



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

MARLON I. BROWN, DPA
ACTING DIRECTOR

September 6, 2023

Kimberly Schauer
Donna Marie's Incorporated
51503 VanDyke Avenue
Shelby Twp., MI 48316

RE: License #: DC500273524
Investigation #: 2023D0023020
Shelby University - A Childcare Community

Dear Ms. Schauer:

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

- I interviewed: program director, licensee designee, child care staff members, and parents.
- I completed on-site inspections on the following dates: 06/16/2023.

As a result of this investigation, I recommend no change to the current license status. I did not find any violations. The special investigation report is attached.

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,

A handwritten signature in black ink, appearing to read 'Linda Pavlovski', with a stylized flourish at the end.

Linda Pavlovski, Licensing Consultant
Child Care Licensing Bureau
611 W. Ottawa Street
PO Box 30837
Lansing, MI 48909-8164
(586) 243-9496

enclosure

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

I. IDENTIFYING INFORMATION

License #:	DC500273524
Investigation #:	2023D0023020
Complaint Receipt Date:	06/08/2023
Investigation Initiation Date:	06/09/2023
Report Due Date:	08/07/2023
Licensee Name:	Donna Marie's Incorporated
Licensee Address:	51503 VanDyke Avenue Shelby Twp., MI 48316
Licensee Telephone #:	(586) 323-9500
Administrator:	Kimberly Schauer
Licensee Designee:	Kimberly Schauer
Name of Facility:	Shelby University - A Childcare Community
Facility Address:	51503 VanDyke Avenue Shelby Twp., MI 48316
Facility Telephone #:	(586) 323-9500
Original Issuance Date:	06/29/2005
License Status:	REGULAR
Effective Date:	02/17/2021
Expiration Date:	02/16/2023
Capacity:	163
Program Type:	CHILD CARE CENTER

II. ALLEGATION(S)

	Violation Established?
On 05/26/23, 06/02/23, and 06/05/2023 child care staff members failed to appropriately supervise the children in Graduates II room while in their care.	No

III. METHODOLOGY

06/08/2023	Special Investigation Intake 2023D0023020
06/09/2023	Special Investigation Initiated - Telephone Interviewed Child A's Father.
06/16/2023	Inspection Completed On-site Onsite inspection from 10:00 a.m. - 1:00 p.m.
08/10/2023	Contact - Telephone call made Phone call to Shelby Police Department.
08/10/2023	Contact - Telephone call made Interviewed enrolled parents and child care staff members.
08/11/2023	Contact - Telephone call received Phone call from Detective Jim Malczewski, Shelby Twp. Police Department.
08/17/2023	Contact - Telephone call made Interviewed child care staff members.
08/17/2023	Exit Conference Exit conference with Program Director Ms.

ALLEGATION: On 05/26/23, 06/02/23, and 06/05/2023 child care staff members failed to appropriately supervise the children in Graduates II room while in their care.

INVESTIGATION:

On 06/09/2023, I initiated my investigation by interviewing Child A's Father. Child A's Father explained that Child A is new to attending child care at Shelby University since November 2022 in the Graduates II room. Child A had reported there were three separate incidents of inappropriate behavior in Child A's classroom that was brought to the attention of Licensee Designee Kim Schauer. The first incident occurred on 05/26/2023 and it was during outdoor playtime where Child B (male, 3 ½ years old) had pulled his pants down and showed Child A his private part while they were in the playground near the playground tunnel. Child A's Father and his wife met with Ms. Schauer and Program Director April Sizemore shortly after the incident to address this incident. Both Ms. Schauer and Ms. Sizemore addressed the concerns with Child B's family and the child care staff members were going to keep an eye on the children knowing Child B is doing this since it was the first of this kind of behavior for Child B. On 06/02/2023, the children from Child A's classroom were playing in the gym area during their scheduled indoor playtime and Child A reported that Child B came up to him and asked him if they can lower their pants in the tunnel, but Child A refused and went riding on a scooter inside the gym. The last incident reported was on 06/05/2023 during nap time in the Graduates II room between Child C (male, 3 years old) and Child A. All the children were getting ready for nap time and on their cots when Child C began taking off his pants in front of everyone and when asked he said Child A asked him to pull down his pants. Child care staff members caught Child C and redirected that behavior immediately. The main concern is appropriate supervision and ensuring the children are appropriately behaving. Child A's Father spoke with Ms. Schauer about the incidents, and he did not feel like they were taking the concerns seriously enough. It was decided by Shelby University to disenroll Child A. Child A's Father stated that he also filed a police incident report with Shelby Police Department to investigate incidents.

