then put his finger in a back-and-forth motion before running away and this was not observed by any child care staff member. The staff did not keep a global view and there was not consistent communication between staff members.
CONCLUSION:	Violation Established

ADDITIONAL FINDING:

INVESTIGATION: On July 25, 2023, I observed the room Ms. Wine is using as her office to have no desk other than a child sized table you normally see in a children's classroom, the room is in disarray with clutter, it looks like it is being used as a storage room.

On August 16, 2023, it was found that Ms. Wine uses her office to sit child care children in to calm down when they are upset. This is an unlicensed area and Ms. Wine was informed this was not allowed.

RULE/STATUTORY VIOLATIONS:

APPLICABLE RULES	
R 400.8167(3)	A center shall provide a floor plan of all child use areas to the department at initial licensure and before making structural changes or adding any child use space. Only space that has received prior approval for child use by the department may be used for child care.
ANALYSIS:	The program director's office was being used to keep children in while they calmed down. This is an unlicensed room.
CONCLUSION:	Violation Established

ADDITIONAL FINDING:

INVESTIGATION: On August 16, 2023, I received an email from Ms. Wine with many attachments from Ms. Wine. Ms. Wine also confirmed that CCSM 5 never completed a comprehensive background check, and she never did any of the health and safety trainings. I completed a search of Miregistry.org and there is no profile for CCSM 5. I reviewed the center's child care background check applicants and there is not an application for CCSM 5. CCSM 5 worked for the center for two and a half months.

RULE/STATUTORY VIOLATIONS:

APPLICABLE RULES	
R 400.8112(1)	Pursuant to sections 5n and 5 q of the act, MCL 722.115n and 722.115q, before an individual has unsupervised contact with children, the department shall determine the individual's eligibility to be any of the following: (a) A licensee. (b) A licensee designee. (c) A child care staff member.

	(d) A child care aide. (e) An unsupervised volunteer.
ANALYSIS:	The program director Jacqueline Wine did not enroll CCSM 5 in the child care background check system. CCSM 5 was working with children supervised and unsupervised without a background check with an eligible status.
CONCLUSION:	Violation Established

APPLICABLE RULES	
R 400.8131(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:	Before caring for children, CCSM 5 did not complete a training on prevention of shaken baby syndrome, abusive head trauma, and child maltreatment, and recognition and reporting of child abuse and neglect.
CONCLUSION:	Violation Established

APPLICABLE RULES	
R 400.8131(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:	CCSM 5 before unsupervised contact with children, did not complete prevention and control of infectious disease training, including immunizations.
CONCLUSION:	Violation Established

BUREAU RECOMMENDATION

Bureau Recommendation
Upon the completion of an acceptable corrective action plan, I recommend the issuance of a 1st provisional license.

Approved By:	
 Michelle Gleed Consultant January 25, 2024 Date	 Darlese McConnell Area Manager 01/26/2024 Date