



STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

GRETCHEN WHITMER  
GOVERNOR

ORLENE HAWKS  
DIRECTOR

January 19, 2023

Mandie Drake  
KinderCare Education LLC  
1090 S. Lapeer Road  
Lapeer MI 48446

RE: License #: DC440406778  
Investigation #: 2023D0026005  
Kindercare Learning Center

Dear Mrs. Drake:

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

R400.8140(2)(a)	Discipline
R400.8140(2)(d)	Discipline
R400.8140(2)(e)	Discipline

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

- I interviewed the person who made the complaint, program director, caregivers, parents and children with relevant information.
- I completed onsite inspections on 11/17/2022, 12/6/2022 and 1/5/2023.

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

R400.8140(2)(d)            Discipline  
R400.8140(2)(e)            Discipline

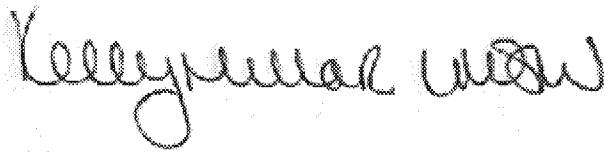
I recommend no change to the current license status. A written corrective action plan was submitted and approved.

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,

A handwritten signature in black ink, appearing to read "Kelly Millar LMSW". The signature is written in a cursive style with some loops and flourishes.

Kelly Millar, LMSW, Licensing Consultant  
Child Care Licensing Bureau  
611 W. Ottawa Street  
P.O. Box 30664  
Lansing, MI 48909  
989-385-6683

enclosure

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

**I. IDENTIFYING INFORMATION**

<b>License #:</b>	DC440406778
<b>Investigation #:</b>	2023D0026005
<b>Complaint Receipt Date:</b>	11/15/2022
<b>Investigation Initiation Date:</b>	11/15/2022
<b>Report Due Date:</b>	01/14/2023
<b>Licensee Name:</b>	KinderCare Education LLC
<b>Licensee Address:</b>	1090 S. Lapeer Road Lapeer MI 48446
<b>Licensee Telephone #:</b>	810-969-4178
<b>Administrator:</b>	Kyra Hall-Elzy
<b>Licensee Designee:</b>	Kyra Hall-Elzy
<b>Name of Facility:</b>	Kindercare Learning Center
<b>Facility Address:</b>	1090 S. Lapeer Rd. Lapeer, MI 48446
<b>Facility Telephone #:</b>	(810) 969-4178
<b>Original Issuance Date:</b>	08/03/2021
<b>License Status:</b>	REGULAR
<b>Effective Date:</b>	02/03/2022
<b>Expiration Date:</b>	02/02/2024
<b>Capacity:</b>	160
<b>Program Type:</b>	CHILD CARE CENTER

## II. ALLEGATION(S)

	Violation Established?
Caregiver grabbed Child A by the arm and dragged Child A to the office, Child A sustained mark on arm.	No
Caregiver smacked snack out of Child A's hand, and took it away from Child A.	Yes
Caregiver told Child A they are not welcome in the caregiver's room anymore.	Yes

## III. METHODOLOGY

11/15/2022	Special Investigation Intake 2023D0026005
11/15/2022	Contact - Telephone call made Telephone call with MDHHS, discussed investigation.
11/15/2022	Special Investigation Initiated - Telephone Telephone call with complaint source, interview conducted.
11/16/2022	Contact - Document Received Received an email from MDHHS.
11/16/2022	Contact - Document Sent Email sent to MDHHS.
11/16/2022	Contact - Document Received Received an email from MDHHS.
11/16/2022	Contact - Document Sent Email sent to MDHHS.
11/16/2022	Contact - Document Received Received email from MDHHS.
11/17/2022	Contact - Document Received Received email from MDHHS.
11/17/2022	Contact - Telephone call made Telephone call with MDHHS.
11/17/2022	Inspection Completed On-site

	Unannounced onsite inspection completed by Kelly Millar, MDHHS, interview conducted with program director Mandie Drake.
11/28/2022	Contact - Telephone call received Received a voicemail from MDHHS.
11/30/2022	Contact - Telephone call made Attempted telephone call to MDHHS, voicemail left requesting a call back.
11/30/2022	Contact - Telephone call received Received a voicemail from MDHHS.
11/30/2022	Contact - Telephone call made Attempted telephone call with MDHHS, a voicemail was left requesting a call back.
11/30/2022	Contact - Telephone call made Telephone call with MDHHS.
11/30/2022	Contact - Telephone call made Attempted telephone call to program director Mandie Drake, voicemail left requesting a call back.
11/30/2022	Contact - Telephone call received Telephone call with program director Mandie Drake, she will reach out to child care staff member, Katherine Scarcella and call back.
11/30/2022	Contact - Document Received Received email from program director Mandie Drake.
11/30/2022	Contact - Document Sent Email to program director Mandie Drake.
12/01/2022	Contact - Document Received Received email confirming time for interview with child care staff member, Katherine Scarcella from Mandie Drake.
12/06/2022	Inspection Completed On-site Scheduled onsite inspection with MDHHS, to complete interviews of, Child B, Child C, child care staff members Katherine Scarcella, Andrea Dukes, Brandy Follen, Adriana Luzi, Madisyn Knickerbocker, and Mandie Drake.
12/07/2022	Contact - Document Received Received an email from program director Mandie Drake.