On 06/16/2023, I conducted an onsite inspection at Shelby University where I reviewed the center's video footages with Graduates II enrolled children from the dates reported by Child A that alleged inappropriate supervision.

Video footage from 05/26/2023 with Graduates II classroom playing outside:

- 11:11 a.m. Graduates II children are observed going outside into the outdoor play area and both Child A and Child B are identified with Child Care Staff Member 1 and Child Care Staff Member 2 present with all the children.
- 11:15 a.m. Child A and Child B are observed playing in and out of the playhouses to the far-left side of the playground. Child A and Child B run towards the pirate ship where they are seen playing in the tunnels and slides.
- 11:16 a.m. Child A and Child B leave the pirate ship area fully clothed with no observable issues. Child A and Child B continue to play, and no one is crying

or upset. Child Care Staff Member 1 and Child Care Staff Member 2 are observed to be attentive and circling the playground watching the children.

- 11:20 a.m. Child A is seen playing with other children from his classroom and is observed to have a happy disposition where he is comfortable in his surroundings during this playtime.
- 11:21 a.m. Child Care Staff Member 1 guides Child B inside so that he can use the restroom.
- 11:25 a.m. Child A is running around and then sees Child Care Staff Member 1 engaging with the children by sitting on the ground and playing the game “duck duck goose,” and chooses to play with the group.
- 11:26 a.m. Child Care Staff Member 2 is playing with the other children in their outdoor car buggies while Child Care Staff Member 1 continues to play “duck duck goose” game.
- 11:29 a.m. Child A is observed still playing with Child Care Staff Member 1 and the other children with no issues.

Video footage from 06/02/2023 with Graduates II classroom playing inside in the multipurpose room:

Child Care Staff Member 2 and Child Care Staff Member 3 are present in the multipurpose room with the children during their indoor play time. Child A and Child B have been identified in the video.

- 11:13 a.m. Child B is playing on the mat with other children from the classroom and Child A is riding a scooter circling around the multipurpose room.
- 11:14 a.m. Child Care Staff Member 3 is observed near the castle leaning in to observe and check on the children that were playing in it.
- 11:15 a.m. Child A gets off his scooter and goes towards the matt where Child B is playing with other children. Child A and Child B were climbing in and out of the climber and visible. Child Care Staff Member 2 and Child Care Staff member 3 are circling around all the children and appropriately supervising them.
- 11:16 a.m. Child B is crawling under the structure, and Child A is observed outside of the structure and crawling on the matt. Two other children are observed climbing outside of the structure, and Child B is still under the structure by himself poking his head in and out of the space.

- 11:17 a.m. Child A leaves the matt area and structure and jumps back on the scooter and continues to ride it until playtime is over.
- 11:20 a.m. Child Care Staff Member 3 is checking the castle play house again as Child B and other children go in and out of it. Child A remains riding his scooter. Both Child Care Staff Member 2 and Child Care Staff Member 3 continue to walk around the multipurpose room and engaging with the children.
- 11:23 a.m. Child A continues to ride his scooter on his own circling around the room and is observed happy and comfortable.
- 11:27 a.m. The children and child care staff members are cleaning up and putting away their gross motor skills toys/play equipment. Child A and the other children proceed to the door to line up and leave the multipurpose room. The children all looked calm and happy with no observed issues.

Video footage from 06/05/2023 with Graduates II classroom preparing for naptime:

- 12:30 p.m. Child Care Staff Member 2 and Child Care Staff Member 5 are getting the children prepared for nap time. Child Care Staff Member 2 is assisting the girls in their bathroom. Child Care Staff Member 5 is observed walking around the cots and ensuring the children are preparing for their naps.
- 12:32 p.m. Child A is seen on his cot. Child B is walking around near his cubby. Child C's cot is near Child A's cot, and they are placed closer to the exit door.
- 12:33 p.m. Child A is approached by Child Care Staff Member 5 and encourages him to go to the bathroom and he enters the boy's bathroom.
- 12:36 p.m. Child C gets up from his cot and goes to get a drink of water. Child Care Staff Member 5 is putting blankets on the children in the classroom who are in their cots and ready for napping, including Child A and Child C.
- 12:42 p.m. Both Child Care Staff Member 2 and Child Care Staff Member 5 are observed soothing the children in their cots.
- 12:45 p.m. Child Care Staff Member 3 enters the classroom and relieves Child Care Staff Member 5 for her lunch break.
- 12:48 p.m. Child Care Staff Member 4 enters the classroom and relieves Child Care Staff Member 2 for her lunch break.
- 12:59 p.m. Both Child A and Child C are still not sleeping as their cots were not too visible but can be seen moving around away from their cots.

