



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

MARLON I. BROWN, DPA
ACTING DIRECTOR

August 8, 2023

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

RE: License #: DC390017443
Investigation #: 2023D0267013
The Discovery Center

Dear Samantha 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.

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

- I interviewed: the person who made the complaint, program director/ licensee designee, child care staff members, and parents.
- I completed an on-site inspection on the following date: 6/21/2023.

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

R 400.8125(1) Staff; volunteer; requirements.

I recommend no change to the current license status.

Due to the violations, you must send us a corrective action plan by 8/28/2023. 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](#).

Sincerely,



Julia Majka, Licensing Consultant
 Child Care Licensing Bureau
 611 W. Ottawa Street
 P.O. Box 30837
 Lansing, MI 48909
 (269) 615-6039

enclosure

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

I. IDENTIFYING INFORMATION

License #:	DC390017443
Investigation #:	2023D0267013
Complaint Receipt Date:	06/20/2023
Investigation Initiation Date:	06/21/2023
Report Due Date:	08/19/2023
Licensee Name:	The Discovery Center
Licensee Address:	4102 W Michigan Kalamazoo, MI 49006
Licensee Telephone #:	(269) 372-0007
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?
Proper supervision was not provided when Child A was able to repeatedly touch a child's buttocks, hump another child, and pull another child's pants down.	Yes

III. METHODOLOGY

06/20/2023	Special Investigation Intake 2023D0267013
06/21/2023	Special Investigation Initiated - On Site Arrived at 9:55AM; Left at 11:05AM Interviewed child care staff member 1, child care staff member 2, and child care staff member 3
07/10/2023	Contact - Telephone call made Telephone contact made with program director Samantha Michael
07/14/2023	Contact - Document Received Email received from Samantha Michael
07/21/2023	Contact - Telephone call made Telephone contact made with child care staff member 4 and telephone contact was attempted with child care staff member 5 and child care staff member 6
07/21/2023	Contact - Telephone call made Telephone contact made with Child B and C's mother and Child D and E's mother
08/01/2023	Contact - Telephone call made Telephone contact made with child care staff member 2 and child care staff member 3
08/07/2023	Contact - Telephone call made Telephone contact made with Child A's mother
08/07/2023	Contact - Telephone call made Telephone contact was attempted with child care staff member 5 and child care staff member 6

08/08/2023	Contact – Telephone call made Telephone contact made with child care staff member 5
08/08/2023	Exit Conference with child care staff member 1 (Interim Program Director)

ALLEGATION: Proper supervision was not provided when Child A was able to repeatedly touch a child’s buttocks, hump another child, and pull another child’s pants down.

INVESTIGATION: On June 21, 2023, I completed an unannounced onsite inspection and interviewed child care staff member (CCSM) 1, CCSM 2, and CCSM 3. CCSM 1 reported that the program director, Samantha Michael, is on vacation this week. CCSM 1 recently became aware of the issues with Child A, but she has not witnessed any of the incidents. She believes CCSM 3 spoke with Child A’s mother regarding the incidents. CCSM 1 said they have had Child A in care since he was an infant and just recently started having some behavior issues. The issues mostly include being rough with other children and knocking stuff down in the classroom. There is no history of inappropriate contact with other children. CCSM 1 reported she is unsure which staff members saw these reported incidents, but they all occurred on the playground in the afternoon after she had left for the day. Since these incidents, they have ensured that Child A is shadowed by a lead caregiver at all times. They have setup a conference with Child A’s parents for when Samantha Michael returns.

CCSM 2 reported that she has had concerns with Child A recently because he appears to be acting out for attention. She has pulled Child A aside and tried talking with him about good choices, but she does not work full time and is not the main person who provides his care. CCSM 2 reported that CCSM 3 and CCSM 4 are Child A’s main caregivers, but since these incidents CCSM 1 and CCSM 3 have been splitting their time providing him direct supervision. CCSM 2 has not witnessed any of these incidents.

CCSM 3 reported he has not observed the incidents, but they have been reported to him by staff because he is the lead onsite in the afternoons. He said the first incident happened in late May. Child A took Child B out behind the pirate ship on the playground, they were fully clothed, and an aid came around the pirate ship and saw Child A pushing Child B’s head down towards his private parts and was doing a thrusting motion. CCSM 3 reported it to the director and talked with Child A’s mother and Child B’s father. CCSM 3 said about a week later Child A pulled Child C’s pants and underwear down in front of all the staff and children on the playground. He is not positive if parents were informed of this incident. CCSM 3 said the most recent incident happened a few days ago. CCSM 3 was notified when Child D’s mother sent

him a message through their communication application, Brightwheel. Child D's mother told him that Child A would not stop grabbing Child D's bottom when they were there on the playground. He asked him to stop, and he would not. Child D told his mother that staff members could see it happening on the playground and did nothing to stop it. CCSM 3 reported he is the only lead caregiver after 4:00pm and there are only aides on the playground in the afternoon. Samantha Michael's used to stay until close a few days a week, but she is always gone by 4:00pm now. CCSM 3 said Child A now has a lead caregiver dedicated to shadowing him since these incidents started.

On July 10, 2023, I made telephone contact with Samantha Michael. She reported that a meeting did take place with Child A's mother and father on June 26, 2023. They were given a new policy laying out steps that will be taken to address "child direction" issues. The parents reported Child A has started counseling and they are receptive to working with the facility to address his behavior. Since the meeting and having Child A shadowed, they have had no further incidents. Samantha Michael reported that she was informed of all the incidents and either herself or CCSM 3 talked with the parents when they happened. She reported Child A has not had issues like this previously, but he has had minor issues of hitting or acting out, trying to make the other children laugh. Samantha Michael's agreed to email me the new child direction policy and provide phone numbers for the aids that work on the playground in the afternoon.