12/07/2022	Contact - Document Received Received an email from MDHHS.
12/07/2022	Contact - Document Sent Email to Mandi Drake, acknowledging her email.
12/08/2022	Contact - Document Received Received an email from MDHHS.
12/08/2022	Contact - Document Sent Email to MDHHS, advising I am off.
12/08/2022	Contact - Document Received Received email from MDHHS.
12/09/2022	Contact - Document Received Received email from MDHHS with interview of Child D.
12/27/2022	Contact - Telephone call received Telephone call with MDHHS.
12/29/2022	Contact - Telephone call made Telephone call with Child B's mother, interview conducted.
12/29/2022	Contact - Telephone call made Attempted telephone call with Child C's mother, a voicemail was left requesting a call back.
12/29/2022	Contact - Telephone call made Attempted telephone call with Child D's mother, a voicemail was left requesting a call back.
12/29/2022	Contact - Telephone call made Attempted telephone call with Child E's mother, a voicemail was left requesting a call back.
12/29/2022	Contact - Telephone call received Telephone call with Child D's mother, interview conducted.
12/29/2022	Contact - Telephone call received Telephone call with Child C's mother, interview conducted.
12/29/2022	Contact - Telephone call received Telephone call with Child E's mother, interview conducted.

01/05/2023	Inspection Completed On-site Scheduled onsite inspection with MDHHS, to complete interviews of, Child A, and Mandie Drake.
01/05/2023	Exit conference Exit conference held with program director Mandie Drake.
01/11/2023	Contact- Telephone call made Telephone with MDHHS, case conference held.

**ALLEGATION:** Caregiver grabbed Child A by the arm and dragged Child A to the office, Child A sustained mark on arm.

**INVESTIGATION:** On 11/14/2022, I spoke with MDHHS, Kerri Rupe, she is awaiting a call back from State Trooper post in Lapeer, set onsite inspection date.

On 11/15/2022, I interviewed the complaint source for additional information. This incident took place on Halloween. Last Friday child care staff member, Katherine Scarcella, was left in charge of the center when both the program director and assistant were out of the building. Right around the same time as this incident there was a different incident with a different teacher and different child, that teacher was fired. I reviewed allegations with complaint source, who confirmed Ms. Scarcella yelled at Child A, grabbed his arm, dragged him out of room and down to office.

On 11/16/2022, MDHHS emailed me a few times and I responded to each email that was sent.

On 11/17/2022, I spoke with MDHHS. The complaint was assigned to Lapeer Township Police Detective Wenzel on Monday, 11/17/2022, so no interviews with perpetrator or victim until at least Monday. We can make our onsite visit and meet with program director.

On 11/17/2022, I completed an unannounced onsite inspection at KinderCare Lapeer with MDHHS. Interview completed with program director Mandie Drake. She has been the director since May/June of 2022. She was the assistant director prior to that. She did call her consultant on Wednesday 11/2/2022. She did not complete a written incident report after discussing it with her consultant. She felt like the incident just kept getting blown up and it had more to do with the workers then the actual incident. The initial report of the incident was not what it is now. The initial report was Ms. Scarcella was loud with Child A after an incident in the classroom, where he was then brought down to the office. Child A had broken another child's art project and he was brought down. Child A was not upset when he was brought down and was just chilling in the office. Ms. Scarcella was very upset about the art project being broken; they had spent a lot of the time on the clay handprints. Ultimately

when Child A was in the office the other teacher in the classroom, child care staff member, Madisyn Knickerbocker, went and told Child A's mother who also works here, what had happened, and that Child A was in the office. The story just kept getting progressively worse and so she had a conversation with Ms. Knickerbocker about not going to tell other teachers and to leave that up to the director to address issues. The next day Ms. Scarcella had to leave early as her children were sick, then she was on vacation. When Ms. Scarcella was back, she pulled both Ms. Scarcella and Child A's mother into the office to discuss what had happened. Each talked about what their perspectives were on the situation.

Ms. Scarcella had asked to be moved from the preschool classroom for a break as she did not want to return there at the time. She has been in the Toddler room as well as the school age room. They will be going over trainings with her regarding what is okay and what is not okay to say to a child. Ms. Scarcella was upset and did admit she said to Child A she did not want him in her classroom any longer. A few days after all this, Ms. Knickerbocker expressed concern about Ms. Scarcella, and stated she picked Child A up by the arm and walked him very forcefully from the classroom. However, she saw how Child A entered her office, and how he was walking in. He did not appear to be fighting being brought to the office, she did not see Ms. Scarcella using any force or pulling him to bring him into the office. Child A's mother expressed she did not want Ms. Scarcella to get fired but did expect that she treats Child A the way she would treat her child which is not what happened.

