



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

January 5, 2023

Demetree Henry
Smart Start Development & Learning Center LLC
214 W Walton Blvd
Pontiac, MI 48340

RE: License #: DC630405271
Investigation #: 2023D0019002
Smart Start Dev & Learning Center LLC

Dear Demetree Henry:

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 | Staff; volunteer; requirements. |
| R 400.8140 | Discipline. |
| R 400.8140 | Discipline. |

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

- I interviewed the program director and child care staff members.
- I completed on-site inspections on the following dates: 11/03/2022.

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

| | |
|-------------------|--|
| R 400.8125 | Staff; volunteer; requirements. |
| R 400.8140 | Discipline. |
| R 400.8140 | Discipline. |

I recommend no change to the current license status.

Due to the violations, you must send us a corrective action plan by 01/24/2023. 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.

| 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,



Michelle Fruehan, Licensing Consultant
 Bureau of Community and Health Systems
 611 W. Ottawa Street
 P.O. Box 30664
 Lansing, MI 48909
 (248) 672-9158

Enclosure

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

I. IDENTIFYING INFORMATION

| | |
|---------------------------------------|---|
| License #: | DC630405271 |
| Investigation #: | 2023D0019002 |
| Complaint Receipt Date: | 11/03/2022 |
| Investigation Initiation Date: | 11/03/2022 |
| Report Due Date: | 01/02/2023 |
| Licensee Name: | Smart Start Development & Learning Center LLC |
| Licensee Address: | 214 W Walton Blvd Pontiac, MI 48340 |
| Licensee Telephone #: | (248) 977-1056 |
| Administrator: | N/A |
| Licensee Designee: | Demetree Henry |
| Name of Facility: | Smart Start Dev & Learning Center LLC |
| Facility Address: | 214 W Walton Blvd Pontiac, MI 48340 |
| Facility Telephone #: | (419) 236-4449 |
| Original Issuance Date: | 07/30/2021 |
| License Status: | REGULAR |
| Effective Date: | 01/30/2022 |
| Expiration Date: | 01/29/2024 |
| Capacity: | 45 |
| Program Type: | CHILD CARE CENTER |

II. ALLEGATION(S)

| | Violation Established? |
|---|---------------------------|
| Child care staff member Toneisha Thompson grabbed Child A (three-year-old male) by the shoulders and yelled at him during lunch time. | Yes |

III. METHODOLOGY

| | |
|------------|--|
| 11/03/2022 | Special Investigation Intake 2023D0019002 |
| 11/03/2022 | Special Investigation Initiated - On Site from 2:10 pm to 4:00 pm I interviewed Program Director Demetree Henry and Child care staff members, Tamisha Phelps, and Shelly Ann Richards |
| 11/03/2022 | Contact - Document Received center discipline policy, staff contact information, and observed video footage |
| 11/03/2022 | Exit Conference with Mr. Henry |
| 12/08/2022 | Inspection Completed-BCAL Sub. Compliance |
| 12/13/2022 | Contact- telephone call made Erica Hensley |
| 12/14/2022 | Contact- telephone call made Spoke to Toneisha Thompson |
| 12/28/2022 | Contact-telephone call made Spoke to Tori Miller |

ALLEGATION: Child Care Staff Member, Toneisha Thompson grabbed Child A (three-year-old male), by the shoulders and yelled at him during lunch time.

INVESTIGATION: On 11/01/2022 I received an incident report from Program Director, Demetree Henry. The incident report stated on 10/31/2022, child care staff member Toneisha Thompson grabbed Child A by the shoulders during lunch time. The incident report stated that Ms. Thompson was working in the kitchen and came into the preschool room when she heard Child A cry and scream. Child A wanted to watch a

video that played on a tablet while children ate, and Child A cried because he could not see it. To control Child A's behavior, Ms. Thompson grabbed Child A by the shoulders and sat him down firmly in the chair.

On 11/03/2022 I completed an unannounced onsite inspection at Smart Start Development & Learning Center in Pontiac. I interviewed Program Director Demetree Henry and child care staff members Tamisha Phelps and Shelly Ann Richards. Mr. Henry stated that staff members were preparing for the center's Halloween party that was scheduled for that afternoon and all staff were not in their usual rooms. Mr. Henry was in the preschool classroom helping with lunch when the incident occurred. Ms. Phelps worked as preschool assistant and Ms. Richards (toddler lead caregiver) was working in the preschool classroom, while other staff members set up the preschool classroom for the Halloween party. Floater Erica Hensley was working in the preschool room but was not working on the date of my inspection. I contacted her on a later date. Lead preschool staff member Leydy Segura was not working this day.