- 01:00 p.m. Licensee Designee Ms. Schauer enters the classroom and is seen talking to both Child A and then Child C.
- 01:04 p.m. Child Care Staff Member 2 enters the room from her break and assists in helping the children during naptime. All three child care staff members are present and assisting the children.
- 01:43 p.m. Child Care Staff Member 2, Child Care Staff Member 3, and Child Care Staff Member 4 continue to be present and providing active supervision with most of the children asleep.

During the onsite inspection, I interviewed Licensee Designee Ms. Schauer and Program Director April Sizemore. Ms. Schauer explained that she has met with Child A's parents about the first alleged incident and immediately reviewed the center's video footage to identify the incident and then work on correcting it. Both Ms. Schauer and Ms. Sizemore reviewed the video and did not see any concerns, but explained to Child A's parents that they will keep on eye on both Child A and Child B. In addition, Child B's parents were also informed to just be aware as Child B never had exhibited any kind of inappropriate behaviors in the past. There were no more reported incidents until about a week later where Child A accused Child B again of requesting to take off his pants during playtime in the multipurpose room. Again, the video footage from that time period was reviewed and there was no incident observed on video or reported by the child care staff members that were present. Ms. Schauer was communicating with Child A's parents about the second reported incident and explained to them that there were no observed issues after reviewing the video footage. Child A's parents were not satisfied with that and expressed their concern with the supervision and with Child B's behavior. Ms. Schauer expressed that she did her best to reassure Child A's parents that they will continue to monitor closely their son and the other children during free time play. The last incident that Child A reported to his parents and was confirmed by child care staff members which occurred a couple days after the second reported incident. This last incident involved Child A and Child C in the Graduate II classroom around naptime. While other children were preparing their cots and getting ready to take their nap, Child C had started to pull down his pants near his cot. The child care staff members that were in the room immediately caught Child C and redirected him. Child C was confronted and expressed that Child A told him to pull down his pants. Ms. Schauer also talked to Child A to inquire what had happened and when asked, Child A only responded he did not know. The staff in the room had heard Child A ask Child C to pull his pants down. The child care staff members immediately witnessed this incident and redirected Child C appropriately. This was again addressed with the parents of Child A and Child C, but it did not seem like Child A's parents were satisfied. After efforts to accommodate Child A's parents' concerns, it was decided that Child A be disenrolled from child care since he was not a good fit in the child care setting. Once Child A was disenrolled, a police incident report was filed against Shelby University. Detective Malczewski from Shelby Township Police came to the

center on 06/09/2023 to investigate and reported to the center that he did not find any evidence of negligence or safety concerns.

On 08/10/2023, I interviewed Child B's Mother. Child B's Mother explained that she has absolutely no concerns regarding the level of care and supervision that Shelby University provides for the children enrolled. Ms. Schauer and Ms. Sizemore appropriately communicated the reported incidents to Child B's Mother. The child care staff members do their best to provide appropriate supervision and care at all times.

On 08/10/2023, I interviewed Child D's Mother. Child D (male, 2 ½ years old) is enrolled in Shelby University and placed in the Graduates II room. Child D loves attending Shelby and there have been no concerns with the level of care and supervision that the child care staff provide. The bathroom is an open space for the children, and they are always supervised by the child care staff members. There was one time when Child D had tried to spray his friend while he was using the bathroom and the child care staff members immediately caught it and redirected Child D appropriately. In addition, child care staff members followed up with Child D's Mother to inform her of the accident that occurred and how it was handled.

On 08/10/2023, I interviewed Child E's Father. Child E (female, 2 ½ years old) is enrolled in Shelby University and all her older siblings have been attending for nearly 10 years. Child E's Father expressed that they do not have any concerns regarding the level of care and supervision that is provided for the children. Specifically, in the Graduates II room the child care staff members all do their best to provide appropriate supervision and redirect when it is needed. There has never been an issue where the child care staff members have failed to provide supervision in the classroom.