Currently, Ms. Knickerbocker is working at the lead in preschool as Ms. Scarcella is in preschool. Ms. Scarcella wanted to take a break to see if the preschool room was too stressful for her. She does not believe Ms. Scarcella gets frustrated easily, she does not feel she struggles to work with children who have sensory issues, or behavioral issues. She believes all her staff know they can call the office at any time and either she or the assistant director will go down to assist in the classroom. Ms. Scarcella has been employed at the center since November of 2018, she has been the lead in several rooms including preschool, toddler, school age, or assistant if not lead. She has not had any discipline or been required to take extra trainings. They have monitors across from the assistant director's desk, however they did not watch the monitors after Child A was returned to class, to monitor the situation, as they did not realize there would be additional incidents. They do not routinely watch the monitors, but just glance at them as walking by or if looking for something or someone. Ms. Scarcella did admit to being upset; she did not ask to come out of the room that day for a break. She did sound upset when talking and looked upset, but nobody suggested or offered to have her come out of the room for a break. The other incident, which was disclosed by complaint source, was different, that teacher had had prior coaching and issues, so she was placed on leave and ultimately let go. The reason Ms. Scarcella was left in charge after this incident is because she had already been third in charge at the center and had previously been in charge. The initial story was not what is being alleged now, and so they had no reason to believe it was not appropriate to leave Ms. Scarcella in charge. A safety plan was put into place where Ms. Scarcella would not oversee the center during the

investigations, nor would she return to the preschool room as the lead or be left alone with children during the investigations. Child A was viewed, he had no visible marks or bruises, however this incident happened on Halloween and was several weeks before the onsite inspection. The incident occurred near the end of naptime, possibly around 2:20ish in the afternoon

On 11/18/2022, I received an email from program director Mandie Drake, advising Ms. Scarcella has been placed on leave pending the investigations.

On 11/28/2022, I received an email from MDHHS.

On 11/30/2022, I attempted to reach MDHHS, a voicemail was left requesting a call back. I received a voicemail from MDHHS. I attempted to reach MDHHS, a voicemail was left requesting a call back.

On 11/30/2022, I spoke with MDHHS, we will proceed without law enforcement as Child A's mother does not wish to press charges, so law enforcement is not going to pursue an investigation.

On 11/30/2022, I attempted to contact program director Mandie Drake, a voicemail was left requesting a call back.

On 11/30/2022, I spoke with program director Mandie Drake, she will reach out to Ms. Scarcella and see what date and time is good to come in for an interview.

On 11/30/2022, I received an email from program director advising Ms. Scarcella will be available on the following Tuesday and requested a time.

On 11/30/2022, I emailed program director Ms. Drake, and MDHHS, setting the interview time for 11:30 AM.

On 12/01/2022, I received a confirmation email from Ms. Drake for the date and time of interview.

On 12/06/2022, I completed a scheduled onsite inspection at KinderCare Lapeer with MDHHS.

MDHHS attempted to forensically interview Child B. Competency was not able to be established and Child B was not interviewed.

MDHHS attempted to forensically interview Child C. Competency was not able to be established, he only reported he liked his teacher Ms. Knickerbocker, stating "She is happy."

I along with MDHHS, interviewed child care staff member, Andrea Dukes. Ms. Dukes became aware of the incident by child care staff member, Madisyn Knickerbocker

telling her what happened. She did not see any marks or bruises on Child A currently. She did not go and speak with Ms. Scarcella because she was upset about the situation. This is the first incident of this nature, and she has been here for six years, her children have been here. Ms. Scarcella has been a teacher to her older children and there have not been any incidents like this. Child A has a lot more issues than her other children, including sensory issues and he is strong willed. She is not aware of any other complaints filed regarding Ms. Scarcella by other parents or staff. Child A has an entire behavior file on him at the center. The center did have a meeting with Ms. Scarcella, herself, Ms. Drake, and the assistant director Alicia where they all talked about the incident. Ms. Scarcella said her part, and she told her she did not feel like she handled it correctly. Child A has not had any issues since Ms. Scarcella has not been in the classroom. He has not had any behavior reports, he did throw crayons the other day.

I along with MDHHS interviewed child care staff member, Brandy Follen. Ms. Follen has been employed at the center since June 2022. She is a floater and has been in several rooms at the center. She has noticed in the last few months Ms. Scarcella has had a more difficult time being patient and dealing with the children who present more challenging behavior. She used to be very calm, hands on and work with the children well but lately not so much, it seemed her work ethic had kind of went down some. An hour after lunch the room still had not been cleaned, normally when the children are sleeping, they clean the tables, sweep etc., but the room was still a mess. She started in the classroom with Ms. Scarcella when she first started, and she learned a lot from her in the beginning. She is not sure what happened, but her demeanor changed, and she had to distance herself from her. It seemed like she was just yelling, taking things away from the kids and quickly sending them to the office. It really felt like she had a lack of care regarding work, since around September. She is not sure what is going on right now, as Ms. Scarcella was not working in preschool, had gone to Pre-K and is now in Toddlers. Ms. Follen's child is in the toddler room, and she works in the toddler room. It seemed Ms. Scarcella was still overwhelmed, but a little bit better. She did not really know the children's names in there, she still seemed on edge.

I along with MDHHS interviewed child care staff member, Adriana Luzi. She has been at the center for about a year and a half. She is transitioning from the Toddler room to the preschool room. She has gone into all the rooms when needed, often when breaks are happening. She used to be the lead in the preschool room, and then they hired Ms. Scarcella for it instead of training her better. They told her they felt Ms. Scarcella would be a better fit for the position and do a better job. She was the lead in the room from April 2021 until August of 2021, when they kicked her out and put Ms. Scarcella in the position. She felt as though they could have trained her better and she could have stayed in the position she was in but that is not what they did. She was told Ms. Scarcella had previous experience in the position and that was a reason as well. She has not seen Ms. Scarcella use any physical discipline on children or hurt them.

