



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

March 15, 2023

Nicole D'Arcy
Muskegon Public Schools
1458 5th St
Muskegon, MI 49441

RE: License #: DC610020881
Muskegon Pub Sch K-6 Marquette
480 Bennett Street
Muskegon, MI 49442-2133

Dear Ms. D'Arcy:

Attached is your renewal inspection report. You can find a copy of this renewal inspection report and any associated corrective action plans on our [website](#) under [Statewide Search for Licensed Child Care Centers and Homes](#). A description of when renewal inspection reports are completed can be found under [Overview of Licensing Reports](#).

During the renewal inspection on 03/08/2023, I found 22 violations listed below and explained in the attached report: listed below and explained in the attached report:

- MCL 700.115n (1) Child care center, group child care home, or family child care home; contact with child by licensee, child care staff member, or household adult member prohibited; conditions.
- R 400.8110 (3)(b) Applicant; licensee; licensee designee; requirements.
- R 400.8110 (10) Applicant; licensee; licensee designee; requirements.
- R 400.8112 (2)(a) Comprehensive background check; fingerprinting.
- R 400.8112 (2)(e) Comprehensive background check; fingerprinting.
- R 400.8125 (4) Staff; volunteer; requirements.
- R 400.8125 (5) Staff; volunteer; requirements.
- R 400.8128 Staff; volunteer; tuberculosis.
- R 400.8131 (12) Professional development requirements.
- R 400.8131 (3) Professional development requirements.
- R 400.8131 (8) Professional development requirements.
- R 400.8131 (11) Professional development requirements.

- R 400.8143 (1) Children's records.
- R 400.8143 (4) Children's records.
- R 400.8143 (6) Children's records.
- R 400.8143 (11) Children's records.
- R 400.8146 (2) Information provided to parents.
- R 400.8161 (3) Emergency procedures.
- R 400.8173 (2) Equipment.
- R 400.8176 (5)(a) Sleeping equipment.
- R 400.8179 (6) Program.
- R 400.8380 (8) Maintenance of premises.

Due to the violations, you must send us a corrective action plan by 03/30/2023. You can use our [corrective action plan](#) form or create your own. If you need help writing the corrective action plan, please contact me. If you do not send a corrective action plan, you may face disciplinary action. **The corrective action plan must include the following:**

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

Upon receipt of an acceptable corrective action plan, a regular license will be issued. You will receive it in the mail.

During calendar year 2022:	Total
Number of serious injuries that occurred in facility.	0
Number of deaths that occurred in the facility.	0
Number of substantiated cases of abuse and/or neglect of a child that occurred at the facility.	0

Please 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.

Per MCL 722.113g, this report and any related corrective action plans must be filed in your Licensing Notebook.

Sincerely,

Amanda Wendell

Amanda Wendell, Licensing Consultant
Child Care Licensing Bureau
611 W. Ottawa Street
P.O. Box 30664
Lansing, MI 48909
(231) 492-5410

enclosure

**MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
CHILD CARE LICENSING BUREAU
RENEWAL INSPECTION REPORT**

I. IDENTIFYING INFORMATION

License #:	DC610020881
Licensee Name:	Muskegon Public Schools
Licensee Address:	1458 5th St Muskegon, MI 49441
Licensee Telephone #:	(231) 720-2530
Licensee/Designee:	Nicole D'Arcy, Designee
Name of Facility:	Muskegon Pub Sch K-6 Marquette
Facility Address:	480 Bennett Street Muskegon, MI 49442-2133
Facility Telephone #:	(231) 720-2635
Original Issuance Date:	03/26/1990
Capacity:	94
Age Range:	Ages 2 years 6 months Thru 12 years
Program Components:	PRESCHOOL SCHOOL AGE BEFORE/AFTER SCHOOL

II. METHODS OF INSPECTION

Date of On-Site Inspection(s): 03/08/2023
 Date of Environmental Health Inspection: N/A
 Date of Fire Safety Inspection: 02/14/2023
 Date of Lead Hazard Risk Assessment, if applicable: OVERDUE
 Date of Documentation of Playground Compliance, if applicable: 08/13/2021

