



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

ORLENE HAWKS  
DIRECTOR

April 3, 2023

Amanda Emmi  
MDS Community Action Early Childhood Program  
507 1st Ave N  
Escanaba, MI 49829

RE: License #: DC550016626  
Investigation #: 2023D0741006  
Menominee Early Childhood Center

Dear Ms. Emmi:

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:

R 400.8125(1): Staff; volunteer; requirements.

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

- I interviewed the person who made the complaint, program director, center supervisor, center administrator and child care staff members.
- I completed an onsite inspection on 1/31/23.

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

**R 400.8125(1): Staff; volunteer; requirements.**

I recommend no change to the current license status.

The special investigation report is attached. Due to the violation, you must send us a corrective action plan by 4/20/2023. You can use our [corrective action plan form](#) or create your own.

If you need help writing the corrective action plan, please contact me. If you do not send a corrective action plan, you may face disciplinary action. The corrective action plan must include the following:

- How compliance with the rule will be achieved.

- Who is directly responsible for implementing the corrective action for the violation.
- Specific time frames for the violation as to when the correction will be completed or implemented.
- How continuing compliance will be maintained once compliance is achieved.
- The signature of the responsible party and a date.

During this special investigation:	Yes	No
A rule or law violation was found and a serious injury or death occurred.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
A rule or law violation was found and abuse and/or neglect of a child occurred.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

Sincerely,

*Michelle A. Marenger*

Michelle A. Marenger, Licensing Consultant  
 Child Care Licensing Bureau  
 611 W. Ottawa Street  
 P.O. Box 30664  
 Lansing, MI 48909  
 (906) 290-2618

enclosure

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

**I. IDENTIFYING INFORMATION**

<b>License #:</b>	DC550016626
<b>Investigation #:</b>	2023D0741006
<b>Complaint Receipt Date:</b>	01/25/2023
<b>Investigation Initiation Date:</b>	01/26/2023
<b>Report Due Date:</b>	03/26/2023
<b>Licensee Name:</b>	MDS Community Action Early Childhood Program
<b>Licensee Address:</b>	507 1st Ave N Escanaba, MI 49829
<b>Licensee Telephone #:</b>	(906) 786-7080
<b>Administrator:</b>	Myra Smeester
<b>Licensee Designee:</b>	Amanda Emmi, Designee
<b>Name of Facility:</b>	Menominee Early Childhood Center
<b>Facility Address:</b>	Evergreen School N 1329 US Hwy 41 Menominee, MI 49858
<b>Facility Telephone #:</b>	(906) 863-7588
<b>Original Issuance Date:</b>	1/11/90
<b>License Status:</b>	REGULAR
<b>Effective Date:</b>	06/07/2022
<b>Expiration Date:</b>	06/06/2024
<b>Capacity:</b>	68
<b>Program Type:</b>	CHILD CARE CENTER

**ALLEGATION:**

	<b>Violation Established?</b>
Child care staff members Amber Monette and Shannon Krowkowski are rough with children and pull on their arms.	Yes

**II. METHODOLOGY**

01/25/2023	Special Investigation Intake 2023D0741006
01/26/2023	Special Investigation Initiated - Telephone Voicemail left for Child Care Staff Member 1
01/26/2023	Contact - Telephone call received From Child Care Staff Member 1
01/30/2023	Inspection Completed On-site ATTEMPTED: class was cancelled
01/30/2023	Contact - Document Sent Emails to Myra Smeester, center administrator
01/30/2023	Contact - Document Received Emails from Ms. Smeester
01/31/2023	Contact - Document Received Email from Ms. Smeester
01/31/2023	Contact - Document Sent Email to Ms. Smeester
01/31/2023	Inspection Completed On-site Interview with program director Amber Monette Classroom observation
01/31/2023	Contact - Document Received Email from Ms. Monette
02/02/2023	Contact - Document Sent Email to Ms. Smeester
02/21/2023	Contact - Document Sent Email to Ms. Smeester
02/21/2023	Contact - Document Received Email from Ms. Smeester
02/22/2023	Contact - Telephone call made To site supervisor Aysha Koszla
02/22/2023	Contact - Telephone call made To Ms. Monette
02/22/2023	Contact - Telephone call received From Ms. Koszla
02/23/2023	Contact - Telephone call made To Child Care Staff Member Lauren Krause
02/23/2023	Contact - Telephone call made To special needs assistant Shannon Krowkowski

