



STATE OF MICHIGAN
 DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
 LANSING

GRETCHEN WHITMER
 GOVERNOR

ORLENE HAWKS
 DIRECTOR

February 16, 2023

Mandie Drake
 KinderCare Education LLC
 1090 S Lapeer Road
 Lapeer Mi 48446

RE: License #: DC440406778
 Investigation #: 2023D0026007
 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

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

- I interviewed program director, caregivers, parents, and children, with relevant information.
- I completed onsite inspections on 12/14/2022 and 02/02/2023

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

R400.8140(2)(d) Discipline

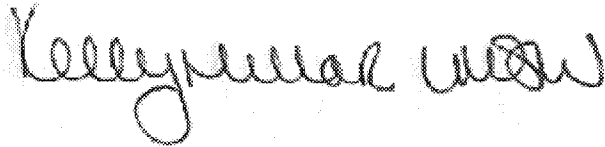
I recommend no change to the current license status. A corrective action plan was submitted and approved.

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**

THIS REPORT CONTAINS QUOTED PROFANITY AND/OR EXPLICIT LANGUAGE.

I. IDENTIFYING INFORMATION

License #:	DC440406778
Investigation #:	2023D0026007
Complaint Receipt Date:	12/09/2022
Investigation Initiation Date:	12/13/2022
Report Due Date:	02/07/2023
Licensee Name:	KinderCare Education LLC
Licensee Address:	1090 S Lapeer Road Lapeer MI 48446
Licensee Telephone #:	810-969-4178
Administrator:	Kyra Hall-Elzy
Licensee Designee:	Kyra Hall-Elzy
Name of Facility:	KinderCare Learning Center
Facility Address:	1090 S. Lapeer Rd. Lapeer, MI 48446
Facility Telephone #:	(810) 969-4178
Original Issuance Date:	08/03/2021
License Status:	REGULAR
Effective Date:	02/03/2022
Expiration Date:	02/02/2024
Capacity:	160
Program Type:	CHILD CARE CENTER

II. ALLEGATION(S)

	Violation Established?
Child A and Child C were physically hit by Katherine Scarcella.	No
Child A was called names like stupid and dumbass by Katherine Scarcella.	Yes

III. METHODOLOGY

12/09/2022	Special Investigation Intake 2023D0026007
12/09/2022	Contact - Document Received Received an email from MDHHS regarding complaint.
12/12/2022	Contact - Document Sent Emailed MDHHS to get clarity on date.
12/12/2022	Contact - Document Received Received email from MDHHS.
12/12/2022	Contact - Document Sent Email with MDHHS.
12/12/2022	Contact - Document Received Received email from MDHHS, they saw child today at home.
12/13/2022	Special Investigation Initiated - Telephone Attempted telephone call to Child A's mother. A voicemail was left requesting a call back.
12/13/2022	Contact - Telephone call received Received telephone call from Child A's mother, interview conducted.
12/14/2022	Contact - Document Received Received an email from MDHHS.
12/14/2022	Inspection Completed On-site 9:45AM-10:30AM Onsite inspection at KinderCare, unannounced, interview program director Mandie Drake.
12/14/2022	Contact - Document Received

	Received an email with child information cards from center.
12/14/2022	Contact - Document Sent Email to MDHHS regarding law enforcement coordination.
12/14/2022	Contact - Document Received Received an email from MDHHS, they have not heard back from law enforcement yet.
12/14/2022	Contact - Document Sent Emailed MDHHS, asking to keep in loop.
12/15/2022	Contact - Document Received Received email from MDHHS regarding law enforcement.
12/15/2022	Contact - Telephone call received Received call from MDHHS
12/21/2022	Contact - Document Received Received email from program director requesting update.
12/27/2022	Contact - Document Received Received email regarding LE from MDHHS.
12/29/2022	Contact - Telephone call made Attempted telephone call with Child B's mother. A voicemail was left requesting a call back.
12/29/2022	Contact - Telephone call made Telephone call with Child C's mother, interview conducted.
12/29/2022	Contact - Telephone call received Received a voicemail from Child B's mother.
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 to Child D's mother. A voicemail was left requesting a call back.
12/29/2022	Contact - Telephone call made Telephone call with Child E's mother, interview conducted.
01/05/2023	Contact - Face to Face 10:45AM-11:10AM

