



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

ORLENE HAWKS  
DIRECTOR

**REDACTED REPORT**

June 27, 2023

Alexis Hayes  
Lil' Beginners Learning Center II, LLC  
11520 Donegal Drive  
Jerome, MI 49249

RE: License #: DC380398918  
Investigation #: 2023D0104013  
Lil' Beginners Learning Center II, LLC

Dear Ms. Hayes:

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:

|                 |                                                                                                  |
|-----------------|--------------------------------------------------------------------------------------------------|
| 722.115m(2)     | Child care center, group child care home; or family child care home; requirements for licensure. |
| 722.115m(13)(b) | Child care center, group child care home; or family child care home; requirements for licensure. |
| R400.8125(1)    | Staff; volunteers; responsibilities.                                                             |
| R400.8125(2)    | Staff; volunteers; responsibilities.                                                             |
| R400.8140(2)    | Discipline.                                                                                      |

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

- I interviewed the person who made the complaint, program director, licensee, licensee designee, child care staff members, witnesses, parents, and others with relevant information.
- I completed on-site inspections on the following dates: 3/23/2023 and 4/7/2023.

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

|                    |                                                                                                         |
|--------------------|---------------------------------------------------------------------------------------------------------|
| <b>722.115m(2)</b> | <b>Child care center, group child care home; or family child care home; requirements for licensure.</b> |
|--------------------|---------------------------------------------------------------------------------------------------------|

|                 |                                                                                                  |
|-----------------|--------------------------------------------------------------------------------------------------|
| 722.115m(13)(b) | Child care center, group child care home; or family child care home; requirements for licensure. |
| R400.8125(1)    | Staff; volunteers; responsibilities.                                                             |
| R400.8125(2)    | Staff; volunteers; responsibilities.                                                             |
| R400.8140(2)    | Discipline.                                                                                      |
| R400.8182(3)(a) | Ratio and group sizes.                                                                           |
| R400.8158(2)(b) | Incident, accident, injury, illness, death, fire reporting.                                      |
| R400.8158(4)    | Incident, accident, injury, illness, death, fire reporting.                                      |

I recommend issuance of a 1<sup>st</sup> 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, the matter will be forwarded to the disciplinary unit.

Due to the violations, you must send us a corrective action plan by 07/17/2023. 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.

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

You will be sent two copies of this report. One is **not for public disclosure** and one is a **redacted report**.

- The report marked **not for public disclosure** is for your records only. This copy may contain legally protected information. It must not be placed in your licensing notebook.

- The report marked **redacted report** may have some legally protected information blacked out. The **redacted report** and any related corrective action plans must be placed in your licensing notebook. The **redacted 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 black ink, appearing to read "Timothy A. Swope". The signature is fluid and cursive, with a large initial "T" and "S".

Timothy A Swope, Licensing Consultant  
Child Care Licensing Bureau  
611 W. Ottawa Street  
P.O. Box 30664  
Lansing, MI 48909  
(517) 262-9838

enclosure

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

**I. IDENTIFYING INFORMATION**

|                                       |                                        |
|---------------------------------------|----------------------------------------|
| <b>License #:</b>                     | DC380398918                            |
|                                       |                                        |
| <b>Investigation #:</b>               | 2023D0104013                           |
|                                       |                                        |
| <b>Complaint Receipt Date:</b>        | 03/22/2023                             |
|                                       |                                        |
| <b>Investigation Initiation Date:</b> | 03/22/2023                             |
|                                       |                                        |
| <b>Report Due Date:</b>               | 05/21/2023                             |
|                                       |                                        |
| <b>Licensee Name:</b>                 | Lil' Beginners Learning Center II, LLC |
|                                       |                                        |
| <b>Licensee Address:</b>              | 130 East St.<br>Napoleon, MI 49261     |
|                                       |                                        |
| <b>Licensee Telephone #:</b>          | (517) 581-6097                         |
|                                       |                                        |
| <b>Administrator:</b>                 | Alexis Hayes, Designee                 |
|                                       |                                        |
| <b>Licensee Designee:</b>             | Alexis Hayes, Designee                 |
|                                       |                                        |
| <b>Name of Facility:</b>              | Lil' Beginners Learning Center II, LLC |
|                                       |                                        |
| <b>Facility Address:</b>              | 130 East St.<br>Napoleon, MI 49261     |
|                                       |                                        |
| <b>Facility Telephone #:</b>          | (517) 536-7144                         |
|                                       |                                        |
| <b>Original Issuance Date:</b>        | 08/06/2019                             |
|                                       |                                        |
| <b>License Status:</b>                | REGULAR                                |
|                                       |                                        |
| <b>Effective Date:</b>                | 01/19/2023                             |
|                                       |                                        |
| <b>Expiration Date:</b>               | 01/18/2025                             |
|                                       |                                        |
| <b>Capacity:</b>                      | 52                                     |
|                                       |                                        |
| <b>Program Type:</b>                  | CHILD CARE CENTER                      |

## II. ALLEGATION(S)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Violation Established? |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
| On several occasions Child Care Staff Member (CCSM) 1 was observed hitting children. On 3/15/23 at approximately 3:10 p.m., CCSM 1 smacked Child C ([REDACTED], male) on the arm leaving a red mark. On the same day, CCSM 1 smacked another unknown child; this was not the first time CCSM 1 has hit child care children. CCSM 1 hit Child A ([REDACTED], female) in the mouth. Ms. Hayes, licensee designee and program director was also observed smacking Child A in the face. It is unknown if Child A had any marks or bruises. | Yes                    |
| Additional Findings                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Yes                    |

## III. METHODOLOGY

|            |                                                                                                                                                                                                                                                                                            |
|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 03/22/2023 | Special Investigation Intake<br>2023D0104013                                                                                                                                                                                                                                               |
| 03/22/2023 | Special Investigation Initiated - Unannounced onsite inspection to center from 11:30 a.m. until 3:00 p.m. with [REDACTED]<br>[REDACTED] licensee designee and program director, Child Care Staff Member (CCSM) 2, CCSM 3. Observation of video footage from 3/15/23 and toddler classroom. |
| 03/22/2023 | Contact - Telephone interview with complainant.                                                                                                                                                                                                                                            |
| 03/22/2023 | Contact - Telephone interview with CCSM 4, Former CCSM 5.                                                                                                                                                                                                                                  |
| 03/22/2023 | Contact - Face to Face Observation of Child B at his home with Child B's Mother.                                                                                                                                                                                                           |
| 03/22/2023 | Contact - Face to Face Observed Child A, Child C and Child D at the center.                                                                                                                                                                                                                |
| 03/22/2023 | Contact - Face to Face Interview with CCSM 1 at her home.                                                                                                                                                                                                                                  |
| 03/22/2023 | Contact - Telephone interview with Child C's Parents.                                                                                                                                                                                                                                      |

