



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

January 24, 2023

Carrie Viola
KinderCare Education LLC
4900 Evergreen
Detroit, MI 48126

RE: License #: DC630406237
Investigation #: 2023D0019004
KinderCare

Dear Ms. Viola:

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 400.8140	Discipline.
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The details of the information are in the attached report. To investigate:

- I interviewed the program director, child care staff members, and parents.
- I completed on-site inspections on the following dates: 11/21/2022.

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

R 400.8140	Discipline.
R 400.8158	Incident, accident, injury, illness, death, fire reporting.
R 400.8158	Incident, accident, injury, illness, death, fire reporting.

I recommend no change to the current license status.

Due to the violations, you must send us a corrective action plan by 02/12/2023. 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.	☐	☒
A rule or law violation was found and abuse and/or neglect of a child occurred.	☐	☒

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 #:	DC630406237
Investigation #:	2023D0019004
Complaint Receipt Date:	11/21/2022
Investigation Initiation Date:	11/21/2022
Report Due Date:	01/20/2023
Licensee Name:	KinderCare Education LLC
Licensee Address:	Ste 200 5005 Meadows Road Lake Oswego, OR 97035
Licensee Telephone #:	(800) 633-1488
Administrator:	Carrie Viola, Designee
Licensee Designee:	Carrie Viola, Designee
Name of Facility:	KinderCare
Facility Address:	2755 Haggerty Road Commerce Twp, MI 48390
Facility Telephone #:	(248) 960-0570
Original Issuance Date:	06/16/2021
License Status:	REGULAR
Effective Date:	12/16/2021
Expiration Date:	12/15/2023
Capacity:	146
Program Type:	CHILD CARE CENTER

1. ALLEGATION(S)

	Additional Findings?
Child Care Staff Member Anna Dereczyk spanked Child A on the butt.	Yes
Child Care Staff Member Anna Dereczyk hit Child B on the head with a book.	Yes

II. METHODOLOGY

11/21/2022	Special Investigation Intake 2023D0019004
11/21/2022	Special Investigation Initiated - On Site from 1:00 pm to 3:30 pm I interviewed Carrie Viola
11/21/2022	Exit Conference with Carrie Viola
11/21/2022	Contact - Document Received center discipline policy, child information record, name to face sheets
11/21/2022	Inspection Completed-BCAL Sub. Compliance
01/11/2023	Contact- telephone call made Child Care Staff Member- Anna Dereczyk
01/11/2023	Contact- telephone call made With Carrie Viola
01/11/2023	Contact- telephone call made Child A's Mother
01/20/2023	Contact- telephone call made- Child B's Father
01/20/2023	Contact- telephone call made Child B's Father

ALLEGATION:

- On 11/16/2023, Child Care Staff Member, Anna Dereczyk, spanked Child A on the butt.
- On 11/16/2023, Child Care Staff Member, Anna Dereczyk, hit Child B on the head with a book.

INVESTIGATION:

On 11/16/2022, I received a phone call from Program Director, Carrie Viola. She stated that staff member Anna Dereczyk was placed on administrative leave for allegations that she spanked Child A's butt and hit Child B in the head with a book. Both incidents occurred in the toddler 3 classroom. Children in this classroom are 18 months old to 30 months old. Taylor Wahl, Hailey Washington, Yesenia Flores, and Lead Staff Member Anna Dereczyk, worked in the classroom.

On 11/21/2023, I received staff attendance records for 11/16/2022. The following chart details the times that each staff member was in and out of the toddler 3 classroom. Please note there were 8 children in the classroom throughout the day and this room was a combination of children in the Toddler 1 and 3 classrooms. The classrooms were combined due to low staffing and child attendance.

Staff Member	In/out	In/out	In/out	In/out
Hailey Washington	8:05 am-9:05 am	9:21am-1:00pm	2:05pm-2:45pm	3:29pm-4:38pm
Anna Dereczyk	8:45am-12:25pm			
Taylor Wahl	9:05 am-9:21am	1:00pm-3:29pm		
Yesenia Flores	2:25pm-4:38pm			

On 11/21/2022, I conducted an unannounced on-site inspection at KinderCare. I interviewed, separately, Ms. Viola and Child Care Staff Members, Taylor Wahl, Lauren Robertson, Hailey Washington, and Yesenia Flores.

