



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

May 1, 2023

Samantha Michael
The Discovery Center
4102 W Michigan
Kalamazoo, MI 49006

RE: License #: DC390017443
Investigation #: 2023D0248009
The Discovery Center

Dear Ms. Michael:

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

- R 400.8125(1) Staff; volunteer; requirements.
- R 400.8140(1) Discipline.
- R 400.8140(3) Discipline.

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

- I interviewed program director, child care staff members, parents and Child A.
- I completed on-site inspections on the following dates: 03/27/2023 and 04/12/2023.

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

- R 400.8125(1) Staff; volunteer; requirements.**
- R 400.8140(1) Discipline.**
- R 400.8140(3) Discipline.**

Due to the violations, you must send us a corrective action plan by 5/25/2023. 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 type="checkbox"/>	<input checked="" type="checkbox"/>

This report and any related corrective action plans must be filed in your licensing notebook. This report and any related corrective action plans will be online for parents to review under the [Statewide Search for Licensed Child Care Centers and Homes](#).

Please review the enclosed documentation for accuracy and contact me with any questions. In the event that I am not available and you need to speak to someone immediately, please contact the local office at (517)284-9730.

Sincerely,



Jennifer Blake, Licensing Consultant
Child Care Licensing Bureau
611 W. Ottawa Street
P.O. Box 30837
Lansing, MI 48909

(269) 615-5347

enclosure

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

I. IDENTIFYING INFORMATION

License #:	DC390017443
Investigation #:	2023D0248009
Complaint Receipt Date:	03/23/2023
Investigation Initiation Date:	03/27/2023
Report Due Date:	05/22/2023
Licensee Name:	The Discovery Center
Licensee Address:	4102 W Michigan Kalamazoo, MI 49006
Licensee Telephone #:	Unknown
Administrator:	Samantha Michael, Designee
Licensee Designee:	Samantha Michael, Designee
Name of Facility:	The Discovery Center
Facility Address:	4102 W Michigan Kalamazoo, MI 49006
Facility Telephone #:	(269) 372-0007
Original Issuance Date:	08/18/1993
License Status:	REGULAR
Effective Date:	02/05/2022
Expiration Date:	02/04/2024
Capacity:	68
Program Type:	CHILD CARE CENTER

II. ALLEGATION(S)

	Violation Established?
Child Care Staff Member 1 lays on Child A at nap time if he does not lay still and Child A will say "I can't breathe, you're choking me."	Yes
Additional Findings	no

III. METHODOLOGY

03/23/2023	Special Investigation Intake 2023D0248009
03/27/2023	Special Investigation Initiated - On Site 11:45a onsite interview with Program Director Samantha Michael, Child Care Staff Member (CCSM) 2 and CCSM 3.
03/27/2023	Contact - Telephone call made Telephone interview with Child A's Father Left message for CCSM 4
03/28/2023	Contact - Document Received Email from Child A's Father
04/12/2023	Contact - Face to Face Interview with Child A Interview with CCSM 1
04/19/2023	Contact - Document Received email from Program Director Samanta Michael
04/27/2023	Contact - Telephone call made Interview with Child B's Mother and Child C's Mother
05/01/2023	Inspection Completed-BCAL Sub. Compliance
05/01/2023	Exit Conference With Program Director Samantha Michael

ALLEGATION: Child Care Staff Member 1 lays on Child A at nap time if he does not lay still and Child A will say “I can’t breathe, you’re choking me.”

INVESTIGATION: I received an anonymous complaint stating that Child Care Staff Member (CCSM) 1 would lay on Child A during nap time if he was not laying still. Child A could be heard saying “I can’t breathe, you’re choking me.” CCSM 1 would say, “no I’m not. You’re fine.”

I conducted an unannounced onsite inspection on 03/27/2023, and interviewed Program Director Samantha Michaels, CCSM 2 and CCSM3. When I explained the allegations to Ms. Michaels, she had never heard any concerns with CCSM 1, or any reports of CCSM 1 laying on children to keep them still at nap time. CCSM 1 was not present at the child care center and was out on an extended leave of absence for personal reasons. I asked Ms. Michaels what the normal nap time routines were, and she explained that staff will put up curtains, play nap time music and pat the children’s backs. All preschool children that nap are in the music room with staff. If children do not want to nap, they are able to get a book. Ms. Michaels provided me with the discipline policy for review and explained that staff are to encourage children to solve problems and help them to solve the issues themselves when having conflicts. At no time should staff restrain a child, and if a child is to that point herself or the assistant director would intervene.