		No. of Records Reviewed
No. of children enrolled in care	75	10
No. of staff employed	12	6
No. of volunteers	0	0
No. of children present at time of inspection	55	
No. of staff present at time of inspection	7	
No. of volunteers present at time of inspection	0	
No. of children interviewed/observed	55	
Persons Interviewed:		
Licensee/Licensee Designee	<input type="checkbox"/>	
Program Director	<input type="checkbox"/>	
Caregiving staff	<input checked="" type="checkbox"/>	

Approved Child Use Space: Gym, cafeteria, library, Rooms 164, 165, 103, 146
 Approved Program Director: Mary Scott
 Approved Central Administrator: Nicole D'Arcy
 Approved Variances: none
 Key Indicator Inspection: no

III. DESCRIPTION OF FINDINGS & CONCLUSIONS

This renewal inspection involved a review of all applicable child care center administrative rules and statutes. Verification of compliance included direct observations of the physical environment and the program, discussions with staff, and a review of the center's records, including staff records and children's records. Staff records include background checks and training information. Children's records include child information cards, physical examination dates, and immunizations.

During the onsite inspection, I observed one section of preschool and the school-aged program. When I arrived, the preschoolers were finishing lunch and transitioning to group time. Following a group activity, they were directed to rest time. Following a short rest period, they got ready to leave for the day. I also observed toileting and hand washing. Staff provided appropriate care and supervision during these activities. However, staff were largely not assisting the children with settling down or falling to sleep. The transition and rest time itself would

be more successful if staff were engaging in the process with the children. After school, I observed the school-aged children coming to the cafeteria to eat their meal before being split into groups for various activities. I also observed toileting and hand washing. Staff were engaging with children and providing appropriate supervision.

During the inspection, the center was found to be in compliance with all applicable rules and statutes except for the following violations:

MCL 722.115n Application for or renewal of license to operate child care center, group child care home, or family child care home; household member or child care staff member; criminal history check; requirements; duties of department.

(1) Except as otherwise provided in subsection (13), when a person, partnership, firm, corporation, association, governmental organization, or nongovernmental organization applies for or applies to renew a license to operate a child care center, group child care home, or family child care home under section 5m and before a group child care home or family child care home allows an individual to be a member of the household, or a child care center, group child care home, or family child care home allows an individual to become a child care staff member, the department shall do all of the following:

...

Ms. D’Arcy did not ensure that the department was granted the ability to complete the necessary background checks on all child care staff members. Child care staff member Ms. Jennifer Jones was providing care in the preschool room without having completed a comprehensive background check.

R 400.8110 Applicant; licensee; licensee designee; requirements.

(10) Written approval from the department must be obtained before making any changes in the terms of the license, including but not limited to, adding use space, changing age groups served, changing program components, changing the capacity of the center, or making changes to a room or well-defined space that will result in a change in capacity of the room or well-defined space.

Ms. D’Arcy did not ensure that written approval from the department was received prior to adding use space. The school-age program was using two classrooms that had not been approved. I approved the rooms while onsite.

R 400.8110 Applicant; licensee; licensee designee; requirements.

(3) All of the following must be in a place accessible, and visible to parents:

(b) A copy of these rules and a copy of the last page of any variances granted.

Ms. D'Arcy did not ensure that a copy of the rulebook is posted in a place accessible and visible to parents.

R 400.8112 Comprehensive background check; fingerprinting.

(2) An applicant or licensee shall do all of the following:

(a) Ensure that each individual who requires an eligibility determination under subrule (1) of this rule completes, signs, and submits all of the information required in subrule (5) of this rule, and in subrule (6) of this rule if applicable, on a form prescribed by the department. The forms are available on the department's website for the child care background check system, www.michigan.gov/ccbc. The form or forms must be signed and dated prior to the individual's appointment to be fingerprinted.

Ms. Scott did not ensure that each individual requiring a comprehensive background check completes the required consent and disclosure form. Ms. Jones did not have a form on file, and the other five staff members whose files I reviewed completed an incorrect form.

R 400.8112 Comprehensive background check; fingerprinting.

(2) An applicant or licensee shall do all of the following:

(e) Within the department's child care background check system, accurately complete and maintain the connection, disconnection, or withdrawn status of each individual associated with the license.