02/27/2023	Contact - Telephone call received From Ms. Krowkowski
03/01/2023	Contact - Telephone call made To Ms. Krowkowski
03/01/2023	Contact - Telephone call received From Ms. Krowkowski
04/04/2023	Exit Interview Telephone call made to licensee designee Amanda Emmi

**ALLEGATION: Child Care Staff Members Amber Monette and Shannon Krowkowski are rough with children and pull on their arms.**

**INVESTIGATION:** On 1/26/23, Child Care Staff Member 1 said she worked at the center for three weeks and was concerned about program director Amber Monette and special needs assistant Shannon Krowkowski being rough with children. She observed them pulling on children's arms when they are running in the room and trying to get them out when they are hiding under tables. She has also seen the staff tighten their legs around children who are sitting on the floor to trap them in place. The room is very chaotic. Children run, bite each other, throw objects and hit each other with books or other objects.

Child Care Staff Member 1 said that during her time there she changed most of the diapers. She would do this by assisting three and four-year-olds while they were standing up which could be difficult. There is no place to change diapers. There is a pad to put on the floor but this is difficult to use because the bathroom is too small. Once, a child's food got thrown away. The food was provided but the child had spent a lot of time under the table and then the parents arrived to pick the child up. I informed Child Care Staff Member 1 that I would observe the diapering and snack time during my visit but that these concerns weren't rule violations. Older children can be changed standing up and don't require a designated diapering area. Food had been provided to the child but the child chose not to eat.

Child Care Staff Member 1 said that she contacted center administrator Myra Smeester and center supervisor Aysha Koszla about her concerns. She told Ms. Smeester that on 1/23/23 and 1/24/23 there had been rough handling of children by Ms. Monette and Ms. Krowkowski. Ms. Smeester told her that she watches the camera surveillance for the center regularly and would view the cameras from those two days in particular. Ms. Koszla said that she would talk to Ms. Monette about her concerns and make a plan with her. After bringing this to her attention nothing improved. She asked Ms. Koszla about whether or not she should give her two week notice and was thinking about no longer working there. During her three weeks there, she had let the staff know that she couldn't come in once, due to her son being sick.

On 1/31/23, I made an unannounced visit to the center. Child care staff members Ms. Monette, Ms. Krowkowski and Lauren Krause were present with nine children. Thirteen children are enrolled in this class and four children were absent that day. It was very

chaotic in the classroom. I observed child care staff members moving children by their wrists twice. It wasn't done in a forceful way but was done when they were trying to redirect children who were running. There were children running, throwing things and children under tables. One child ran up to me and punched me three times. Three of the children observed were disruptive. Ms. Monette said that the special needs assistant Ms. Krowkowski worked primarily with an autistic child who wasn't present that day. Ms. Krowkowski still works if this child isn't present and works with other children in the classroom as well. Five of the children enrolled have special needs. Some of them already have Individualized Education Plans (IEPs) with behavior plans and some of them are being observed by professionals for concerns. I observed children voluntarily going to the quiet area (the thinking area). Problems occurred when more than one child at a time went to this area because when two were in this area, those two children became more disruptive. Ms. Monette said that children have thrown toys and chairs and knocked over the furniture in the child kitchen area. I went into the bathroom where children are assisted with diapers or pull-ups. Ms. Monette said children are assisted standing up but there was a mat to lay on the floor if needed. When I tried to lay the mat on the floor, it didn't leave much space to close the door because the bathroom is so small. There are two toilets side by side so if you had to use a mat, there wouldn't be privacy for the child laying down during diapering due to the other toilet nearby.