	Unannounced visit to Lakeville Elementary School, MDHHS interview Child A.
01/12/2023	Contact - Telephone call made Attempted telephone call to Child D's mother. A voicemail was left requesting a call back.
01/26/2023	Contact - Telephone call made Attempted telephone call to Child D's mother. A voicemail was left requesting a call back.
01/26/2023	Contact - Document Received Received a call from MDHHS.
02/02/2023	Contact - Face to Face 10:30AM-10:50 AM Announced school visit to Lynch Elementary with MDHHS to interview Child B.
02/02/2023	Contact - Face to Face 11:04 AM-11:27 AM Unannounced home visit to child care staff member, Katherine Scarcella's home for interview with MDHHS.
02/02/2023	Inspection Completed On-site 11:52 AM- 12:30 PM Unannounced onsite inspection, follow-up with Mandie Drake, program director.
02/03/2023	Contact - Telephone call made Attempted telephone call with Child D's mother. A voicemail was left requesting a call back.
02/03/2023	Contact - Telephone call made Telephone call with child care staff member, Adriana Luzi, interview conducted.
02/03/2023	Contact - Telephone call made Attempted telephone call with previous program director Alicia Cagle, voicemail left requesting a call back.
02/07/2023	Contact - Telephone call made Telephone call with previous director Alicia Cagle, interview conducted.
02/07/2023	Exit Conference Program Director Mandie Drake.

ALLEGATION: Child A and C were physically hit by Katherine Scarcella

INVESTIGATION: On 12/12/2022, I exchanged emails with MDHHS regarding the complaint, visit to center, and seeing Child A.

On 12/13/2022, I attempted to contact Child A's mother via telephone. A voicemail was left requesting a call back.

On 12/13/2022, I received a call from Child A's mother, interview conducted. Her oldest child had already transitioned to kindergarten, so it was just Child A at the center still. Her older child did not have any issues with child care staff member, Katherine Scarcella. She believes his last day was around 11/01/2021. Child A was miserable, crying and dreading to go to school each day. Which is abnormal, as she is a teacher, and they are into school as a family. Looking back now she does remember seeing him with bruises and fingerprints but never put two and two together. There was a time she looked at the fingerprints and they were the same size as her fingers, so she did not know where they came from. After the initial call from MDHHS they talked with Child A again about daycare, and he then said Ms. Scarcella had hit him, but he had never said anything about her hitting anyone until after they talked to him about it recently. Child A told her that Ms. Scarcella also hit Child C on the head for not listening. She knew a different child from the classroom, so she contacted them to see if they had any concerns, because Child B is very well behaved.

On 12/14/2022, I completed an unannounced onsite inspection at KinderCare Lapeer, and conducted an interview with program director Mandie Drake. Child A's mother is a teacher, and if they had seen marks or bruises, they would have been mandated to report. The incident was initially handled by the previous program director Alicia Cagle; however, she went out with COVID. She talked with Ms. Cagle about setting up a meeting, but it was never followed through with. There was a lot of the time back then that Ms. Cagle was not in the center, and she was in the classrooms due to staffing issues. She believes Ms. Cagle is currently a program director at a center in Waterford. She provided the last phone number she had for Ms. Cagle. She also shared that Ms. Scarcella is dating Ms. Cagle's stepson. They were not dating during the time the incident happened she does not believe but they are currently dating. She never had complaints about Ms. Scarcella before this one. She had a good reputation as a teacher, her kids learned a lot.

On 12/14/2022, I received an email from Ms. Drake with the child information cards.

On 12/14/2022, I exchanged emails with MDHHS regarding upcoming interviews, and law enforcement involvement.