Ms. Scott did not ensure that the center's CCBC account is accurate. Ms. Jones was not listed in the account, two child care staff members have incorrect roles, and there are six individuals listed in the account who are not employed by the center.

R 400.8125 Staff; volunteer; requirements.

(4) A licensee shall have a written policy regarding screening and supervision of staff and volunteers, including volunteers who are parents of a child in care. The policy must include a statement that any individual registered on the public sex offender registry (PSOR) is prohibited from having contact with any child in care.

Ms. Scott did not ensure that the center has a written policy regarding the screening and supervision of staff and volunteers, including the required PSOR statement.

R 400.8125 Staff; volunteer; requirements.

(5) A written statement must be signed and dated by staff and volunteers at the time of hiring or before volunteering indicating all of the following information:

(a) The individual is aware that abuse and neglect of children is against the law.

(b) The individual has been informed of the center's policies on child abuse and neglect.

(c) The individual knows that all staff and volunteers are required by law to immediately report suspected abuse and neglect to children's protective services.

Ms. Scott did not ensure that all staff have the required abuse/neglect statement on file. Ms. Jones did not have this statement.

R 400.8128 Staff; volunteer; tuberculosis.

A center shall keep on file at the center evidence to verify that each child care staff member and each volunteer who has contact with children at least 4 hours per week for more than 2 consecutive weeks is free from communicable tuberculosis (TB). Verification of TB status is required within 1 year before employment or volunteering.

Ms. Scott did not ensure that all staff have evidence of freedom from communicable tuberculosis. Ms. Jones did not have this required documentation on file.

R 400.8131 Professional development requirements.

(11) Verification of all professional development required by this rule must be kept on file at the center or online at MiRegistry. Verification must be issued from the training organization or trainer and include the date of the course, the name of the training organization or trainer, the topic covered, and the number of clock hours. Training hours from MiRegistry also meet this rule.

Ms. Scott did not ensure that all staff have verification of professional development on file.

R 400.8131 Professional development requirements.

(3) Before caring for children, all child care staff members and unsupervised volunteers who work directly with children shall be trained on prevention of shaken baby syndrome, abusive head

trauma and child maltreatment, and recognition and reporting of child abuse and neglect.

Ms. Scott did not ensure that all staff have training on the prevention of shaken baby syndrome, abusive head trauma and child maltreatment, and recognition and reporting of child abuse and neglect prior to caring for children. Ms. Jones did not have this required training. In addition, lead caregiver Ms. Debora Douglas started working in September 2022 and did not complete this training until February 2023.

R 400.8131 Professional development requirements.

(8) An on-going professional development plan must be developed and implemented to include all the training and professional development required by these rules.

Ms. Scott did not ensure that the center has an ongoing professional development plan to include all trainings required by the rules. The center's professional development plan does not include that staff will receive an orientation, must complete a comprehensive background check, and must complete the required health and safety trainings.

R 400.8131 Professional development requirements.

(12) When the department of licensing and regulatory affairs of the department of education publishes a notice that a new health and safety update document or a new health and safety update training activity has been published on MiRegistry, the licensee shall ensure that all personnel read and acknowledge the document or complete the activity within 6 months of the notice.

Ms. Scott did not ensure that all required staff complete the health and safety refreshers. Child care staff members Ms. Claire Schubeck and Ms. Sara Hawkins did not complete the 2022 refresher training.

R 400.8143 Children's records.

(1) At the time of a child's initial attendance, a center shall obtain a child information card, using a form provided by the department or a comparable substitute, that is completed and signed by the child's parent. The center shall keep it on file and accessible in the center.

Ms. Scott did not ensure that the center obtained completed child information cards prior to children's attendance. Of five preschool files reviewed, all were missing at least one piece of required information, including the date of admission, parents' employer information, physician information, and allergy information.

R 400.8143 Children's records.

(11) A center shall maintain an accurate record of daily attendance at the center that includes each child's first and last name and each child's arrival and departure time. Electronic records may be used. If electronic attendance records are used, then they must be available to the department at the time of an inspection. If the electronic attendance records are not available during an on-site inspection, then the center is in violation of this rule.