I along with MDHHS interviewed child care staff member, Madisyn Knickerbocker. She has been employed since the middle of July 2022, she has been in the Pre-K classroom, preschool, and school age in the summer. When the kids went back to school she floated in classrooms as needed. Once or twice a week she is in the preschool classroom with Ms. Scarcella, when there are breaks, lunches or when she leaves for the day. She was in the classroom on Halloween when the incident occurred due to ratio needs. Prior to this incident she did not necessarily have concerns regarding Ms. Scarcella, she thought she was a phenomenal teacher. She also does not think what happened she did purposefully because she has not seen her behave this way before.

The incident started during the day, but they were having a Halloween party in the evening. The class has made some handprint keepsakes done and then they were going to paint the handprints at the party. Earlier in the day, she had accidentally broken a handprint, it was Ms. Scarcella's daughter's handprint keepsake, and she was upset it was broken. They put it on the book shelf, and they were going to try to glue it back together so it could still be used later at the party. The place she sat it was next to where Child A was taking a nap. Child A picked it up and crumbled it. Ms. Scarcella went to the office and came back stating "they are not going to do anything about him breaking it." At this time, Child A laughed at Ms. Scarcella saying, "ha ha." Ms. Scarcella went over to the cot where he was sitting, saying "They are going to let this kid break things." She picked him up by the arm from the cot, she grabbed his arm and forcefully walked him out of the room down to the office. He had been sitting on his knees on the cot, and she picked him up by one arm. Then he fell on his knees and Ms. Scarcella took Child A by the left arm, pulled him up and out of the room. Child A was resisting, and Ms. Scarcella was pulling him out of the room. A few minutes later, Ms. Scarcella came back to the room, she was extremely upset, stating he cannot come to the party, and she did not want him in her classroom. Ms. Knickerbocker told Ms. Scarcella to go and take a minute as she seemed very worked up. Ms. Scarcella said "no, I am fine." This job is hard, it can be very frustrating, and you must be able to be patient and know when to take break. Usually, she does a good job at not showing her frustration to the children. Ms. Knickerbocker feels this really started when Ms. Scarcella's daughter's keepsake was broken, and then Child A broke it even worse.

Child A has a lot of issues with Ms. Scarcella and his mom is frustrated by how he is being treated. Ms. Dukes is constantly getting called to the room to handle Child A's issues. Ms. Knickerbocker has not been in the classroom a lot with Ms. Scarcella when she is teaching. She brought her concerns up to the program director Ms. Drake but felt very pushed off because her concerns were not being taken seriously. She does not feel they were ignored, but that she was not heard when telling how serious it was. Ms. Drake told her she would handle it. She saw Ms. Scarcella after this, and she said to her "the classroom is yours; I do not want it anymore." A week later Ms. Scarcella came up to her and said, "would you be mad if I took my classroom back, I do not want the Toddlers, I either get my classroom back or I am going to quit." She feels the program director is very frustrated with her for this

complaint and told her “I called everyone I needed to call, what do you want me to do, fire her?” She previously worked at a center where things were not handled correctly and so when Ms. Drake told her she was going to handle it she really hoped she would, but she did not feel the situation was handled. She feels like the State of Michigan coming out for an investigation is being held against her and it does not feel good. Some people feel she blew the situation out of proportion, but the situation was not good.

MDHHS and I interviewed child care staff member, Katherine Scarcella. Ms. Scarcella has been working at the center for the last four years. She is the lead in the Pre-K classroom. This situation happened on the day of the Halloween party. They were getting ready for the party where they were going to have food and activities, one of which including painting handprint keepsakes they had made previously. Naptime was almost over they had maybe 20 minutes left of it, they were trying to put the names on the back of the handprints, and her co-teacher accidentally broke a keepsake. They were going to hot glue it back together, and it was placed near the cot of Child A, as that is where the only outlet was for a glue gun. She was talking to the co-teacher about how the glue was not working, she turned back around, Child A had taken the keepsake and broke it into multiple pieces. She stated, “I got slightly upset, I worked really hard on the keepsakes, and he broke it into more pieces.” She left the room and went to talk to Ms. Drake in the office about Child A breaking the keepsake into pieces. When she came back to the room, she told the other teacher they were not going to do anything about him breaking it and Child A looked at her said “ha ha.” This upset her even more as she was already upset about the keepsake being broken. She had Child A come with her out of the room and walk down to Ms. Drake’s office. She left him in Ms. Drake’s office and returned to the classroom. He walked freely and she did not have to lift him off the cot or pull him with any force “he willingly walked with me.” She denies she used any physical force on Child A, there were no marks or bruises or injuries on him. He was not resisting leaving the classroom.

She worked hard on the keepsakes, and it was upsetting it was her own child’s keepsake but is adamant she would have been just as upset if it had been any other child’s keepsake. Later after this had happened, she met with Child A’s mother, and Ms. Drake, to clear out the issues they had surrounding the incident. She apologized to Child A’s mother and told her she had apologized to Child A already. She denies she raised her voice at any time, “there were children sleeping.” She was in tears and not able to talk, she was that upset. She is familiar with the centers policies on discipline. She denies she was frustrated on Halloween; she denies any teacher or co-worker asked her if she needed to take a break. She does not feel as though she struggles with children who display challenging behaviors. She does admit she gets frustrated at times; she likes routine, she does not like to repeat herself a lot. She believes her co-workers support her and believe her about the incident. Ms. Knickerbocker never said to her what she did was wrong or concerning. She feels like the most challenging children she has in her classroom consist of Child A, Child D, and Child E, but she does not feel like she singles them out. She has not been

disciplined, coached, or had any complaints filed against her that she knows of. Child A's mother has told her she appreciates the work she has done with Child A, and how she is handling him. She does not believe she did anything wrong during the incidents above. She did pull herself out of the classroom for a break. She does not want to stay in the Toddler room, "it is not what I am meant to do." She has asked to return to the Pre-K classroom, she has not yet.