|            |                                                                                                                                                                                                       |
|------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 03/22/2023 | Contact - Received copies of video footage from 3/15/23 from Ms. Alexis Hayes and child information records.                                                                                          |
| 03/23/2023 | Contact - Telephone call received<br>Received text message from Child E's Mother stating that Child E has been in care at the center since September of 2022 and she has no concerns with the center. |
| 03/23/2023 | Contact - Attempted telephone interview with Child F's Mother - left message.                                                                                                                         |
| 03/23/2023 | Contact - Telephone interview with Child G's Mother.                                                                                                                                                  |
| 03/23/2023 | Contact - Telephone interview with Child H's Mother.                                                                                                                                                  |
| 03/23/2023 | Contact - Telephone interview with Child D's Parents.                                                                                                                                                 |
| 03/23/2023 | Contact - Attempted telephone interview with Child I's Mother - left message.                                                                                                                         |
| 03/24/2023 | Contact - Attempted telephone interview with Child E's Mother - left message.                                                                                                                         |
| 04/03/2023 | Contact - Received police report from [REDACTED]<br>[REDACTED]                                                                                                                                        |
| 04/07/2023 | Contact - Face to Face<br>Second unannounced onsite from 9:00 a.m. until 11:30 a.m.<br>Interview with Ms. Alexis Hayes, and CCSM 2.<br>Observation in infant and toddler room.                        |
| 04/07/2023 | Contact - Document Received<br>Ms. Hayes provided [REDACTED] and I with additional video footage of CCSM 1 hitting, Child A while in care on 3/15/23.                                                 |
| 04/14/2023 | Contact - Telephone call made<br>Case disposition conference with [REDACTED]<br>[REDACTED], and Ms. McConnell, Area Manager.                                                                          |
| 04/17/2023 | Inspection Completed-BCAL Sub. Non-Compliance                                                                                                                                                         |
| 04/17/2023 | Exit conference with Ms. Hayes, licensee designee.                                                                                                                                                    |
| 04/17/2023 | Recommend 1st provisional license with increased monitoring.                                                                                                                                          |

**ALLEGATION:** On several occasions Child Care Staff Member (CCSM) 1 was observed hitting children. On 3/15/23 at approximately 3:10 p.m., CCSM 1 smacked Child C ( [REDACTED], male) on the arm leaving a red mark. On the same day, CCSM 1 smacked another unknown child; this was not the first time CCSM 1 has hit child care children. CCSM 1 hit Child A ( [REDACTED] female) in the mouth. Ms. Hayes, licensee designee and program director was also observed smacking Child A in the face. It is unknown if Child A had any marks or bruises.

**INVESTIGATION:** On 3/22/23, [REDACTED] worker made an unannounced onsite visit to the center. [REDACTED] spoke with Child Care Staff Member (CCSM) 1 regarding the allegations. CCSM 1 acknowledged working at the center in the toddler room as a CCSM. She said the type of discipline she uses with the children is based on the ages of the children. CCSM 1 said children ages 1 to 2 years old get a time-out, children 3 and 4 years old get a time-out or a "tapping" on the hand. CCSM 1 denied smacking any child on the arm or face; she denied leaving any marks on any child in care. CCSM 1 informed Ms. Anderson that Child C got hurt on 3/15/23 by falling and hurting his arm. CCSM 1 applied ice to Child C's arm. CCSM 1 said on occasions she may smack or "tap" a child's hand as a form of discipline but has not hit a child hard enough to leave a mark. CCSM 1 said the center's discipline policy consist of telling the toddler-aged children "no."

On 3/21/23, [REDACTED], made an unannounced onsite visit to the center and interviewed Ms. Alexis Hayes, licensee designee. [REDACTED] informed her of the allegation. Ms. Hayes said last week Former CCSM 5 informed her about concerns regarding CCSM 1 hitting child care children. Ms. Hayes had a conversation with CCSM 1 via text message about the concerns that were reported. CCSM 1 denied hitting or slapping any child care children. Ms. Hayes said she took CCSM 1's word for it and never checked the video footage to see if an incident occurred. Ms. Hayes said she has worked in the same room as CCSM 1 and has never seen her hit, smack or use any other forms of physical discipline with a child in care. Ms. Hayes said Child A attends care in the toddler room with CCSM 1. Ms. Hayes said at times, she may "pat" Child A on the bottom as a form of discipline, but she does not do this to the other child care children. Ms. Hayes said the center's discipline policy consists of children ages 3 years and older get time-outs, and children under the age of 3 years get redirected. Ms. Hayes placed a safety plan in place to agree to not use physical discipline on any child care children. She will look into providing training for herself and the other CCSM's; she will only use verbal redirection and time-outs for children over 3 years of age if the behaviors warrant this action.

On 3/21/23, [REDACTED], contacted Child B's Parents via telephone. [REDACTED] verified the wellbeing of Child B ( [REDACTED], male) and verified him being enrolled in care at the center. [REDACTED] informed Child B's

Parents of the pending allegations involving Child B. Child B's Mother said Child B has not attended care at the center since 3/15/23 due to him being ill.

On 3/21/23, [REDACTED], made contact with Child D's Parents at their home. [REDACTED] verified the wellbeing of Child D ([REDACTED], male) and verified him being enrolled in care at the center. Child D did not have any marks or bruises observed on him. He was not forensically interviewed due to his age and lack of communication. Child D's Mother did not have any concerns regarding the center, and she has never seen any unexplained marks or bruises on Child D. Child D's Mother said if Child D gets injured while in care at the center, the center notifies her via telephone or text message. CCSM 1 and CCSM 2 are the CCSMs who work in the toddler room and Child D loves CCSM 1.

On 3/21/23, [REDACTED], made contact with Child C's Parents at their home. [REDACTED] verified the wellbeing of Child C ([REDACTED], male) and verified him being enrolled in care at the center. Child C did not have any marks or bruises observed on him. He was not forensically interviewed due to his age and lack of communication. Child C's Mother did not express any concerns with the center and said all of the CCSMs have been great in communicating with her. If Child C falls at the center, the center notifies her right away. Child C's Mother said CCSM 1 is the main CCSM for Child C.

On 3/22/23, [REDACTED] and I met with Child B's Mother at her home. Due to Child B being ill, observation took place from the porch of the home. [REDACTED] verified Child B's ([REDACTED], male) well-being but was unable to forensically interview him due to his age and limited verbal communication. Child B had a small rash under his eye that was part of his illness and not related to any type of injury. There were no other marks or bruising observed on Child B. Child B's Mother did not have concerns regarding CCSM 1, as she was scheduled to babysit for Child B at their home but was unable due to his illness. Child B's Mother said Child B has had some biting issues, but CCSM 1 was good about calling her to inform her when Child B bit someone. On one occasion, Child B was bit by another child and CCSM 1 sent her a picture of the bite mark. Child B's Mother said that CCSM 1 seems attentive toward the children, she did not express any concerns regarding CCSM 1 or CCSM 2 and said both CCSMs seem to care about Child B. Child B's Mother denied ever seeing Child B having any unexplained marks on his body. Child B's Mother said she has never had any concerns regarding Child B not being treated right at the center. Child B's Mother said the center has been short staffed, but CCSM 1 and CCSM 2 have been there daily to care for Child B.