On 12/15/2022, I received a call from MDHHS, we have permission from Child A's mom to interview him at his current school on 01/05/2023.

On 12/21/2022, I received a follow-up email from Ms Drake seeking information on whether or not law enforcement has decided to investigate.

On 12/27/2022, I exchanged emails with MDHHS regarding follow-up on law enforcement involvement.

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

On 12/29/2022, I completed an interview with Child C's mother via telephone. She has no concerns in the slightest about Ms. Scarcella or the center. She is good friends with Ms. Scarcella. Her son still talks about her and that he misses her. She would never think this was something Ms. Scarcella would be capable of, she is very loving, very kind. There were other workers at the center she could imagine this with but not Ms. Scarcella. She has a younger son, and they are closed a lot due to staffing. She spoke with MDHHS, and she does not think there is a reason to interview her son.

On 12/29/2022, I received a voicemail from Child B's mother.

On 12/29/2022, I interviewed Child B's mother via telephone. She is friends with the other parent, and she had heard from them about this and what Ms. Scarcella had done to her son. Ms. Scarcella was Child B's Pre-K teacher, he misses her. They had a good relationship with Ms. Scarcella, and even went to her son's birthday party at their home. Child B denied Ms. Scarcella called him names, he did report she was mean to Child C who is known to be very energetic and runs around. Child B told her that Ms. Scarcella hit Child C on the head for not listening.

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

On 12/29/2022, I interviewed Child E's mother via telephone. She has no knowledge about any issue at the school. She was not close with Ms. Scarcella, but she always felt good about the care at the center. She has not seen or heard about physical discipline from her child, they never reported anything. Her child is very well-behaved and has never been in trouble at school so she doubts it would be an issue with her. There have been ongoing staffing issues at the center so her only concern was that it felt like her daughter was being bounced around a lot.

On 01/05/2023, I along with MDHHS made an announced visit to Lakeville Elementary School in Oxford Michigan. MDHHS completed a forensic interview of Child A. When children got in trouble at the school they had to go to the office. He denied he had friends at that school. He was not physically hurt by Ms. Katie; he did not see Ms. Katie hurt anyone else. He liked Ms. Barbie because she was not mean to him. There was not anything he liked about Ms. Katie. He remembers Child B and Child C; he denies seeing Ms. Katie be mean to them.

On 01/12/2023, I attempted to contact Child D's mother. A voicemail was left requesting a call back.

On 01/26/2023, I attempted to contact Child D's mother. A voicemail was left requesting a call back.

On 01/26/2023, I received a call from MDHHS, set up next set of interviews.

On 02/02/2023, I along with MDHHS made an unannounced visit to Lynch Elementary School in Lapeer Michigan to interview Child B. MDHHS completed a forensic interview. He is five years old, he enjoys school, and likes recess. He enjoys tech games. He remembers his previous school; he misses his teacher Ms. Katie "so bad." He went to her son's birthday party, and it was a lot of fun. He listed several children from his previous class that he missed as well. He shared a story about being pushed down the slide and not liking slides because of it. He stated, "I don't get in trouble." He did name a few children who got in trouble at his previous school, including Child C. He remembers Child C telling him he did not like him. There was nothing he did not like about Ms. Katie. He did not remember seeing her hurt anyone.

On 2/2/2023, I along with MDHHS, met with Child B's mother to give a follow-up regarding the interview. They have never had issues with Ms. Katie personally, again stating they went to her son's birthday party. Child B told her Ms. Katie hit Child C on the head for not listening.