On July 14, 2023, Samantha Michael emailed me the child guidance policy and notes from the meeting with Child A's mother and father. The policy notes that the reoccurrence of a serious problem will result in parent-director conference and may lead to a non-negotiable dismissal. The meeting notes document that the parents are aware of the issues and understand that if the behavior continues termination of care will occur.

On July 21, 2023, I made telephone contact with CCSM 4, Child B and C's mother, and Child D and E's mother. CCSM 4 reported she only worked at the facility for a few months, but she was the aid who observed the incident between Child A and Child B. She said there is a pirate ship on the playground that you can't see behind from most spots on the playground. She walked behind the pirate ship and found Child A, Child B, and Child C. Child B was on his knees and Child A had his hand on Child B's head and was doing a humping motion towards his private parts. CCSM 4 said the children were laughing about it, but she stopped them. She reported the incident to CCSM 3 and does not know what happened after that. CCSM 4 has concerns with the level of supervision at the center because new staff are provided no training. She started at the facility in April and left in early July and was never given any training.

Child B and C's mother reported that she was aware of some behavior issues with Child A recently and her children often play with him, but she was not aware of the two incidents involving her children directly. She said her husband usually picks the

children up and he may have been informed. Child B and C's mother reported she has never had any concerns with the supervision at the facility but does feel Samantha Michael struggles with sharing information with the parents. She often leaves it up to the staff to talk with parents about issues that should be coming from her. Child B and C's mother text me after we hung up and reported her husband was informed of the incidents by CCSM 3, but her husband feels they were downplayed when described to him.

Child D and E's mother reported that she contacted CCSM 3 when Child D came home reporting Child A repeatedly grabbed his bottom on the playground. Child D told her it was in the afternoon on the playground. He asked Child A to stop grabbing his bottom, but he would not. Child D said there was a new aid on the playground that saw it happening but did not stop Child A. Child D's mother said her child is not one to go to the teachers for help, but if they saw it, it should have been stopped. She said Samantha Michael is supposed to be on the playground in the afternoons, but she started leaving early and she recently quit the facility. Child E has not had any issues at the facility.

On August 1, 2023, I made telephone contact with CCSM 1 and CCSM 3. CCSM 1 reported she is the interim program director since Samantha Michael left the facility. They have had one more incident with Child A, but it was not sexual in nature and was a fight with Child B. She reported she was not present when it happened, but it has been discussed with both parents. We discussed the issue of a lack of lead caregivers available in the afternoon and she reported a new lead was just hired and will be working the entire afternoon so they can have one lead inside and one lead on the playground.

CCSM 3 stated the recent incident between Child A and Child B involved the boys punching each other. He talked with both parents at pick up and they did not seem concerned. CCSM 3 said Child A does well most of the day when he is shadowed by a lead, but in the afternoon CCSM 3 is still the only lead and he is generally inside for parent pick-up while Child A is on the playground. That is when the issues occur.

On August 7, 2023, I made telephone contact with Child A's mother. She reported that Child A has attended the facility since he was three months old. She has never had any issues or concerns until the last year. When Child A was four, he started hanging out with some of the older children because they allow mixed age groups. Child A's mother reported there was an incident over a year ago, on the playground where Child A and some older children were behind a play structure showing each other their private parts. Child A's mother was not informed of the incident by Samantha Michael or any other staff members but was informed by another parent. When the recent issues with Child A started happening, she asked that staff members document them or schedule a meeting instead of having a rushed conversation in front of Child A at pick-up. She didn't realize it was that serious until she received a text message from Samantha Michael weeks later saying they have exhausted all efforts with Child A, and they needed to have a meeting. Child A's

mother reported the meeting went fine, but she feels her child is being targeted and the playground in the afternoon seems to have supervision issues. She stated if there is a blind spot on the playground there should be a staff member parked there. Child A's mother reported Child A is currently going to therapy and will be done at the facility soon to start school.

On August 8, 2023, I made telephone contact with CCSM 5 and completed the exit conference with CCSM 1. CCSM 5 reported that she leaves at 3:30pm daily; therefore, she has not witnessed any of the incidents in the afternoon on the playground and has only heard about them second hand. CCSM 1 and I discussed the possibility of multiple incidents happening behind the pirate ship and how it can be addressed. CCSM 1 said she has heard about the reported incident that happened a year ago from Child A's mother, but no staff members are aware of the incident happening. CSSM 1 does agree that the playground staff need to be spread out so there are no blind spots and said there have been complaints from parents about the aids in the afternoon being lumped in one corner chatting. CCSM 1 said staff will be retrained on proper playground supervision at the upcoming staff meeting.

On July 21, 2023, and August 7, 2023, telephone contact was attempted with CCSM 6. Detailed voicemails were left, but contact was not made.

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:	Appropriate supervision is not always occurring on the playground in the afternoons. The incident between Child A and Child B occurred behind the pirate ship, which is a blind spot on the playground, and was not being supervised by staff. CCSM 3 reported concerns with lack of lead caregivers available for support in the afternoon on the playground. CCSM 4 reported concerns with supervision due to the lack of appropriate training being provided.
CONCLUSION:	VIOLATION ESTABLISHED

IV. RECOMMENDATION

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

Julia Majka

8/8/2023

Julia Majka
Licensing Consultant

Date

Approved By:

Yolanda Sims

8/8/2023

Yolanda Sims
Area Manager

Date