Ms. Viola stated she was notified of the incidents with Child A and Child B on 11/16/2022. She questioned Ms. Dereczyk, who admitted that she may have been rougher than she should have been and possibly grabbed Child A by the arm but denied spanking Child A on the butt or hitting Child B in the head with a book. Ms. Viola sent Ms. Dereczyk home for the day and her employment was terminated on 11/18/2022. Ms. Viola stated she did not contact Child A's parent or Child B's parent to notify them of the incident. A written report was not submitted to the department. I reminded Ms. Viola to submit a written incident report on 01/11/2022, however, the incident report has

yet to be received by the department. There is no video footage of the incident available. Cameras are live-feed; they do not record.

Ms. Viola said that Ms. Dereczyk has worked for KinderCare in the past. She was recently rehired on 10/10/2022. Ms. Viola stated that Ms. Dereczyk does not have any past disciplinary actions. She noted that she has spoken with Ms. Dereczyk about her tone with children, but it was never written down. It was just a reminder to use a softer voice with children.

I interviewed Ms. Wahl. She is an assistant staff member and floats between the infant 2 and toddler 3 classrooms. She has worked at the center for a little more than one month. Ms. Wahl stated that she worked with Ms. Dereczyk from 9:00 am to 3:30 pm on 11/15/2022. Around 2:30 pm, as children moved from circle time to activity time, Ms. Wahl observed Child A in the middle of the room standing next to a child-sized toy shelf. Child A stood on his tiptoes and leaned over the shelf. He yelled loudly in a repetitive nature. Ms. Wahl watched Ms. Dereczyk walk over to Child A and put her left hand on Child A's shoulder and with her right-hand spank Child A once on the butt, and yelled, "Child A, NO!" He looked at Ms. Wahl with surprise, stopped yelling, placed his feet flat on the floor and walked away from the toy shelf.

Earlier that same day, Ms. Wahl observed Ms. Dereczyk hit Child B on the head with a hardcover book. She stated, while Ms. Dereczyk read to children at morning circle time, Child B made a screeching sound. The noise interrupted Ms. Dereczyk. She stopped reading, hit Child A on the top of the head with a book, and said, "Child B, NO!" He jumped a little but did not cry. He stopped screeching right away. Ms. Dereczyk said, "Child B, no yelling." Ms. Wahl did not notice any red marks on Child B's head from the book. She said that it was not a really hard hit, but a tap with some force.

Ms. Wahl said she told Ms. Viola about the incidents the following day. Ms. Viola told her she would speak with Ms. Dereczyk about Ms. Wahl's observations. Ms. Wahl stated that she received training on the center's discipline policy. The discipline policy included positive redirection and no hitting and no time-outs.

I interviewed Ms. Robertson (lead toddler 1 staff member), Ms. Washington (assistant toddler 3 staff member/floater), and Ms. Flores (lead toddler 3 staff). None of these staff members observed either incident.

Ms. Robinson did not work in the Toddler 3 room on the date of the incident. She did not observe either incident. She stated she observed Ms. Dereczyk knock a child over, however, she could not tell if was accidental or not. She did not recall the date she observed this.

Ms. Washington said she did not observe either incident. However, she has observed Ms. Dereczyk become easily frustrated with the children on the date of the incident. They played and moved around when she wanted them to sit for circle time. Ms. Washington suggested that that they take the children to the gym instead. The pair

walked children to the gym. Ms. Washington observed Ms. Dereczyk grab a child by the arm and yank him back into line. She did not recall which child this was and did not inform Ms. Viola of the incident.

Ms. Flores stated she did not observe either incident. She said she worked with Ms. Dereczyk daily for a two-month period and did not observe any concerning behavior regarding Ms. Dereczyk's interactions with children.

All three staff members indicated that they were trained on the center's discipline policy and said that they use redirection when a child is not listening. Ms. Flores added that she will sit with children while they calm down if needed.