On 12/7/2022, I received an email from Ms. Drake advising Ms. Scarcella had resigned. I received an email from MDHHS, thanking Ms. Drake for notifying of the resignation. I emailed Ms. Drake, acknowledging the email regarding the resignation.

On 12/8/2022, I received an email from MDHHS advising she was making a visit to the center the next day to interview Child D.

On 12/8/2022, I emailed MDHHS, to let them know I was not available.

On 12/8/2022, I received an email from MDHHS advising if she were able to complete the interview, she would send it to me.

On 12/14/2022, I received an email from MDHHS with their interview of Child D. A face-to-face contact was made with Child D, at KinderCare Learning Center in Lapeer. She was met with privately in an office within the daycare. An attempt was made to forensically interview Child D; however, the ground rules could not be established with her. She was not able to distinguish the difference between the truth and a lie or real and not real. Child D is four years old. Child D said she likes Ms. Maddie, Ms. Lexi and Ms. Adrianna. She was asked about Ms. Katie, and she said Ms. Katie was her favorite but she is not a teacher anymore. She denied seeing Ms. Katie be mean to anyone. Piper said if they get in trouble, they must go to the office to meet with Ms. Mandie or Ms. Alicia. There is nothing Piper does not like about daycare. She was walked back to her room by daycare staff.

On 12/29/2022, I interviewed Child B's mother. She has not heard any complaints about the child care center. Child B lives most of the time with her father, and she has her on weekends. Child B often says she loves her school, loves her teachers and half the time does not want to leave there when she is being picked up. She has no concerns.

On 12/29/2022, I attempted to contact Child C's mother. A voicemail was left requesting a call back.

On 12/29/2022, I attempted to contact Child D's mother. A voicemail was left requesting a call back.

On 12/29/2022, I attempt to contact Child E's mother. A voicemail was left requesting a call back.

On 12/29/2022, I interviewed Child C’s mother. She has no concerns with the child care center. She has no concerns how they care for her child. She does feel the center does not communicate well and that specifically the director does not communicate well. There have been issues regarding who to call when someone needs to be called, and even though they have listed who they want called first, the center still calls her first and she then must tell them to call the emergency contact.

On 12/29/2022, I interviewed Child E’s mother. She knows Ms. Scarcella is no longer there. She has a family connect to Ms. Scarcella and so it is possible that affects some things in the classroom, or it could have when Ms. Scarcella was still there. Child E has not ever complained about Ms. Scarcella being mean to him or picking on him. Child E is very strong willed, and his best friend is in the class and that could be a lot. She has never seen Ms. Scarcella become overwhelmed or not show patience to the children, but she has seen it with other teachers there. She believes KinderCare on a whole is struggling with staffing issues, and they do not seem to be managing it very well. She feels they are not preparing children for what needs to be at the age they are, her daughter was in preschool in a different state and was leagues ahead of where Child E is.

On 1/5/2022, I along with MDHHS completed an unannounced onsite inspection at KinderCare Lapeer. MDHHS attempted to complete a forensic interview with Child A. Child A was not able to be forensically interviewed. He remembers Halloween, does not remember there being any issues at school that day. He does remember the clay handprints but again denies any issues at school. He denies he had a teacher named Ms. Scarcella (Ms. Katie). He does love his teacher Ms. Adrianna and Ms. Michelle. He does recall a snack being taken away but will not give any more information. He does report the other day he pushed over some things in classroom and had to come to Ms. Mandie’s office where she told him she would call the police on him if he continued to behave that way, and “I did not like that, it was rude.”

I along with MDHHS completed an exit conference with Ms. Drake. She denies she told Child A she would call the police on him. She did tell him he has to learn to control himself, and if he were at any other place, people would call the cops when he is throwing and knocking over things. He has made improvements with using his words when upset and mad, but they are still working on it. The other day he was throwing a chair and pushing things, all the kids had to come out of the classroom. We discussed the violations found and the corrective action plan was completed.

On 1/11/2022, I completed a conference with MDHHS.

<b>APPLICABLE RULE</b>	
<b>R 400.8140</b>	<b>Discipline.</b>
	<b>(2) All of the following means of punishment are prohibited:</b>

	<b>(a) Hitting, spanking, shaking, biting, pinching, or inflicting other forms of corporal punishment.</b>
<b>ANALYSIS:</b>	Child care staff member Katherine Scarcella denies she used any type of physical force on Child A. She denies she picked him up by arm, pulled him from room and dragged him to the office. There is no video footage of this as the cameras do not record. She denies leaving any marks or bruises on Child A. Child A's mother denies she saw any marks or bruises on Child A during the immediate aftermath of the incident. Program director Mandie Drake saw Child A being brought to the office and there was no pulling or force that she witnessed, and Child A was not crying or upset.
<b>CONCLUSION:</b>	<b>VIOLATION NOT ESTABLISHED</b>

**ALLEGATION:** Caregiver smacked snack out of Child A's hand, and took it away from Child A.

**INVESTIGATION:** On 11/15/2022, I interviewed the complaint source for additional information. This incident took place on Halloween. After Child A returned from being taken out of the room, he had a snack (juice and goldfish crackers) with him, and Ms. Scarcella was upset feeling a though it was a reward for bad behavior. She grabbed it out of his hands, threw it in the sink and told him she did not want him in her classroom any longer. Child A was distraught and crying after having the snack grabbed from him.