On 08/10/2023, I interviewed Child Care Staff Member 3. Child Care Staff Member 3 was working with Child Care Staff Member 2 in the multipurpose room with the Graduates II room children when the alleged second incident occurred between Child A and Child B. Child Care Staff Member 3 and Child Care Staff Member 2 were aware of the concern that Child A reported about Child B, so they were extra diligent and sensitive to this. However, throughout that period that the Graduates II children were playing in the multipurpose room, there was no incident observed that matched what Child A reported to his parents. Child Care Staff Member 3 expressed that Child A struggled socially as he navigated in his playtime with his peers. Multiple times Child A was caught lying about a toy being taken away from him and the staff were present, and it never occurred. Child A tended to make stories up and then tell his mom, but the incidents were not true. That is the experience Child Care Staff Member 3 had whenever she would interact with Child A and his peers. The child care staff members that work in the Graduates II room work very hard to ensure all the children in their care are safe and supervised.

On 08/10/2023, I interviewed Child Care Staff Member 1. Child Care Staff Member 1 explained that she worked with Child Care Staff Member 2 and assisted her when the

Graduates II room went outside to play in their outdoor play area during the first reported incident between Child A and Child B. Child Care Staff Member 1 explained that she has never witnessed or experienced any of the children exposing their privates during free time play. Specifically on the day that they were outside, there was never an incident observed between Child A and Child B. Child A was constantly playing and moving with little opportunity for any kind of exposure or incident. Child Care Staff Member 2 and Child Care Staff Member 1 were constantly moving and navigating the outdoor play area to watch the children for any incidents. Child Care Staff Member 1 has no concerns for the level of care and supervision that is provided at Shelby. The staff at Shelby try their best to be attentive and redirect any unwanted behaviors appropriately.

On 08/11/2023, I received a phone call from Detective Malczewski from Shelby Township Police Department. Detective Malczewski reported that he investigated a complaint received regarding staff negligence and that children were not safe under the care of Shelby University. Detective Malczewski did not find any evidence and there were no charges filed against Shelby University or any specific child care staff member. The case has been closed with no concerns.

On 08/17/2023, I interviewed Child Care Staff Member 4. Child Care Staff Member 4 reported that she assisted in the Graduates II room when there was an incident between Child A and Child C. Child Care Staff Member 4 had just returned from lunch and came into the classroom to assist during nap time. Child Care Staff Member 4 explained that she had observed Child C near his cot and adjacent from Child A where he was pulling his pants down to show Child A and the other children his private. Child Care Staff Member 4 immediately redirected Child C and talked to Child C about appropriate behavior and boundaries. Child Care Staff Member 4 moved and separated Child A from Child C and there were no further incidents.

On 08/17/2023, I interviewed Child Care Staff Member 2. Child Care Staff Member 2 works in the Graduates II room and was present for the 3 reported incidents. Child Care Staff Member 2 never witnessed any incidents between Child A and Child B when they were outside playing or when they were playing inside in the multipurpose room. Child Care Staff Member 2 and the other staff member present never witnessed any inappropriate behavior, and they moved around and were watchful of all the children present on those days. The only incident that occurred was in the Graduate II room during nap time where Child C was caught by Child Care Staff Member 4 pulling his pants down quickly to show his private part to the children and stated that Child A asked him to do it. Child C was immediately redirected, and appropriate boundaries were discussed. Child C was encouraged to tell a teacher immediately if someone asked him to pull down his pants again. There were no further incidents or issues thereafter. The classroom and bathroom are set up to be open and everything is visible, which helps with supervision of this age group who are constantly moving and exploring their surroundings. There have not been any further incidents in the classroom and Child Care Staff Member 2 believes that she and Child

Care Staff Member 4 provided appropriate supervision during that incident and every day that they work with the children.

On 08/17/2023, I interviewed Child C's Mother. Child C's Mother expressed that she is comfortable with the level of care and supervision that is being provided to Child C and the other children at Shelby University. Child C's Mother was informed of the incident where Child C pulled his pants down after the request was made by another child in the classroom. The child care staff members involved handled the situation and redirected Child C appropriately. There were no further issues after that one incident and the child care staff members addressed it immediately. There are no concerns of supervision with the child care staff members in Child C's classroom.

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:	The child care staff members that worked in the Graduates II room on 05/26/2023, 06/02/2023, and 06/05/2023 all provided appropriate care and supervision of the children.
CONCLUSION:	VIOLATION NOT ESTABLISHED

IV. RECOMMENDATION

I recommend no change in the license status.



Linda Pavlovski
Licensing Consultant

08/22/2023

Date

Approved By:

Crecendra Boone

09/06/2023

Crecendra Boone
Area Manager

Date