On 3/22/23, [REDACTED] and I conducted an unannounced onsite inspection to the center and interviewed Ms. Alexis Hayes, licensee designee and program director. We informed Ms. Hayes of the allegation. Ms. Hayes said CCSM 1 has worked at the center since April of 2022. CCSM 1 currently works in the infant/toddler room where Child A and Child C attend care. Ms. Hayes denied ever seeing CCSM 1 smack or hit a child. She said CCSM 1 has said "no thank you"

to the children while calmly redirecting them when misbehaving. Ms. Hayes informed [REDACTED] that last week, on 3/15/23, a Former CCSM 5 expressed concerns to her that CCSM 1 was redirecting children too rough. Former CCSM 5 informed Ms. Hayes that CCSM 1 smacked Child C's hand. Ms. Hayes said she would address the concern with CCSM 1 after her work shift. Ms. Hayes said she reviewed video footage from 3/15/23 in the infant/toddler room and CCSM 1 but did not observe CCSM 1 smack Child C on the video footage. [REDACTED] inquired when Ms. Hayes reviewed the video footage. Ms. Hayes said she did not review the video footage until last night, 03/21/2023, after [REDACTED], spoke to her regarding the complaint. Ms. Hayes was asked why it took her so long to review the video footage. Ms. Hayes said she sent CCSM 1 a text message on 3/16/23 letting her know that someone brought a concern to her attention about her being physical with the children. Ms. Hayes sent a text message to CCSM 1 addressing Child C having a mark from getting smacked, as well as Child A getting smacked in the past. Ms. Hayes acknowledged saying "I know at one point I told you it was okay to pat Child A on her butt if she kept climbing out of her seat, but the concerns is that it's much harder than a pat." The text message went on to say, "At this point, any physical contact needs to be avoided, because I would hate a call to licensing." CCSM 1 responded, "you're welcome, I will be more careful, and I did realize it seems harder than a pat. I am sorry about that." Ms. Hayes gave permission for [REDACTED] me to photograph the text message between her and CCSM 1. [REDACTED] and I questioned Ms. Hayes regarding her role as a mandated reporter, as when a Former CCSM 5 came to her with concerns about CCSM 1 causing an injury to a child by smacking the child, she failed to abide by the child protection law, 1975 Public Act 238, which requires any mandated reported to immediately report to centralized intake any suspected child abuse/neglect. Ms. Hayes, said that she didn't have any words for our question, as she did not believe the extent of what happened.

Ms. Hayes gave [REDACTED] me permission to review the video footage of the infant/toddler classroom on 3/15/23. Ms. Hayes reiterated that she reviewed the video footage from 3/15/23 around 3:10 p.m. and did not observe CCSM 1 smack Child C. The video footage was coded in military time. When we viewed the video footage around 3:05 p.m., we observed CCSM 1 seated on the ground by a play structure. CCSM 1 reached next to her, grabbed a child by the hand and dragged the child by the hand across the floor, dragging the child toward her while CCSM 1 remained in a seated position. The child was observed to flip backwards at which time CCSM 1 grabbed the child by their other arm and continued to drag the child by their arms toward her until the child reached her. The child was heard crying. Ms. Hayes identified this child as Child B ([REDACTED], male). [REDACTED] and I reviewed the video footage with Ms. Hayes and informed her that this type of grab was concerning as it could result in a child being injured. In lieu of CCSM 1 getting up to get Child B, she reached over grabbing and dragging him by his arm towards her. Ms. Hayes gave [REDACTED] me permission to record the video footage.

The video footage viewed from 2:10 p.m. showed Child C sitting at the snack table. The snack table consists of bucket seats that are seated within the table. There was a second snack table next to the table where Child C was sitting. There was an additional child sitting at this table behind Child C. Child C and this child were observed to be swatting at each other with their hands. CCSM 1 was observed standing in front of Child C's table with her back to the children. CCSM1 grabbed Child C's hand away from the other child sitting at the adjacent table while her back remained turned away from the children. CCSM1 then walked away from the table and then returns and smacks Child C's arm with her hand as Child C's arm was lifted in the air. CCSM 1 leaned forward towards Child C's face and yelled "Stop." The sound of the smack was heard on the video footage. Child C was seen to immediately grab his arm and began crying aloud. Child C was observed to continue crying while he lifted his arms in the air. Shortly after, CCSM 2 walked over to the table and lifted him out of his seat.

The video footage from 2:17 p.m. was observed and showed CCSM 1 seated at the snack table with one child seated in front of her in the bucket seat. CCSM 2 is observed picking up Child C who was located on the other side of the room. CCSM 2 walks Child C to where CCSM 1 was sitting. CCSM 2 shows CCSM 1 Child C's left arm (the arm CCSM 1 slapped earlier this same day). Child C is set down and walks away. CCSM 1 then gets up from her seat, walks over to the freezer and takes something out of the freezer. She walks back toward the table and asks Child C to come to her. CCSM 1 picks up Child C and places him in the seat at the table. CCSM 1 then applies the item she took from the freezer onto Child C's left arm telling Child C "we have to ice it." Another CCSM is observed walking out of the room. CCSM 1 puts the item back into the freezer around 2:21 p.m.

Ms. Hayes was questioned regarding the allegation of her smacking Child A. She acknowledged that she taps Child A on the butt to make sure she is safe and not climbing out of her seat. She denied neither she nor CCSM 1 smacked Child A, or any child, in the face. We requested a copy of the discipline policy they use at the center. In summary, the discipline policy indicates that "no child will be hit spanked, belittled, or otherwise intimidated at Lil beginners Learning Center, even with parental permission. No corporal punishment will be used. The children will be treated with courtesy, respect, and patience. Guidance will be according to the age and level of understanding. All children will be redirected to another activity. Discipline and plan of action forms will be completed to inform the parent of any behavioral problems and/or incidents. If a child displays persistent behavior problems, a parent teacher conference will be requested to try and resolve the problem/issue at hand. At no time will a child be subjected to physical punishment, shaming, frightening or humiliating methods. No type of verbal abuse, threats, derogatory remarks, or deprivation of a meal or any part of a meal, including snack, will be used to discipline. No child will ever be punished for toilet accidents."

Ms. Hayes said she decided to take CCSM 1 off the schedule since being made aware of the incident until the investigation was completed. After review of the video

footage with us, Ms. Hayes informed us that she would be terminating CCSM 1's employment at the center.