On 11/17/2022, I completed an unannounced onsite inspection at KinderCare Lapeer with MDHHS and program director Mandie Drake was interviewed. Child A's mother came to the office and asked him what was wrong. Child A's mother wanted to know if Child A was hungry, gave him a snack and took him back to class. Ultimately, Ms. Scarcella looked at the snack as a reward for bad behavior and so she was upset he received it, so she took the snack away from him. Ms. Scarcella admitted to her she took the snack away and threw it on the counter. When the snack was taken away from Child A, he became more upset, and Ms. Knickerbocker walked him back to the office. At this time, Ms. Knickerbocker was already talking to Child A's mother about the situation when he was brought back. Ms. Scarcella felt strongly that the snack provided by Child A's mother was a reward for bad behavior. Child A's mother gave him the snack because he said he was hungry, not as a reward but Ms. Scarcella did not agree with that. At this time, Child A's mother called her mother to come and pick Child A up from the center. She did tell Ms. Scarcella that it was not allowable to take food away from children as a method of discipline or for any reason.

On 12/06/2022, I along with MDHHS, interviewed child care staff member, Andrea Dukes. Ms. Dukes became aware of the incident by child care staff member, Madisyn Knickerbocker telling her what happened. She took Child A to her classroom for a minute, and then gave him a juice with goldfish snack crackers as he was hungry, then returned him to his room. She instructed Child A to apologize to Ms. Scarcella. Ms. Scarcella was upset Child A was returned to the classroom and upset he was given a snack. Ms. Scarcella felt it was a reward for bad behavior. Ms. Scarcella told Child A she did not want him in her classroom and that he was not allowed to go to the Halloween party. She took his snack away from him. Ms. Knickerbocker did not feel safe with Child A in the classroom, and so she took Child A back to program director Mandie Drake's office. She was told Ms. Scarcella ripped the snack out of his hands and threw it across the room into the sink area. Ms. Dukes was in the office talking with Ms. Drake about the previous incident when she heard him crying in the hallway and went to see what else had happened. He was crying and said, "Ms. Katie took my goldfish crackers." She did not see any marks or bruises on Child A. Ms. Dukes called Child A's grandmother and asked her to come and pick up Child A. Ms. Dukes did not go and speak with Ms. Scarcella because she was upset about the situation. Ms. Scarcella apologized for the incident. She admitted she was upset with Child A for breaking the handprint keepsake, that nothing was happening to him for breaking it, and then when he came back with the snack, she felt he was rewarded.

I along with MDHHS interviewed child care staff member, Brandy Follen. Ms. Follen has been employed at the center since June 2022. She is a floater and has been in several rooms at the center. On the day of the incident, she was in the classroom with Ms. Scarcella during Ms. Knickerbocker's break. She was in the room during lunch going into nap time. It was a very hectic day, there were a lot of behaviors in the classroom. There was a lot of overstimulation happening as it was Halloween, and the children were very excited about it and the party in the afternoon. Ms. Dukes, who is a staff and parent, brought in a Halloween treat for the classrooms which consisted of a fruit/marshmallow shish kabob. Child A was the only child who really had an issue with it. Ms. Scarcella took the entire shish kabob away from him and was going to throw it away, but Ms. Follen took it from her. Ms. Follen just removed the fruit and marshmallow from it and gave the food back to Child A, minus the stick. In retrospect, they should have taken all the sticks away and just put the fruit and marshmallows on a plate for the children. The children were all done with lunch except Child D, who was still eating pizza. Ms. Scarcella had been prompting her to finish eating, saying things like "you have 10 min, 5 min, 2 min," and then she still had a piece of crust she was eating. Ms. Scarcella took the crust from Child D and threw it away even though she was not finished eating it. Child C can be problematic at times, and they have about three children in the classroom who really have challenging behaviors. Ms. Follen did address the pizza being taken away from Child D, as it did not sit well with her, she spoke to the program director Ms. Drake about it.

I along with MDHHS interviewed child care staff member, Adriana Luzi. She has been at the center for about a year and a half. She is transitioning from the Toddler room to the preschool room. She has not seen Ms. Scarcella take food away from children unless they were throwing it or making an issue with it.

I along with MDHHS interviewed child care staff member, Madisyn Knickerbocker. She has been employed since the middle of July 2022, she has been in the Pre-K classroom, preschool, and school age in the summer. When the kids went back to school she floated in classrooms as needed. After a few minutes she went to go check on Child A, she was going to bring him back to class from Ms. Drakes office. Ms. Dukes walked up behind her and said, "what is my kid doing in the office?" Ms. Dukes went into the office and told Child A to come with her to her classroom for a few minutes, so she returned to her classroom as well. A few minutes later Child A was brought back to the preschool classroom, and he had goldfish and a capri sun with him. Ms. Scarcella was upset he had been given a snack and felt that it was reward for bad behavior. Child A attempted to get her to open part of his snack, and instead she took both from him and threw the goldfish in the sink and tossed the capri sun on the table. Child A fell to the ground and was crying and very upset. She asked Ms. Scarcella "do you need to take a minute?" Ms. Scarcella said, "I am not going to leave my classroom for a child who should be in trouble."