On 02/02/2023, I along with MDHHS conducted an unannounced home visit to child care staff member, Katherine Scarcella's home. Identifying information was confirmed. The new allegations were provided to Ms. Scarcella. She denies she hit anyone, Child A or Child C. She is familiar with both of the children. She had only just taken over the classroom, and only had them for a few months before they graduated and moved on to school. She denies she hit Child C due to not putting away toys. She does not really remember if they had specific behaviors but putting any set of boys together and there are usually behaviors. Child B was a great child, there were no problems with him, he is very sweet, and she felt she was close with his mom. Child C was a bit more trouble but not bad trouble. She denies physically disciplining Child C for not picking up toys. Anytime the children needed "discipline" it usually meant going to the quiet area to take a minute and calm down, not anything else. She did not physically discipline any child. She denies pulling/hitting Child A by/on the arm, neck or back. She usually had other teachers in there with her including child care staff member, Adriana Luzi. She is not familiar with a worker named Ms. Barbie. She provided a phone number for Ms. Cagle. She was not provided coaching or any discipline while working at KinderCare.

On 02/02/2023, I along with MDHHS completed an unannounced onsite inspection at KinderCare to complete follow-up questions. She provided phone number for Ms. Luzi. She denies any other staff would have been working at the time with Ms.

Scarcella in that room besides Ms. Luzi. She was never told anything about any child being hit, either Child A or Child C.

On 02/03/2023, I attempted to contact Child D's mother via telephone. A voicemail was left requesting a call back.

On 02/03/2023, I attempted to contact previous program director Alicia Cagle via telephone. A voicemail was left requesting a call back.

On 02/03/2023, I attempted to contact child care staff member, Adriana Luzi. A voicemail was left requesting a call back.

On 02/03/2023, I completed an interview with Ms. Luzi. She reports she did not see Ms. Scarcella hit or physically discipline any child. She used time out a lot or sent to office but did not see physical discipline.

On 02/07/2023, I completed an interview with previous program director Alicia Cagle She has already spoken with MDHHS, advised the difference in investigations. She never heard about anyone being physically disciplined by Ms. Scarcella. Child C's mother reached out to her after MDHHS and LARA called her and stated she did not believe Ms. Scarcella would ever hit Child C, and that she was not going to allow an interview of Child C. She never had to provide coaching or discipline to Ms. Scarcella.

On 02/07/2023, I attempted to reach Child D's mother, she did not answer and to date has not called back.

On 02/07/2023, I received a call back from previous director Alicia Cagle, who wanted to know where and why the complaint came from after all this time. Advised complaint sources are confidential.

On 02/07/2023, I completed an exit interview with Ms. Drake.

APPLICABLE RULE	
R 400.8140	Discipline.
	(2) All of the following means of punishment are prohibited: (a) Hitting, spanking, shaking, biting, pinching, or inflicting other forms of corporal punishment.
ANALYSIS:	There were no disclosures of physical discipline by Child A, Child B, and Child C's mother would not allow an interview to occur with her child.
CONCLUSION:	VIOLATION NOT ESTABLISHED

ALLEGATION: Child A was called names like stupid and dumbass by Katherine Scarcella.

INVESTIGATION: On 12/13/2022, I received a call from Child A's mother, interview conducted. One day Child A came home from school, and they asked him how his day was, and he said, "My teacher thinks I am stupid." They recorded it and it was very upsetting to them. They pulled him after this as he said he did not want to return to the school, and he was miserable all the time. She called the center to talk to them about what he said. However, the previous program director was out with COVID, then the teacher got COVID, then the Oxford school shooting happened, and they never got to sit down and talk about what happened. They had already made the decision to pull Child A from the school. He attended a different daycare in between leaving their and going to school at the school she works at. He never had any issues at the next day care or at school now. She initially talked with the previous program director Alicia Cagle, but when she took Child A out of the daycare, she spoke with the current program director who was the assistant then, Mandie Drake. They had previously had their children enrolled in the center from 2018-2021.

On 12/29/2022, I interviewed Child B's mother via telephone. She was present when Child A reported to his mom about being called stupid. Her son is very close with Child B.