On 3/22/23, [REDACTED], and I interviewed CCSM 2 at the center. [REDACTED] and I informed CCSM 2 of the allegations. CCSM 2 said she was made aware of the allegation from Ms. Hayes on 03/21/2023, regarding CCSM 1 physically hurting the children. CCSM 2 said she has seen CCSM 1 grab a child's arm to stop an action and acknowledged the CCSMs patting the children on their bottoms to help them fall asleep which could be deemed as a slap. CCSM 2 said CCSM 1 just finished her CDA and has given up her own lunch for the children, so she cannot see CCSM 1 abusing children. CCSM 2 said CCSM 1 works a lot and has worked over 100 hours to help out; CCSM 1 comes into the center on her own time to help the children. CCSM 2 questioned us saying does that sound like CCSM 1 wants to harm a child? [REDACTED] and I informed CCSM 2 that the classroom is recorded and that we have already reviewed video footage from 3/15/23. We asked CCSM 2 about snack time during 3/15/24. CCSM 2 said all the children were seated at the snack table, Child C was sitting at her snack table. While they were getting snacks ready for the children, CCSM 2 heard something and then heard Child C cry. CCSM 2 turned around and made a gesture informing us that Child C was turning his body while crying. CCSM 2 was very vague in her statements to us and when we asked her to clarify what she had heard, she said the incident was a blur to her. After being asked again what she had heard, CCSM 2 said that it was like a swatting sound. CCSM 2 said maybe CCSM 1 went to grab Child C and he moved, that's what she thinks happened. CCSM 2 said Child C was "messaging" with another child seated behind him when CCSM 1 told Child C to stop. CCSM 1 went to grab Child C but ended up smacking him because he moved. CCSM 2 could not recall if she had picked up Child C after he cried. CCSM 2 said the incident occurred during afternoon snack time CCSM 2 said she observed redness on Child C's arm. CCSM 2 was questioned as to where she observed the redness on Child C's arm, and she first pointed toward her upper arm then toward her forearm. CCSM 2 said she then carried Child C over to CCSM 1 at which time she put ice on his arm. CCSM 2 was unsure if Child C's Parents were notified of the injury. CCSM 2 said she ended work between 3:30 p.m. – 4:00 p.m. and Child C's Father picked up around 3:45 p.m. – 4:15 p.m. CCSM 2 was asked if she and CCSM 1 had any discussion about Child C's redness on his forearm. CCSM 2 said she might have said something like "is this where you hit Child C?" CCSM 2 could not recall if CCSM 1 provided her with a response but could recall CCSM 1 saying "let's put ice on it." CCSM 2 denied seeing any injury on Child C's arm the following day; she said once ice was applied to it, the redness went away. CCSM 2 could not recall if a photo was taken of Child C's forearm.

When CCSM 2 was asked if she found this incident concerning, she informed us that she did not think of it as abuse. She was asked if there had been other occasions when a child had been smacked or swatted. She reiterated that on occasions child care staff members grab a child by their hand or arm and if the child moves it could result in a smack. CCSM 2 said the center's discipline policy indicates no hitting,

grabbing, or smacking allowed. The child care staff members redirect the children, and if a child hits another child, the child is picked up and placed somewhere else. If the behavior persists or the child is "really bad," the child care staff members separate the child and give the child a book. CCSM 2 denied seeing CCSM 1 spank Child A. CCSM 2 said they pat the children's "butts" at nap time to help comfort the children during rest/sleep time. CCSM 2 said CCSM 1 also pats the children during nap/rest time; she does not spank them. CCSM 2 denied seeing Ms. Hayes spank or hit Child A. CCSM 2 questioned as to whether or not Ms. Hayes could spank her own daughter and asked, "What is acceptable for parents nowadays?" CCSM 2 was reminded that she is working in a licensed child care center and the use of physical discipline is prohibited. We reminded CCSM 2 she is a mandated reporter and obligated by law to report suspected child abuse or neglect. [REDACTED] provided CCSM 2 with a business card and we informed her of her responsibility to immediately report any suspected child abuse or neglect to centralized intake with the telephone number that was marked on the business card.

On 3/22/23, [REDACTED], and I interviewed CCSM 3 at the center. [REDACTED] and I informed CCSM 3 of the allegations. CCSM 3 is a floater and works on occasion in the toddler room. CCSM 3 has worked at the center for approximately 5 months. CCSM 3 said Ms. Hayes, CCSM 1, CCSM 2, and herself work in the toddler room, as a floater she covers other CCSM's days off in the toddler room. CCSM 3 said she has seen CCSM 1 do an occasional hand slap if the child is misbehaving or about to hit another child. CCSM 3 denied seeing any child get hit on the face or "butt." She said when the children are resting, the CCSMs pat the children on their bottoms to comfort them while they are resting /napping. Regarding the frequency of hand slapping when children misbehave, CCSM 3 said that it happens daily and there was not just one child in particular, but rather any child misbehaving. CCSM 3 said the center's discipline policy indicates toddler aged children are redirected and that the use of physical discipline is prohibited. CCSM 3 said she considers the occasional hand slapping physical discipline. She said CCSM 1 violated the discipline policy when she slapped the child's hands; CCSM 3 said, "We have all done it on occasions." CCSM 3 denied ever seeing any child incur any injury from the hand slap. CCSM 3 was unsure if Ms. Hayes was aware of them slapping the children on their hands when they misbehave. CCSM 3 has never worked in the same room as Ms. Hayes. CCSM 3 identified observing CCSM 1, CCSM 2, and Former CCSM 5 using physical discipline (hand slapping) on the child care children when they misbehave. CCSM 3 is aware she is a mandated reporter and if she was concerned about something, she would discuss it with Ms. Hayes, and they would figure it out together. [REDACTED] provided CCSM 3 with a business card and consultation regarding her responsibility to immediately report any suspected child abuse or neglect to centralized intake with the telephone number that was marked on the business card.

On 3/22/23 and 4/7/23, [REDACTED], and I viewed the center's premises and toddler room. The center is located in a one story freestanding building located in a residential area of Napoleon, Michigan. The center uses four

rooms as approved child care use space, GSRP/School-age room, toddler room, early preschool room, infant room. During our observation, the toddler room was rearranged and now contains both infants and toddler-aged children. Child A, Child C and Child D ( [REDACTED], male) were present in the classroom with the CCSMs. All the children were observed to be neat, clean and injury free. They were participating in freedom of choice activities and a small group activity with the CCSMs. The CCSMs were actively engaged with the children in the room as one CCSM had a group of children participating in a small group activity while the other CCSM was sitting with four infants and young toddler-aged children in a separate defined space located in the same room.

On 3/22/23, [REDACTED], and I interviewed CCSM 1 at her home. CCSM 1 was accompanied by her grandmother, with CCSM 1's permission during the interview. We informed CCSM 1 of the allegation. CCSM 1 said she has been employed at the center for approximately 11 months and prior to that worked at another licensed child care center located in Jackson, Michigan for a year. CCSM 1 said she first began working part time at the center in the preschool room. After a months' time, she moved to the toddler room and has worked in the toddler since. She works with CCSM 2, Ms. Hayes, CCSM 3, and Former CCSM 5 in the toddler room. Regarding the allegations, CCSM responded by saying she didn't think the allegations were true; she did not think she smacked Child C. CCSM 1 said she has seen CCSMs smack the children on their hands stating that the children were never hit hard but rather patted on their fingers/hand when they misbehaved. CCSM 1 acknowledged icing Child C's arm on 3/15/23 indicating that Child C had a red mark on his arm and was crying and upset. CCSM 1 could not recall how Child C received the red mark on his arm, she said she could not remember. CCSM 1 believes she mentioned the red mark to Child C's Father at the time of pick up, but she did not have a chance to complete an incident report. CCSM 1 was unsure if she made Child C's Father aware of the red mark on Child C's arm. CCSM 1 said the children are always falling and getting hurt; when this happens, and she has to apply ice to the injury she always completes an incident report. She reiterated that she did not complete an incident report for Child C on 3/15/23 when he hurt his arm and she applied ice.