Child A was distraught and so she took him to get a drink of water since he was still crying. Ms. Dukes heard him crying, came out and got upset at this time about what had happened. Ms. Dukes stated, "what did she do to my kids now, my mom is coming to get him, or I am leaving." Child A told Ms. Dukes what happened, she went back to class, and Child A was picked up by his grandmother. When Child A came back after Halloween, he was scared and said, "I do not want Ms. Katie to be my teacher, she threw my snack." She has not seen Ms. Scarcella take food away from children previously. She did hear from a different co-worker who covered her break on that day, that Ms. Scarcella took food away from Child D.

I along with MDHHS interviewed child care staff member, Katherine Scarcella. Ms. Scarcella has been working at the center for the last four years. She is the lead in the Pre-K classroom. When she was back in the room, Child A was returned by a different co-worker after a few minutes. Child A walked back into the room with a snack, "he was rewarded for bad behavior, and it upset me." At that time, she left the classroom again and went back down to Ms. Drakes office "and broke down to her." He is four years old and was rewarded for bad behavior, Ms. Drake said they would talk about it with his mom, she admits she was very upset. When she went back to class he was smiling and so "I took the snack from him, and tossed it on the counter, I told him he could have snack when the rest of the class had snack." Child A sat down on the ground, was crying when she took the snack away from him. She began to pick up cots as the other children were waking up and the other teacher Ms. Knickerbocker took Child A back to Ms. Drake's office. She admits he was crying once she took the snack away from him. She denies she threw the snack but does admit to "tossing" it on the counter. Child A's mother called his grandmother,

and she came and picked him up from daycare for the day. "I was upset, I said I needed to leave, or he needed to leave." She is aware of the licensing rule book and that food is not to be taken from children as a form of punishment. She denies she took food away from Child D at lunch time. She allowed Child D to eat the food she had on her plate and did not take the pizza crust and throw it away. She does encourage the children to eat when they are taking a long time, but she does not take the food from them.

I along with MDHHS, met with Ms. Drake. She denies Ms. Follen reported an incident to her regarding Child D having her pizza taken from her at lunch time on Halloween. She would have addressed that with Ms. Scarcella, as they do not take food from the children. The child would be given as much time as needed to eat.

On 12/29/2022, I interviewed Child D's mother. She has no concerns with the classroom. She knows Ms. Scarcella and has not had any issues with her. Child D does not complain about school or her teachers. She has not been told of any incidents where Child D had food removed from her, but she is not always the one picking up Child D, so it is possible someone told whoever picked up Child D if it did happen. She admits Child D has some bad days at daycare "but it is usually because of her own doing." Child D loves going to school and never mentions anything bad. It seems out of ordinary for something like this to happen if it did.

<b>APPLICABLE RULE</b>	
<b>R 400.8140</b>	<b>Discipline.</b>
	<b>(2) All of the following means of punishment are prohibited: (d) Inflicting mental or emotional punishment, such as humiliating, shaming, or threatening a child.</b>
<b>ANALYSIS:</b>	Child care staff member, Katherine Scarcella, used a loud voice towards Child A. Ms. Scarcella threatened Child A with punishment of not being allowed to stay in the classroom because she did not want him there anymore. Ms. Scarcella did not allow Child A to attend the Halloween party due to behaviors. This was done in front of other children and staff members in the classroom.
<b>CONCLUSION:</b>	<b>VIOLATION ESTABLISHED</b>

**ALLEGATION:** Caregiver told Child A they are not welcome in the caregiver's room anymore.

**INVESTIGATION:** On 11/15/2022, I interviewed the complaint source for additional information. This incident took place on Halloween. Ms. Scarcella was telling him he

needed to stop behaving badly, or he could not attend the Halloween party this afternoon. Child A was distraught and crying after having snack grabbed from him and being yelled at and told he was not allowed back in her room.

On 11/17/2022, I completed an unannounced onsite inspection at KinderCare Lapeer with MDHHS. Interview completed with program director Mandie Drake. This occurred on Halloween, all the classrooms were having a party that day. She did pull Ms. Scarcella out of the classroom to get her perception of the incident versus Ms. Knickerbocker's perception of the incident. Ms. Scarcella did say she no longer wanted Child A in her classroom for the party. She also talked to her about telling Child A he was not allowed in her classroom. They will be going over trainings with her regarding what is okay and what is not okay to say to a child. Ms. Scarcella was upset and did admit she said to Child A she did not want him in her classroom any longer.

On 12/06/2022, I along with MDHHS, interviewed child care staff member, Andrea Dukes. Ms. Dukes became aware of the incident by child care staff member, Madisyn Knickerbocker telling her what happened. Ms. Scarcella denied telling Child A she did not want him in class, and he could not come to party. Ms. Scarcella stated she said that to Ms. Knickerbocker, but admitted it was in front of Child A and he heard it.