CCSM 2 regularly works in the preschool nap room with CCSM 1 and reported that she has seen her lay over Child A to get him to lay still and has heard her say, ‘if you don’t lay still, I am going to put my leg on top of you.’ CCSM 2 could not be certain if CCSM 1 had body weight on Child A, or if Child A was injured. CCSM 2 was not aware of any staff or parents bringing concerns to Ms. Michael adding that she did not say anything to CCSM 1 when she witnessed this. I asked CCSM 2 if it is normal practice to lay on a child or place a leg on them to get them to lay still at nap. She replied that it is not their normal practice and staff should go around patting backs if children want it.

CCSM 3 reported that she has no concerns with CCSM 1 and had never witnessed her lay on Child A or put a leg on Child A. However, she stated that CCSM 1’s words will get “harsh” when it comes to Child A. CCSM 3 also had not witnessed Child A say that he was not able to breathe, adding that Child A and some other children do not regularly nap, but will rest quietly.

CCSM 4 also worked in the nap room with CCSM 1, however she no longer worked at the center at the time of the inspection. She was not able to be reached by the completion of the investigation.

On 03/27/2023, I interviewed Child A’s Father who reported that he had not heard anything concerning from Child A, but he would have Child A’s Mother speak to him

that evening regarding nap time and any staff members laying on him. I received an email from Child A's Father the following day 03/28/2023, in which Child A's Mother had spoken with Child A, and Child A reported that CCSM 1 "lays over him at nap" and "it hurts." Child A's Father gave me permission to interview Child A.

On 04/12/2023, I interviewed Child A, 4.5 years old. Child A was able to be interviewed and answered all questions. He reported that CCSM 1 "is not nice" and she will pat my back and then "lays on me and it hurts my body." Child A reported that CCSM 1 will lay over him with her arm on his belly and with her leg on his belly. He stated that no other staff have done this, and he did not tell any teachers that CCSM 1 was "hurting him," adding that he tells her to "stop, but she doesn't stop."

While onsite, I spoke with Ms. Michaels and interviewed CCSM 1. Ms. Michaels reported that since CCSM 1 returned to work, she was no longer working with Child A. I informed Ms. Michaels that Child A reported that CCSM 1 had laid on him at nap time.

I interviewed CCSM 1 and informed her of the allegations. She said that she "doesn't really lay on him" but that she does put her arm over him, and he will then arch his back up touching her arm with his back or chest. As soon as he touches her arm, he will say things like "I can't breathe." I informed her that a staff member reported that she has put her leg over Child A. She stated that that she had not put her leg on Child A or said that she would put her leg on Child A. CCSM 1 explained that her regular discipline practice is to get on the child's level and talk with them about what is going on. She said that regular nap time practices, are to lay children down, and pat them to sleep. CCSM 1 reiterated that she has never touched Child A.

On 04/19/2023, I received an email from Ms. Michaels stating that CCSM 1's employment was terminated.

On 04/27/2023, I conducted telephone interviews with Child B's Mother and Child C's Mother. Both parents reported no concerns with child care staff members care and supervision of children, or the child care staff member's discipline.

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

ANALYSIS:	CCSM 1 did not provide appropriate care to Child A when child care staff members witnessed CCSM 1 “laying on” Child A to get him to lay still, and telling Child A she was going to put her leg on him.
CONCLUSION:	VIOLATION ESTABLISHED

APPLICABLE RULE	
R 400.8140	Discipline.
	(1) Positive methods of discipline that encourage self-control, self-direction, self-esteem, and cooperation must be used.
ANALYSIS:	Positive methods of discipline were not used when child care staff members witnessed CCSM 1 “laying on” Child A to get him to lay still, and telling Child A she was going to put her leg on him.
CONCLUSION:	VIOLATION ESTABLISHED

APPLICABLE RULE	
R 400.8140	Discipline.
	(2) Non-severe and developmentally appropriate discipline or restraint may be used when reasonably necessary, based on a child’s development, to prevent a child from harming himself or herself or to prevent a child from harming other persons or property, excluding those forms of punishment prohibited by subrule (2) of this rule.
ANALYSIS:	Developmentally appropriate discipline or restraint was not used when CCSM 1 was “laying on” Child A to get him to lay still.
CONCLUSION:	VIOLATION ESTABLISHED

IV. RECOMMENDATION

Upon receipt of an acceptable corrective action plan, I recommend no change to license status.

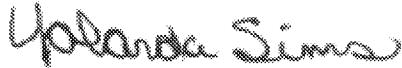


5/1/2023

Jennifer Blake
Licensing Consultant

Date

Approved By:



5/1/2023

Yolanda Sims
Area Manager

Date