CCSM 1 said the children's hand/fingers get tapped when they bite other children and are told "no bite friends." CCSM 1 said this only occurs on occasions, not often. Normally she verbally redirects the children by telling them no. When asked if she smacked any of the children on the face or arm, she replied by saying "not that I am aware of." CCSM 1 said Ms. Hayes texted her the night of 3/15/23. CCSM 1 still had the text message on her phone and read it aloud. Ms. Hayes told CCSM 1 that Child C had a mark from being smacked. CCSM 1 denied ever smacking Child A's butt as it said in the text message. CCSM 1 said that Child A climbs out of her bucket seat, so they were able to find a seat belt for the seat. CCSM 1 acknowledged replying to Ms. Hayes' text message. CCSM 1 said she replied back to Ms. Hayes that she did not realize it was harder than a pat. When we asked CCSM 1 about her text message reply acknowledging that she did not realize it was harder than a pat,

CCSM 1 said that she has a “learning thing” with spelling and reading and that’s was not what she meant to type. She meant to type “I did not realize” rather than “I did not realize it was harder than a pat.” CCSM 1 was directly asked who smacked Child C and left a red mark on his arm. CCSM 1 said it may have happened when she left the classroom momentarily to use the bathroom. She said she has never hit the children. She then said, “If she hit a kid, she didn’t mean to hit a kid.” CCSM 1 said “If she hit a kid, she wouldn’t want to cause physical harm.” CCSM 1 was questioned about her vague statements. CCSM 1 replied that she was unaware of her hitting a child but that she could have. CCSM 1 said on several occasions that “it was not her intent.”

CCSM 1 began talking about other CCSMs being physical with the children. CCSM 1 said Former CCSM 5 quit on 03/21/2023, and she smacked her son’s bottom. CCSM 1 has seen CCSM 2 grab the children’s faces and hit Child D’s mouth for biting. CCSM 1 denied hitting Child D in the mouth for biting. CCSM 1 could not recall if Ms. Hayes hit Child A in her face. She reiterated that she tells the children no, sits them aside, and assumed that she could pat them on their fingers/hands. CCSM 1 could not recall if she was informed of the center’s discipline policy at the time of hire. Regarding being a mandated reported, CCSM 1 said if she saw someone forcibly grab a child up by their arms, she would tell Ms. Hayes. CCSM 1 acknowledged that she may have grabbed a child up by the arm but she tries not to because she does not want to cause an injury to a child as with the child’s age and size it could easily get pulled out of socket. We informed CCSM 1 of the classroom containing video footage and that we have viewed the video footage of the classroom on 3/15/23. CCSM 1 said she was aware of the classroom having video footage. When asked why CCSM 1 didn’t say anything about the other CCSMs she witnessed hitting kids, she replied because it was just a pat; she did not see a child get upset or have a mark. CCSM 1’s Grandmother said CCSM 1 made her aware there is a CCSM who has their own children present at the center who that CCSM spanked. CCSM 1 said she didn’t say anything because it wasn’t her place and the child did not seem afraid. CCSM 1 denied ever physically disciplining Child A, she could not recall doing that and had asked Ms. Hayes for the seat belt to assist with preventing Child A from climbing out of the table bucket seat. CCSM 1 informed [REDACTED] and I that she was planning on meeting with Ms. Hayes later this evening.

On 3/22/23, [REDACTED], and I interviewed Child C’s Parents via telephone. We informed them of the allegations involving Child C. Child C’s Mother said she received notification from the center, she believes on 3/15/23 that Child C was bit on the arm, and she also received a photograph of the bite mark. Child C’s Mother was provided with an incident report through their computerized application system. Child C’s Mother said the photograph provided to her was clearly a bite mark and the bite mark was gone on Child C’s arm the following morning. After checking, Child C’s Mother said she was mistaken on the date of when Child C was bit, it was 3/14/23 not 3/15/23.

Child C's Father acknowledged being told that Child C fell while in care on 3/15/23 and CCSM 1 iced the injury. Child C's Father said Child C is clumsy and falls all the time. Child C's Father said on a different day, Child C had an injury to his head that was iced before he got there to pick him up from care. Child C's Father could not recall seeing any marks on Child C's arm on 3/15/23 when he picked him up from care. Child C's Father said from what he could see CCSM 1 has been mild tempered and has been good with his son and he loves attending care at the center.

On 3/23/23, [REDACTED] and I received a telephone call from CCSM 1. CCSM 1 informed [REDACTED] and I that she met with Ms. Hayes on 3/22/23, and after speaking with Ms. Hayes, she saw the video and realized that she slapped Child C but that it wasn't her intent. Her intent was to slap the table in lieu of Child C. CCSM 1 apologized for slapping Child C. CCSM 1 said she could not remember slapping Child C's hand. CCSM 1 said that she accepts that she slapped Child C, and maybe she blocked it out and that's why she was saying she couldn't remember or didn't do it. CCSM 1 said Ms. Hayes spoke with her about grabbing Child B by the arm when he went to bite Child A. CCSM 1 said maybe she grabbed his arm too harshly, she said she apologizes for that as she did not mean to be harsh. CCSM 1 said she did not see the video of her grabbing Child B's arm. CCSM 1 said she was not thinking in the moment when she smacked Child B's arm but did not think that she was totally thinking when she did it. When CCSM 1 was asked if there were any other times she used physical discipline with the children, CCSM 1 said she wants to be honest, she may have been too hard on the children if she was physical with them. CCSM 1 said she has patted the children's hands, but she could not recall hurting any of the children. [REDACTED] explained to CCSM 1 when she grabbed Child B by his arm and yanked him toward her, she could have caused severe physical injury to Child B. CCSM 1 reiterated that it was not her intention. She informed [REDACTED] and I that she is no longer working at the center as Ms. Hayes fired her after their meeting on 3/22/23. CCSM 1 said she does not plan on working at a child care for a while as she does not feel comfortable. CCSM 1 stated that it was not her intention to hurt anyone, and she needs a break. CCSM 1 then questioned [REDACTED] and me about what her options were moving forward; [REDACTED] explained to CCSM 1 the process and potential findings of her investigation. I informed CCSM 1 that if I found that her actions were not conducive to the welfare of children, CCSM 1 may not be able to work in a licensed child care facility. I informed CCSM 1 that I would further explain her options when investigation is completed.

On 3/23/23, [REDACTED] and I interviewed Child D's Parents via telephone. We informed them of the allegations. Neither Child D's Mother nor Father have ever seen any unexplained marks or injuries on Child D when they picked him up from care. They informed us that they have had no prior issues with the center. Child D's Parents said Child D is their first child and they have never put their hands on Child D as a form of discipline; this allegation has shocked them as they never thought people would do such a thing as physically hurting children. They have never seen Child D's cheeks red when they picked him up from care. Child D's Parents said Child D loves CCSM 1 and would run to her every morning when

dropped off to care. Child D's Parents inquired if we had reviewed the video footage at the center, we informed them that we did and we did not see anything concerning regarding Child D. We encouraged Child D's Parents to address any questions or concerns they have with Ms. Hayes.