I interviewed Mr. Henry. He informed me that Child A is enrolled in the preschool classroom. He attends two to three days a week and that his schedule varies from week to week. Mr. Henry stated he was in the preschool classroom helping with lunch and getting ready for the afternoon Halloween party, when he observed Ms. Thompson grab Child A's shoulders, and with some force, sit him down into the chair. He heard Ms. Thompson yell, "Sit!" at Child A. He stated it was more like a bear hug than a grab. He said Ms. Thompson was behind and above Child A. She came up behind him and pressed his arms inward towards his body using her hands. He stated it was not malicious but seemed aggressive in nature. He did not observe any red marks or bruises to Child A. He stated Child A calmed down slightly after that but did continue to cry. A few minutes later, Ms. Thompson returned to the classroom with a separate tablet for Child A to use. Child A took the tablet and stopped crying.

Mr. Henry stated that Ms. Thompson has worked in the infant and preschool rooms and now works in the kitchen. Mr. Henry understands that Ms. Thompson has struggled at times to provide care to Child A due to his difficult behaviors. Mr. Henry mentioned he, along with center staff have met with Ms. Thompson to offer her solutions and assistance regarding providing care to Child A. Mr. Henry indicated that Ms. Thompson provided care to Child A outside of child care hours. He has had concerns regarding Ms. Thompson's tone with Child A but has never observed any physical form of guidance and discipline. After observing the incident, Ms. Thompson's employment was terminated on 10/31/2022.

Ms. Phelps is a child care assistant in the preschool classroom. She was in the preschool classroom at the time of the incident. She stated she did not observe Ms. Thompson grab Child A by the shoulder on 10/31/22. She heard Ms. Thompson threatening and yelling at Child A but did not recall what was said. Ms. Phelps has had other concerns regarding Ms. Thompson's interactions with Child A. Ms. Phelps stated that Child A has difficult behaviors, which includes the inability to regulate emotions and behaviors, prolonged tantrums, and screeching loudly. Ms. Phelps stated these

behaviors frustrated Ms. Thompson. She said Ms. Thompson yelled at Child A and threatened him. Ms. Phelps recalled Ms. Thompson say, "You want me to take your buses away?", "I am going to take your tablet!" and "Do you want me to take you to the bathroom?" to Child A when he was having difficult behaviors. Ms. Phelps stated it was mostly Ms. Thompson's tone with Child A that was concerning.

I interviewed Ms. Richards. She works as the lead toddler staff member. She did not observe the incident. However, she has worked with Ms. Thompson. Ms. Richards stated she never heard Ms. Richards yell at any children. She said Ms. Thompson was good at interacting with children. She did not have any concerns with Ms. Thompson's interaction with Child A.

I observed video footage from the incident. In the video, a group of preschool children were seated around the table eating lunch. The entire table is not in view; however, Child A can be seen. There was a tablet propped on a stand placed in the center of the table. Children watched the tablet as they ate. Child A attempted to move the tablet to better his view of the screen. This made other children upset. Child A squirmed and rocked slightly in his seat. He screamed and pushed himself backwards in the chair, away from the table. A few moments later, Ms. Thompson walked into the classroom. She put her hands on his shoulders and pushed him down into the chair. She bent over and placed her face next to his face and yelled, "Sit! Sit!" She walked out of the room. Child A remained in his seat and cried heavily. A minute later, Ms. Thompson returned to the classroom and gave him a tablet to use independently. He stopped crying.

On 11/03/2022, I received the center's discipline policy. The policy indicates that, "Praise and positive reinforcement are effective methods of behavior management of children. When children receive positive, nonviolent, and understanding interactions from adults and others, they develop good self-concepts, problem solving abilities, and self-discipline. Based on this belief Smart Start Development & Learning Center uses a positive approach to discipline and practices the following discipline and behavior management techniques." The policy goes on to indicate all things staff must refrain from. The policy lists the following:

- * Inflict corporal punishment in any manner upon a child. (Corporal punishment is defined as the use of physical force to the body as a discipline measure. Physical force to the body includes, but is not limited to, spanking, hitting, shaking, biting, pinching, pushing, pulling, or slapping.)
- * Use any strategy that hurts, shames, or belittles a child.
- * Use any strategy that threatens, intimidates, or forces a child.
- * Use food as a form of reward or punishment.
- * Use or withhold physical activity as a punishment
- * Shame or punish a child if a bathroom accident occurs.
- * Embarrass any child in front of others.
- * Compare children.
- * Place children in a locked and/or dark room.
- * Leave any child alone, unattended or without supervision.