I along with MDHHS interviewed child care staff member, Brandy Follen. Ms. Follen has been employed at the center since June 2022. She is a floater and has been in several rooms at the center. There were a lot of issues with Child A, and Ms. Scarcella was very much singling him out. Ms. Scarcella has been telling Child A he could not do things if he kept doing these things, and not going to get treats if he continued to behave certain ways. There was a time everyone was going to get a reward and get to wear pajamas to school. Ms. Scarcella told him "You will not get to wear pajamas and everyone else will because you are naughty."

I along with MDHHS interviewed child care staff member, Adriana Luzi. She has been at the center for about a year and a half. She is transitioning from the Toddler room to the preschool room. There was an incident where Ms. Scarcella was calling students in the classroom stupid, she is not sure what they did with that or if they did anything with it. The mom then removed the child from the center after she found out Ms. Scarcella was calling her child names. It happened quite a while ago, and the child had some problems and had some behaviors, and the child told his mom what Ms. Scarcella called him. There have not been any other issues. Child A was not a student in the classroom at the time this other incident occurred. She has seen Ms. Scarcella be hard on Child A, she gets very frustrated with him, she shuts down and does not want to deal with it. There are a couple of children in there who have behavior issues. Child E has behaviors and when he follows Child A it can get to be a bit worse.

I along with MDHHS interviewed child care staff member, Madisyn Knickerbocker. She has been employed since the middle of July 2022, she has been in the Pre-K classroom, preschool, and school age in the summer. When the kids went back to school she floated in classrooms as needed. The incident started during the day, but they were having a Halloween party in the evening. The class has made some handprint keepsakes done and then they were going to paint the handprints at the party. Earlier in the day, Ms. Scarcella's daughter's handprint keepsake was accidentally broken, and she was upset it was broken. They put it on the book shelf, and they were going to try to glue it back together so it could still be used later at the party. The place she sat it was next to where Child A was taking a nap and he picked it up and crumbled it. This made Ms. Scarcella very upset, and Child A laughed at her. Ms. Scarcella yelled at Child A he was not going to be allowed to come to the party. A few minutes later Ms. Scarcella came back to the room, she was extremely upset, stating he cannot come to the party, she does not want him in her classroom. Ms. Knickerbocker told Ms. Scarcella to go and take a minute as she seemed very worked up. Ms. Scarcella said "no, I am fine." A few minutes later Child A was brought back to the preschool classroom, she said very loudly "I said he was not allowed back in my room, and he is not coming to the party."

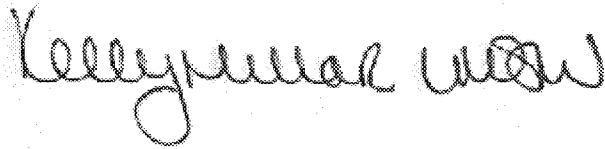
I along with MDHHS interviewed child care staff member, Katherine Scarcella. Ms. Scarcella has been working at the center for the last four years. She is the lead in the Pre-K classroom. When she saw Child A on the following Wednesday, she apologized to him. "I told him I was sorry I said I did not want him in my class anymore and assured him I did want him in my class still." She denies she called any child stupid at any time. She admits there was a child who was pulled from daycare previously. She had the older sibling to that child, and he was super easy going, so she probably expected his sibling to also be easy going and that was not the case. She believes the parents pulled the child from daycare because they felt like the center was having a hard time separating the children in how they should act versus how they did act. She believes Ms. Knickerbocker also felt like Child A should not be at school that day or be allowed to attend the party.

I along with MDHHS, met with Ms. Drake. She does have files for the children, they use a method called ABC, through their inclusion services for children who are having challenging behaviors at times. This is done so they can see where they can best help the family. They did not file an incident report regarding the other child who was alleged to have been called stupid. She was not the director at that time. She does remember when it came up, however the previous director handled that issue. It was not resolved as far as she remembers, and the child's parents ultimately pulled him from the center. They were supposed to have a meeting but a few things like vacations, the Oxford shooting, mom got COVID delayed the meeting between the family and the center, and then the child was pulled. She denies Ms. Follen reported an incident to her regarding Child D having her pizza taken from her at lunch time on Halloween. She would have addressed that with Ms. Scarcella, as they do not take food from the children. The child would be given as much time as needed to eat.

<b>APPLICABLE RULE</b>	
<b>R 400.8140</b>	<b>Discipline.</b>
	<b>(2) All of the following means of punishment are prohibited:</b>  <b>(e) Depriving a child of meals, snacks, rest, or necessary toilet use.</b>
<b>ANALYSIS:</b>	Child care staff member Katherine Scarcella admits she was upset when Child A was given goldfish snacks and a capri sun after breaking a keepsake handprint. Ms. Scarcella admits she took the snack away from him, "tossed it" on the counter. This caused Child A to fall to his knees and cry hysterically. Earlier in the day, Ms. Scarcella had taken a Halloween treat away from Child A and was going to throw it away. Ms. Scarcella was pushing Child D to finish her lunch and when she took too long, she took the crust of the pizza away and threw it in the garbage.
<b>CONCLUSION:</b>	<b>VIOLATION ESTABLISHED</b>

#### IV. RECOMMENDATION

An acceptable corrective action plan was received and approved. I recommend no changes to the license.



Kelly Millar, LMSW  
Licensing Consultant

1/19/2023  
Date

Approved By:



01/19/2023

Crecendra Boone  
Area Manager

Date