On 3/23/23, [REDACTED], and I separately interviewed Child G's Mother and Child H's Mother via telephone.

Child G's Mother said she has two children who attend care at the center for approximately 2 ½ months. Overall, she had no concerns with the care the CCSMs provide to her children as she has not been told of them physically disciplining her children. Child G's Mother said when Child G first began care at the center, the first few weeks were fine. Approximately a month into care, her Child G began fighting her about attending care at the center. On one occasion when her children were playing at home, Child G playfully put his hands around his sister's neck. When Child G's Mother confronted him about the inappropriate play, Child G told her that a child at child care does this to him. One day at pick up, Child G's Mother asked the CCSMs if Child G mentioned any children being mean toward her children. The CCSM informed her that they had disenrolled a child due having excessive behavior issues. This child was a "ringleader" and told the other children not to play with her daughter. Child G's Mother said she was not informed of this behavior when it was happening but rather not until after the center had already dismissed the child due to the bullying behavior.

Child H's Mother expressed no concerns with the center and said that Child H ([REDACTED] male) has attended care at the center for one year. She enjoys the center and express no concerns regarding the care and supervision the center provided to Child H. Child H's Mother said the center communicates with her on a daily basis through the Pro Care application. She said Child H enjoys all the CCSMs and looks forward to seeing them each date.

On 3/29/23 [REDACTED] provided [REDACTED] with video footage and information obtained from interviews throughout our investigation. [REDACTED] said her case would be submitted to the [REDACTED]

On 4/3/23 [REDACTED] provided me with additional video footage she received from [REDACTED]. The video footage was date stamped 3/15/23 at 1:09 p.m. The camera time was an hour off therefore actual time was 2:09 p.m. During the video footage, I observed Child A get off her cot and sit next to her cot. CCSM 2 is standing next to the snack table looking at what appears to be her phone or an electronic device she is holding in her hand. CCSM 1 is standing next to the snack table as well. Former CCSM 5 is seen sitting in a chair on the other side of the room holding a child. Other children are seen laying on their cots. CCSM 1 looks at Child A sitting by her cot, walks over to Child A, lifts her up by

her left arm, then carries her under her arms over to the snack table. While walking toward the snack table, CCSM 1 is observed smacking Child A buttocks with her hand. CCSM 1 then placed Child A into a bucket seat at the snack table. CCSM 1 then flicks Child A's face with her finger. CCSM 1 then shakes her finger in Child A's face.

I reviewed [REDACTED]. According to the report, on 3/30/23, [REDACTED] was dispatched to the center to assist another state agency with interviews. [REDACTED] interviewed Ms. Hayes, regarding the allegations. Ms. Hayes acknowledged being made aware of the allegations from Former CCSM 5, who had concerns that CCSM 1 was being too rough when redirecting children. Ms. Hayes informed [REDACTED] that she did not review the camera video footage but rather she handled the situation over a text message she sent to CCSM 1 on 3/15/23. Ms. Hayes said the only incident she was aware of involved Child A, which she gave CCSM 1 permission to pat Child A on her "butt" to make sure she is safe and not climbing out of the bucket seat. Ms. Hayes also acknowledged patting Child A on her "butt" to make sure she was behaving.

[REDACTED] interviewed Former CCSM 5. Former CCSM 5 said CCSM 1 started hitting the children early on; she was unsure of the dates but said she observed CCSM 1 smack Child C and Child B on the mouth. She has also observed CCSM 1 smack Child D on the hand and on his butt. Former CCSM 5 observed CCSM 1 smack Child C's arm at the snack table. The other CCSM 2 noticed a red mark on Child C's arm and ice was applied to his arm before his parents picked him up from care. Former CCSM 5 said CCSM 1 was very quick to react and smack the children; she would not give a lot of warning or redirection with the children. Former CCSM 5 said she had video footage of CCSM 1 pulling Child A off her cot in a rough manner. Former CCSM 5 said she quit her job after witnessing this incident as she was uncomfortable sending her own children to the center. Former CCSM 5 said CCSM 2 was nothing but nice and great with the children.

[REDACTED] interviewed CCSM 2. CCSM 2 said she had no concerns with the allegations, and she did not consider that abuse. CCSM 2 believes she was at the sink when CCSM 1 smacked Child C. CCSM 2 said she was not watching when it happened, but she heard the incident. CCSM 2 said it did not sound like a smacking sound but more of a thump because Child C had long sleeves covering his arm. Officer Cook noted that upon review of the video footage, there was no sleeve covering Child C's arm. CCSM 2 said she went to Child C to console him, because he was crying. CCSM 2 said she looked at Child C's arm, about five or eight minutes later, and observed a red mark on Child C's forearm. CCSM 2 could not recall what she said to CCSM 1, but CCSM 1 put ice on Child C's forearm. CCSM 2 said she had no concerns with Child D, she could not recall an incident happening with Child B.

[REDACTED] interviewed CCSM 1. CCSM 1 told [REDACTED] that she was overworked and very emotional at the time of the incident. She said she worked over

102 hours that pay period. CCSM 1 was not trying to hurt the children and that it was not her intention to hurt the children. When asked specifically about the incident with Child C, CCSM 1 said she could not recall the incident and that she believes she blocked it out. CCSM 1 reiterated that she did not intend to hurt Child C and if she did hurt him, it was out of frustration. CCSM 1 said she was frustrated, and Child C kept touching another child care child. CCSM 1 said she "might" have told Child C to stop. CCSM 1 said that she watched the video, and admitted to seeing herself smack Child C. She also said that she "might" have iced Child C's arm. CCSM 1 said she "might" have said something to Child C's Parents about the incident at the time of pick up. CCSM 1 could not recall if she completed an incident report.

CCSM 1 told [REDACTED] the incident with her and Child B was taken out of context. CCSM 1 said her instinct was to reach out and grab Child B because he was trying to bite another child. [REDACTED] noted that CCSM 1 could be heard on the video footage saying, "I didn't mean to hurt you." [REDACTED] asked CCSM 1 about the centers' discipline policy. CCSM 1 said she could not recall being advised of the center's discipline policy, but she "might" have been given one. CCSM 1 said she has observed Ms. Hayes pat children's hands.

On 4/7/23, [REDACTED] and I conducted a second unannounced onsite inspection to the center. During our onsite inspection, we reviewed the center premises and spoke separately with Ms. Hayes and CCSM 2. Ms. Hayes was working in the infant room and agreed to talk with me and [REDACTED] while she continued to provide care for the children. [REDACTED] went over the importance of mandated reporting with Ms. Hayes. Ms. Hayes said after this investigation began, she had a staff meeting to address mandated reporting with the CCSMs. She tends to make this a quarterly training with the CCSMs. Ms. Hayes informed us that she was made aware of additional video footage that she provided to [REDACTED]. She also made this video footage available to me and [REDACTED].