On 01/05/2023, I along with MDHHS made an announced visit to Lakeville Elementary School in Oxford Michigan. MDHHS completed a forensic interview of Child A. MDHHS completed a forensic interview of Child A. He is five years old; he enjoys recess at school and enjoys playing with his friends. He went to a school called Goddard before he came to this school. He had teachers named Ms. Katie and Ms. Barbie. He did not like Ms. Scarcella who he calls "Ms. Katie." He reported she called him "stupid, it made me feel sad." There were no other reasons he did not like Ms. Katie. He left the school because "she said stupid to me." He was cleaning up toys and she called him stupid because he was cleaning up toys. He was looking forward to going back to class and playing at recess.

On 02/02/2023, I along with MDHHS made an unannounced visit to Lynch Elementary School in Lapeer Michigan to interview Child B. MDHHS completed a forensic interview. He does remember she hurt another child's feelings who was being mean to him. She sent him to the office to see Ms. Alicia. He did not see Ms. Katie call anyone names. He likes his old school better; it was a lot more fun with things to do.

On 02/02/2023, I along with MDHHS conducted an unannounced home visit to child care staff member, Katherine Scarcella's home. Ms. Scarcella denies she called Child A stupid or a dumbass. She was told by Ms. Drake that a complaint had been made, after she was told she was upset, had other things going on at home, and asked to be able to leave early that day, which she did. She did not meet with Ms.

Cagle, or Child A's parents, a meeting was never arranged. She did speak with Ms. Drake she had her listen to a recording of Child A saying she called him stupid. She does not remember if he ever returned to class after that.

On 02/02/2023, I along with MDHHS completed an unannounced onsite inspection at KinderCare to complete follow-up questions. She did speak with Ms. Scarcella regarding the incident at the direction of Ms. Cagle, who was off with COVID. She had Ms. Scarcella listen to an audio recording of what Child A reported to his mom, and then Ms. Scarcella asked to go home early which she made arrangements for her to do so. She took the phone call from Child A's mother when she officially pulled him from the center, and she packed up his belongings. She tried to get Ms. Cagle to set up a meeting but it never happened. Ms. Cagle told her she did not think Ms. Scarcella called Child A stupid.

On 02/03/2023, I completed an interview with Ms. Luzi. She reports Child A is the type of child who will follow others, so if others are running around, he will too. She stated that day he was running around, and Ms. Scarcella told him to sit down "stop being stupid" and was mean to him. After this she was moved out of the classroom to preschool and then toddlers, so she was not in the classroom with Ms. Scarcella. She believes he was pulled because of the statement but also because his mom is teacher, and it was summer time.

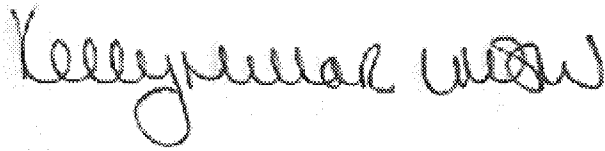
On 02/07/2023, I completed an interview with previous program director Alicia Cagle She has already spoken with MDHHS, advised the difference in investigations. She denies she handled this situation as she was off due to having COVID. When she returned, she believes she tried to reach out to Child A's mother but did not get through. They could not align their schedules to meet. She only heard about Child A being called stupid, and only the one time. She talked with Ms. Scarcella about the situation when she returned, and Ms. Scarcella denied she called anyone stupid, and that was it. She never had any complaints about Ms. Scarcella or heard anything bad about the classroom. She does not feel like Ms. Scarcella struggled with children who had behaviors. She worked for her for four to five years and was great, no complaints.

APPLICABLE RULE	
R 400.8140	Discipline.
	(2) All of the following means of punishment are prohibited: (d) Inflicting mental or emotional punishment, such as humiliating, shaming, or threatening a child.

ANALYSIS:	Child care staff member, Katherine Scarcella called Child A "stupid" and used discipline, which was emotionally punishing, and humiliating
CONCLUSION:	VIOLATION ESTABLISHED

IV. RECOMMENDATION

An acceptable corrective action plan has been received and approved. I recommend no change to the license.



2/16/2023

Kelly Millar, LMSW
Licensing Consultant

Approved By:



02/16/2023

Crecendra Boone
Area Manager

Date