I received a copy of the center's discipline policy. The policy indicates that staff take a positive and proactive approach to child guidance. Strategies including redirection, praise, and distraction are used with the children.

The following actions are listed as unacceptable child guidance.

Certain discipline methods are simply not acceptable at KCE, including:

- *Spanking, grabbing, pinching, or any physical punishment or restraint*
- *Withholding food, water, sleep, bathroom access, or other basic needs*
- *Isolation or separation as punishment, including "time outs"*
- *Emotional abuse, including humiliation*
- *Disrespectful communication, such as yelling*

Please note that these types of discipline, also including yelling, are never used at KCE, even if you are disciplining your own child.

On 01/11/2023 I contacted Ms. Dereczyk. However, the phone number provided has been disconnected or is no longer in service. I was unable to contact Ms. Dereczyk.

On 01/11/2023 I spoke to Ms. Viola. She stated that she spoke to Child A's Mother and Child B's Father on 11/21/2022. She said she informed them of the incident and told both parents that Ms. Dereczyk was on administrative leave pending an investigation. Both children are still enrolled at the facility. She did not inform parents of the incident until three days after it was reported to her.

Ms. Viola stated that anytime there is an incident, they generally inform parents immediately. If it is not immediately, then it will be within 24 hours of any incident. She stated that she did not call within the normal timeframe because she was unaware of her next steps. I informed her that any allegation of inappropriate contact between an adult and child needs to be reported to parents within 24 hours that they were made of the incident.

On 1/11/2023 I spoke to Child A's Mother. She stated that Ms. Viola informed her of the incident and that she has no concerns about the incident or the way in which the incident was handled by the child care facility.

On 1/20/2023 I contacted Child B's Father. I attempted to call two times but received no response. I could not leave a voice mail message because the mailbox was full.

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:	Ms. Washington observed Ms. Dereczyk grab a child by the arm and yank him back into line. Ms. Wahl watched Ms. Dereczyk walk over to Child A and put her left hand on Child A's shoulder and with her right-hand spank Child A once on the butt. Ms. Wahl observed Ms. Dereczyk hit Child B on the head with a hardcover book.
CONCLUSION:	VIOLATION ESTABLISHED

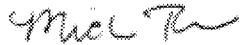
APPLICABLE RULE	
R 400.8158	Incident, accident, injury, illness, death, fire reporting.
	(4) A licensee, licensee designee, or program director shall submit a written report to the department of the occurrences outlined in subrules (1), (2), and (3) of this rule, in a format provided by the department, within 72 hours of the verbal report to the department.
ANALYSIS:	The licensee did not submit a written report to the department within 72 hours of the occurrence. I have not received a written incident report detailing the occurrence.
CONCLUSION:	VIOLATION ESTABLISHED

APPLICABLE RULE	
R 400.8158	Incident, accident, injury, illness, death, fire reporting.
	(2) A licensee, licensee designee, or program director shall report to the child's parent and the department, directly or via phone, fax, or email, within 24 hours of the occurrence of any of the following: (a) A child is lost or left unsupervised. (b) An incident involving an allegation of inappropriate contact. (c) A

	fire on the premises of the center that requires the use of fire suppression
ANALYSIS:	Parents were not contacted within 24 hours of an allegation of inappropriate contact between an adult and child. Ms. Viola stated that anytime there is an incident they generally inform parents immediately. If it is not immediately, then it will be within 24 hours of any incident. She stated that she did not call within the normal timeframe because she unaware of what her next steps her. I informed her that any allegation of inappropriate contact between an adult and child needs to be reported to parents within 24 hours that they were made of the incident
CONCLUSION:	VIOLATION ESTABLISHED

III. RECOMMENDATION

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

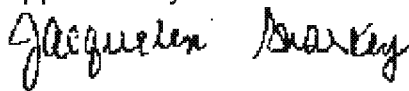


1/24/2023

Michelle Fruehan
Licensing Consultant

Date

Approved By:



1/24/2023

Jacquelin Sharkey
Area Manager

Date