Ms. Scott did not ensure that the center maintains accurate daily attendance. At the time of the onsite inspection, there were 24 preschool children present but only 20 signed in.

R 400.8143 Children's records.

(4) When a child under school-age whose immunizations were not up to date at the time of enrollment has been in attendance for 4 months, an updated certificate showing completion of all additional immunization requirements as specified by DHHS must be kept on file, unless there is a signed statement by a licensed health care provider stating immunizations are in progress.

Ms. Scott did not ensure that all immunizations are brought up to date within 4 months of enrollment. Of five child files reviewed, three children had overdue immunizations.

R 400.8143 Children's records.

(6) Within 30 days of a child's initial attendance, a center shall obtain, keep on file, and make accessible in the center a record of a physical evaluation of the child that notes any restrictions and is signed by a physician or the physician's designee. An electronic record from a physician's office will be accepted. The physical evaluation must be performed within 1 of the following time limits:

(c) For preschoolers, within the preceding 12 months.

Ms. Scott did not ensure that physical evaluations are obtained for preschool-aged children within 30 days of initial attendance. Ms. D'Arcy denied that the center obtained any physical evaluation forms for the current school year.

R 400.8146 Information provided to parents.

(2) Written documentation that the parent received the written information packet, as required by subrule (1) of this rule, must be kept on file at the center.

Ms. Scott did not ensure that the center obtained written documentation that parents received the handbook. Ms. D'Arcy denied that the center requested this documentation for the current school year.

R 400.8161 Emergency procedures.

(3) The plans required by subrule (1)(a) to (d) of this rule must be posted in a place visible to staff and parents.

Ms. Scott did not ensure that emergency procedures were posted in the preschool classroom.

R 400.8173 Equipment.

(2) The current list of unsafe children's products that is provided by the department must be conspicuously posted in the center, as required by section 15 of the children's product safety act, 2000 PA 219, MCL 722.1065.

Ms. Scott did not ensure that the updated recall list was posted in the center.

R 400.8176 Sleeping equipment.

(5) A cot or a mat and a sheet or blanket of appropriate size must be provided as follows:

(a) For all preschoolers 3 years of age and older in care for 5 or more continuous hours.

Ms. Scott did not ensure that a cot or mat and sheet or blanket were provided to all preschoolers for napping. Some children had a cot, but some were lying on rugs or the hard classroom floor. None of the children were provided a blanket or sheet.

R 400.8179 Program.

(6) A typical daily routine must be posted in a place visible to parents.

Ms. Scott did not ensure that a daily routine was posted in a place visible to parents. The preschool classroom did not have a routine posted.

R 400.8380 Maintenance of premises.

(8) A lead hazard risk assessment must be completed by a certified lead risk assessor on all centers built before 1978. Any lead hazards identified must be addressed as noted in the lead hazard risk assessment report before issuance of the original license. The results of the assessment must be kept on file at the center. Centers that operate in a school building serving only school-age children are exempt from the requirements in this rule.

Ms. Scott did not ensure that a lead hazard risk assessment was completed on this center. The center began offering preschool programming in 2021 and a lead inspection should have been done at that time.

During the exit conference, technical assistance/consultation was provided regarding the following:

- The center's emergency procedures do not include a plan to move children to a relocation site, including what the location site is, or a plan to accommodate children with special needs or chronic medical conditions.
- I informed Ms. D'Arcy that, because the center has public water and sewer, and because food is prepared in a licensed kitchen, the center is not required to complete an environmental health inspection at renewal.
- All staff must have a document in their file with their name, address, and telephone number. Best practice is to review and update this form annually.
- Ms. Douglas began working in September 2022 and did not take the health and safety trainings until February 2023. I reminded Ms. D'Arcy of the timelines associated with these trainings.
- Two child care staff members did not complete the required number of hours of training in 2022. All staff must complete 16 hours of training annually.

IV. RECOMMENDATION

Upon receipt of an acceptable corrective action plan, I recommend renewal of this child care center license, with increased supervision.

Amanda Wendell

03/15/2023

Amanda Wendell
Licensing Consultant

Date