- Allow discipline of a child by other children.
- Criticize, make fun of, or otherwise belittle a child's parents, families, or ethnic groups.

On 12/13/2022, I interviewed Erica Hensley. She is a child care assistant in the infant room. She recalled she was in the preschool classroom on 10/31/2022. She was helping to set up the classroom for the Halloween party that day. She recalled hearing Ms. Thompson yell at Child A, "I am getting the spoon!" She did not observe Ms. Thompson grab Child A. She stated that the center uses redirection for discipline. No physical discipline is allowed.

On 12/14/2022, I spoke to Toneisha Thompson. She is an assistant staff member in the infant and toddler classrooms and I also the cook. She stated on 10/31/2022, while she was delivering lunch, she observed Child A upset because he wanted a tablet. She said she told him it was not tablet time; it was lunch time, then nap. She put her hands on his shoulders to reassure him and calm him down. She stated she did not act out of aggression. She stated that Child A calmed down and finished eating. Ms. Thompson denied yelling at Child A or threatening Child A with a spoon. She said when children are upset, she talks to them in a calm voice and offers a hug or asks if they would like to sit near her to help calm them down.

On 12/14/2022, I spoke to Child A's Mother. She was aware of the incident and did not express any concerns with the center's discipline policy. Ms. Thompson stated she did not have concerns with the center's discipline policy.

On 12/28/2022, I spoke to Tori Miller. She is the assistant director and also works as a floater. On the date of the incident, Ms. Miller was in her office, which is located next to the preschool classroom. She heard Ms. Thompson walk by her office and yell in the direction of the preschool room, "I am sick of you!" "I am embarrassed!" Upon hearing this, Ms. Miller walked into the classroom. She did not observe Ms. Thompson place her hands on Child A's shoulders and sit him down but did hear yelling.

Ms. Miller stated that she has had concerns with Ms. Thompson's interactions with Child A in the past. Ms. Thompson received a verbal warning and a week-long suspension due to her interactions with Child A. Ms. Miller did not recall the exact date the suspension took place and there was no written documentation. She stated that she has heard Ms. Thompson tell Child A, "Shut-up!" and "You are getting on my nerves!" Ms. Miller has never had a concern regarding the use of physical discipline with Ms. Thompson before.

Ms. Miller stated that physical discipline is never allowed at the center. She said if a child is being difficult, we get on their level, calmly speak to them and help them calm down; if that doesn't work staff provide redirection or a change of scenery.

| APPLICABLE RULE | |
|------------------------|--|
| R 400.8140 | Discipline. |
| | (1) Positive methods of discipline that encourage self-control, self-direction, self-esteem, and cooperation must be used. |
| ANALYSIS: | <p>Positive methods of discipline that encourages self-control, self-direction, self-esteem, and cooperation were not used. Ms. Thompson was observed by other staff members using methods of discipline that were not consistent with Child A's development. A meeting was held to speak with Ms. Thompson about her interactions with Child A, however negative methods of discipline persisted as described by Mr. Henry, Ms. Phelps, Ms. Miller, and Ms. Hensley.</p> <p>REPEAT VIOLATION ESTABLISHED SIR Report Dated 06/13/2022 Corrective Action Plan Dated 06/29/2022</p> <p>REPEAT VIOLATION ESTABLISHED SIR Report Dated 0/9/14/2022 Corrective Action Plan Dated 09/23/2022</p> |
| CONCLUSION: | VIOLATION ESTABLISHED |

| 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: | A prohibited means of punishment was used. On 10/31/2022 Ms. Thompson is observed on video footage placing her hands on Child A's shoulders and pushing him downward into his chair. |
| CONCLUSION: | VIOLATION ESTABLISHED |

| 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: | A prohibited means of punishment was used. On 10/31/2022 Ms. Thompson was observed on video footage, putting her face close to Child A's face and yelling, "Sit!" Ms. Miller, Ms. Phelps, Mr. Henry, and Ms. Hensley all reported that Ms. Thompson has yelled, shamed, and threatened Child A. |
| CONCLUSION: | VIOLATION ESTABLISHED |

IV. RECOMMENDATION

Upon receipt of an acceptable CAP, I recommend no change in the status of this license.

Michelle Fruehan

1/5/2023

Michelle Fruehan
Licensing Consultant

Date

Approved By:

Jacquelin Sharkey

1/5/2023

Jacquelin Sharkey
Area Manager

Date