On 2/1/23, center administrator Myra Smeester was interviewed by telephone. Ms. Smeester said that Child Care Staff Member 1 worked at the center five days out of her three weeks of employment. She missed every Wednesday and wasn't very reliable. She put in her two week notice on 1/24/23. She had come to her with concerns about the center. Child Care Staff Member 1 had come to her with her concerns. She felt that she wasn't being allowed to work with children because she kept getting assigned diapering and cleaning tasks. She was concerned because she heard about a child's snack being thrown away. She said she observed child care staff members pulling children by the arms and tightening their legs around children when they were sitting on the floor. Ms. Smeester said she was aware of the behavior problems in the classroom. The center has been working with a mental health consultant, the Intermediate School District (I.S.D.) and an "in home" behavior intervention consultant. There are normally three staff members in the room and they are trying to get a third staff member to replace Child Care Staff Member 1. Ms. Smeester said she did observe wrist pulling when she reviewed the class camera. The camera does not include audio. She talked to site supervisor Aysha Koszla about this and they gave the staff some strategies to try.

On 2/6/23, I had an appointment to meet with Ms. Smeester at the local Community Action Agency and review the camera footage. I observed video from 1/23/23 and 1/24/23. On 1/23/23, I observed Ms. Krowkowski quickly pick up a child and move the child from one place to another. I observed what may have been a child sitting on the floor in between Ms. Krowkowski's legs. It was hard to tell because this part of the video was on the edge of the screen. I saw a child's wrist being held by staff when the

child was walking from one place to another and a child under a table being pulled out by the wrist. On 1/24/23, I saw a child under the table during snack time.

On 2/22/23, site supervisor Aysha Koszla said she visits the center about once per week. Child Care Staff Member 1 did come to her with concerns. She hasn't observed rough handling of children when she was in the classroom. She has been meeting with staff to discuss different ways to work on behaviors.

On 2/22/23, Ms. Monette said the only time she feels a staff member should grab a child's wrist is when they need to react immediately to keep that child, a staff member or another child safe. She has never done this and hasn't observed other staff members doing it either unless it was for that reason. She prefers children move about on their own and for staff to wait for children to do this. All of the staff are currently going through conscious discipline training.

On 2/23/23, Child Care Staff Member Lauren Krause said she hasn't redirected children in this manner or observed any of the other staff do this. She confirmed that they are currently taking discipline training.

On 3/1/23, Child Care Staff Member Ms. Krowkowski said that this was her fourth year at the center and they have never had a group with more behavior problems than this group of children. She tries to keep children safe and tries to help children learn to calm down. Recently, things have gotten better in the classroom. The staff has started to ignore certain behaviors and are less strict about making children be in places in the room where they don't want to be.

<b>APPLICABLE RULE</b>	
<b>R 400.8125</b>	<b>Staff; volunteer; requirements.</b>
	<b>(1) All staff and volunteers shall provide appropriate care and supervision of children at all times.</b>
<b>ANALYSIS:</b>	The licensee designee failed to ensure that child care staff members provided appropriate care and supervision of children at all times when children were pulled by the wrist to help move them from one place to another.
<b>CONCLUSION:</b>	<b>VIOLATION ESTABLISHED</b>

#### **CONSULTATION:**

In the course of this investigation, the following recommendations were made to child care administrators and child care staff members:

- Ignore negative behaviors of children seeking attention from staff unless the behavior could result in a child being hurt, a staff member being hurt or the destruction of property.

- Rearrange the room to provide less of a runway for the children who like to run.
- Add another “thinking space” area so two children aren’t in this area together.
- Offer training to all staff on positive discipline.
- Offer training to the special needs assistant on autism and other disabilities.
- Place a curtain in front of one of the toilets so that if a child is being assisted with diapering the child can still have privacy if another child is using the second toilet.
- Determine which children may have a positive reaction to a daily behavior reward system.
- Place items that are typically thrown by children out of child’s reach if children don’t use the item as part of their daily learning experiences.

### III. RECOMMENDATION

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

*Michelle A. Marenger*

04/03/23

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Michelle A. Marenger  
Licensing Consultant

Date

Approved By:

*Rose A. Rafferty*

04/03/2023

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Rose A. Rafferty  
Area Manager

Date