[REDACTED] and I interviewed CCSM 2 a second time. CCSM 2 said that she has worked in the toddler room for approximately 10 months. We informed CCSM 2 that a follow up interview was needed due to her not recalling a lot of details during our first interview regarding the incident with Child C on 3/15/23 but then recalling more details when interviewed by [REDACTED]. CCSM 2 said she was told about the incident with Child B being dragged. CCSM 2 said that CCSM 1 was sitting down and CCSM 1 grabbed him up to stop Child B from biting another child. CCSM 2 justified CCSM 1's actions by saying that CCSM 1 intervened because Child B was going to bite someone. When asked if she agreed with CCSM 1's actions of grabbing Child B and dragging him across the floor; she said no.

CCSM 2 was asked about the incident that occurred with Child C on 3/15/23. CCSM 2 said she must have been getting snacks ready for the children. She was at the sink and heard a thump sound; then turned around. CCSM 2 said she did not see CCSM 1 smack Child C but only heard it. CCSM 2 said she went and looked at Child C's arm and then asked CCSM 1, "Is this was where you hit Child C?" When we

inquired about what CCSM 1's response, CCSM 2 said, "I think she said yes." It was clarified to CCSM 2 that from her answers, she had knowledge of Child C being smacked by CCSM 1, receiving an injury, and also receiving confirmation for CCSM 1 when she asked if the red mark was from where she smacked Child C.

CCSM 2 continued to justify the incident, be evasive and displace her responsibility during our interview. She informed us that she "grew up in a different era." CCSM 2 said she went along with CCSM 1 actions as she was the lead caregiver in the classroom, and she did not want to overstep. When we inquired of her knowledge of any other incident having occurred, CCSM 2 said the days run together and she worked 52 hours this week. When CCSM 2 was asked if this was normal for CCSMs to hit, drag, and spank the children, she replied by saying, "I guess, I'm old school." CCSM 2 clarified what she meant by being "old school" and "growing up in a different era," by explaining she spanked her own children who have grown up to be productive persons. CCSM 2 was reminded that these children are not her own children but rather a licensed child care center which has a discipline policy in place to address care rendered for the children. CCSM 2 said that she "dropped the ball" because she did not do anything regarding CCSM 1 and her actions.

██████████ and I showed CCSM 2 multiple video footages of CCSM 1 and her actions when handling the children that included Child A, Child B and Child C. CCSM 2 said she is the person responsible for getting video cameras at the center to protect staff as kids get hurt on their own. CCSM 2 said Child B knows that biting is wrong but continues to bite. We pointed out to CCSM 2 that our concerns are that these incidents did not appear to be isolated, but rather, more like an everyday occurrence. CCSM 2 said she didn't know how many more incidents we would see if we were to watch 30 days of video footage. We informed CCSM 2 that her response was concerning. When asked if she understood why this was concerning to us, CCSM 2 said she did not know, "I guess," as she continued to be evasive with her answers and responses to our questions. CCSM 2 questioned if we thought she abused the children and acknowledged that she should have said something about knowing CCSM 1 was hitting, smacking, and dragging the children, as she did not do anything to prevent CCSM 1's actions.

On 4/19/23, a predisposition case conference was completed with me, ██████████, ██████████ and Ms. McConnell, area manager. ██████████ 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 interview and review of allowable information, the Child Care Licensing Bureau finds that the disposition, temperament, condition, and actions of CCSM 1 and CCSM 2 do not promote the

safety and well-being of children in a licensed child care setting. The Child Care Licensing Bureau finds that CCSM 1 and CCSM 2 are not conducive to the welfare of children.

| <b>APPLICABLE RULE</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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| <b>MCL 722.115m</b>    | <b>Child care center, group child care home, or family child care home; requirements for licensure.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|                        | <b>(2) A person, partnership, firm, corporation, association, nongovernmental organization, or governmental organization shall not establish or maintain a child care center, group child care home, or family child care home unless licensed by the department. Application for a child care center, group child care home, or family child care home license shall be made on forms provided, and in the manner prescribed, by the department, including the fees required under subsection (10). Before issuing or renewing a child care center, group child care home, or family child care home license, the department shall investigate the applicant's activities and proposed standards of care and shall make an on-site visit of the proposed or established child care center, group child care home, or family child care home. Except as otherwise provided in this subsection and sections 5q and 5r, if the department is satisfied as to the need for a child care center, group child care home, or family child care home, as to its financial stability, and that the service, facility, applicant, licensee, child care staff member, or member of the household is conducive to the welfare of the children, the department shall issue or renew the child care center, group child care home, or family child care home license. If the department determines that a service, facility, applicant, licensee, child care staff member, or member of the household is not conducive to the welfare of the children, the department shall deny that application or revoke that licensee's license according to section 11.</b> |

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| <b>ANALYSIS:</b>   | CCSM 1 and CCSM 2 are not conducive to the welfare of children and are not eligible to be associated with a child care organization. |
| <b>CONCLUSION:</b> | <b>VIOLATION ESTABLISHED</b>                                                                                                         |

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| <b>NOTE:</b>        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>MCL 722.115m</b> | Child care center, group child care home, or family child care home; requirements for licensure.                                                                                                                                                                                                                                                                                                                                                                    |
|                     | <p>(14) As used in this section:</p> <p>(b) "Conducive to the welfare of the children" means:</p> <p>(i) The service and facility comply with this act and the administrative rules promulgated under this act.</p> <p>(ii) The disposition, temperament, condition, and action of the applicant, licensee, licensee designee, program director, child care staff member, and member of the household promote the safety and well-being of the children served.</p> |

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| <b>APPLICABLE RULE</b> |                                                                                                       |
| <b>R 400.8125</b>      | Staff; volunteer; requirements.                                                                       |
|                        | (1) All staff and volunteers shall provide appropriate care and supervision of children at all times. |

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| <b>ANALYSIS:</b>   | On 03/15/2023, CCSM 1 did not provide appropriate care and supervision of Child A, Child B and Child C. When she had inappropriate contact with each child. On three separate incidents CCSM 1 grabbed Child A by her arm, smacked her buttocks and then flicked Child A in the face with her finger, grabbed Child B by his arm and drug him toward her while she sat on the floor and smacked Child C on his arm as forms of discipline. |
| <b>CONCLUSION:</b> | <b>REPEAT VIOLATION ESTABLISHED</b><br><b>Special Investigative Report #2022D0105005 dated 7/15/22</b><br><b>Corrective action Plan dated 3/25/22</b>                                                                                                                                                                                                                                                                                      |

| <b>APPLICABLE RULE</b> |                                                                                                         |
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| <b>R 400.8125</b>      | <b>Staff; volunteer; requirements.</b>                                                                  |
|                        | <b>(2) All staff and volunteers shall act in a manner that is conducive to the welfare of children.</b> |

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| <b>ANALYSIS:</b>   | <p>On 3/15/23, CCSM 1 did not act in a manner that is conducive to the welfare of children on three separate incidents involving three separate children; First, when CCSM 1 smacked Child C on his arm and later iced a red mark on the same arm she smacked before Child C was picked up by his parents. On the same day, CCSM 1 grabbed Child A by her arm, smacked her buttocks and then flicked Child A in the face with her finger as a form of discipline.</p> <p>On 3/15/23, CCSM 2 did not act in a manner that is conducive to the welfare of children when she failed to protect Child A, Child B and Child C while on three separate incidents CCSM 1 grabbed Child A by her arm, smacked her buttocks and then flicked Child A in the face with her finger, grabbed Child B by his arm and drug him toward her while she sat on the floor and smacked Child C on his arm as forms of discipline. CCSM 2 knowingly allowed CCSM 1 to inappropriately handle Child A, Child B and Child C without taking appropriate measures to stop or prevent CCSM 1 from conducting these actions. CCSM 2 was aware of her requirement to report CCSM 1's actions as a mandated reporter and failed to do so.</p> |
| <b>CONCLUSION:</b> | <p><b>REPEAT VIOLATION ESTABLISHED</b><br/> <b>Special Investigative Report #2022D0105005 dated 7/15/22</b><br/> <b>Corrective action Plan dated 3/25/22</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

| <b>APPLICABLE RULE</b> |                                                                                                                                                                                                                                                                                                                                                                                                                   |
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| <b>R 400.8140</b>      | <b>Discipline.</b>                                                                                                                                                                                                                                                                                                                                                                                                |
|                        | <p><b>(2) All of the following means of punishment are prohibited:</b><br/> <b>(a) Hitting, spanking, shaking, biting, pinching, or inflicting other forms of corporal punishment.</b></p>                                                                                                                                                                                                                        |
| <b>ANALYSIS:</b>       | <p>CCSM 1 did not provide the children with positive methods of discipline on three separate occasions involving Child A, Child B and Child C. On 3/15/23, CCSM 1 grabbed Child A by her arm, smacked her buttocks and then flicked Child A in the face with her finger, grabbed Child B by his arm and drug him toward her while she sat on the floor and smacked Child C on his arm as forms of discipline.</p> |
| <b>CONCLUSION:</b>     | <b>VIOLATION ESTABLISHED</b>                                                                                                                                                                                                                                                                                                                                                                                      |

**ADDITIONAL FINDINGS:****INVESTIGATION:**

| <b>APPLICABLE RULE</b> |                                                                                                                                                                                                                                                                                                                                         |
|------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>R 400.8140</b>      | <b>Discipline.</b>                                                                                                                                                                                                                                                                                                                      |
|                        | <b>(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.</b>                                                                                                                                                       |
| <b>ANALYSIS:</b>       | Ms. Hayes and CCSM 1 did not follow the center's written discipline. Ms. Hayes gave CCSM 1 permission to use physical discipline on Child A, knowingly in violation the center's policy and the child care licensing rules.<br><br>CCSM 1 did not follow the center's discipline policy when she used physical discipline with Child A. |
| <b>CONCLUSION:</b>     | <b>VIOLATION ESTABLISHED</b>                                                                                                                                                                                                                                                                                                            |

**ADDITIONAL FINDINGS:**

**INVESTIGATION:** On 03/15/2023 Former CCSM 5 expressed concerns to Ms. Hayes about CCSM 1 hitting child care children, specifically Child C and Child A. Ms. Hayes did not report these allegations of inappropriate contact to Child C's Parents or the department within 24 hours and did not follow up a written report to the department within 72 hours.

On 03/15/2023, CCSM 2 observed CCSM 1 grab Child A by her arm, smack her on the buttocks and then flick Child A in the face with her finger, grab Child B by his arm and drag him toward her while she sat on the floor and smack Child C on his arm as forms of discipline. CCSM 2 did not report these incidents to Ms. Hayes or Child B and Child C's Parents within 24 hours.

| <b>APPLICABLE RULE</b> |                                                                                                                                  |
|------------------------|----------------------------------------------------------------------------------------------------------------------------------|
| <b>R 400.8158</b>      | <b>Incident, accident, injury, illness, death, fire reporting.</b>                                                               |
|                        | <b>(2) A licensee, licensee designee, or program director shall report to the child's parent and the department, directly or</b> |

|                    |                                                                                                                                                           |
|--------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|
|                    | via phone, fax, or email, within 24 hours of the occurrence of any of the following:<br>(b) An incident involving an allegation of inappropriate contact. |
| <b>ANALYSIS:</b>   | On 3/15/23, Ms. Hayes did not report allegations of inappropriate contact between CCSM and Child C to Child C's Parents within 24 hours.                  |
| <b>CONCLUSION:</b> | <b>VIOLATION ESTABLISHED</b>                                                                                                                              |

| <b>APPLICABLE RULE</b> |                                                                                                                                                                                                                                                                                      |
|------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>R 400.8158</b>      | <b>Incident, accident, injury, illness, death, fire reporting.</b>                                                                                                                                                                                                                   |
|                        | <b>(4) A licensee, licensee designee, or program director shall submit a written report to the department of the occurrences outlined in subrules (1), (2), and (3) of this rule, in format provided by the department , within 72 hours of the verbal report to the department.</b> |
| <b>ANALYSIS:</b>       | On 3/15/23, Ms. Hayes did not provide the department with a written report within 72 hours regarding allegations of inappropriate contact between CCSM 1 and Child C.                                                                                                                |
| <b>CONCLUSION:</b>     | <b>VIOLATION ESTABLISHED</b>                                                                                                                                                                                                                                                         |

#### **ADDITIONAL FINDINGS:**

**INVESTIGATION:** On 4/7/23 during a second unannounced onsite inspection at the center, CCSM 2 was alone in the toddler transition classroom with five toddler-aged children ranging in age from 2 to 3 years old. Based on the age of the youngest child, an additional child care staff member was needed in order for the room to be in compliance with the child care staff member to child ratio requirement of 1:4. Ms. Hayes removed one of the 2-year-olds and placed the child in the infant/toddler classroom, therefore placing the room into compliance with the ratio requirement of 1:4.

| <b>APPLICABLE RULE</b> |                                                                                                                          |
|------------------------|--------------------------------------------------------------------------------------------------------------------------|
| <b>R 400.8182</b>      | <b>Ratio and group size requirements.</b>                                                                                |
|                        | <b>(3) In each room or well-defined space, the maximum group size and ratio of child care staff members to children,</b> |

|                    |                                                                                                                                                                                                                                                              |
|--------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                    | including children related to a staff member or the licensee, must be as shown in Table 4:<br>(a) infants and toddlers, birth to 30 months of age, shall have a child care to staff member to child ratio of 1 to 4 and a maximum group size of 12 children. |
| <b>ANALYSIS:</b>   | On 4/7/23, CCSM 2 was alone in the toddler transition room with five children ranging in age from 2 to 3 years old. An additional child care staff member was needed to be in compliance with the child care staff member to child ratio requirement of 1:4. |
| <b>CONCLUSION:</b> | <b>VIOLATION ESTABLISHED</b>                                                                                                                                                                                                                                 |

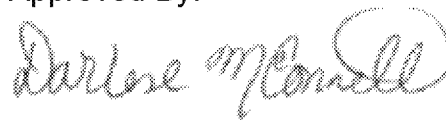
#### IV. RECOMMENDATION

Upon receipt of an acceptable corrective action plan, I recommend modification of the current status of the license to a first provisional license with increased monitoring.

 06/27/2023

\_\_\_\_\_  
Timothy A Swope Date  
Licensing Consultant

Approved By:

 06/27/2023

\_\_\_\_\_  
Darlese McConnell Date  
Area Manager