



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

Marlon I. Brown, DPA
ACTING DIRECTOR

10/31/2023

Jamie Ouellette
Swan Valley School District
8400 O'Hern,
Saginaw, MI, 48609

License Number: DC730020811
Special Investigation Number: SI-00077475

Dear Ms. Ouellette,

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:

Rule/Law Number	Rule Description
R 400.8140(2)(a)	Hitting, spanking, shaking, biting, pinching, or inflicting other forms of corporal punishment.

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

- I interviewed: I interviewed Child A's mother, Program Director Jamie Ouellette, Child Care Staff Member 1, Child Care Staff Member 2, Child Care Staff Member 3, and Officer Rafe Maxwell.
- I completed on-site inspections on the following dates: 10/2/2023

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

Rule/Law Number	Rule Description
R 400.8140(2)(a)	Hitting, spanking, shaking, biting, pinching, or inflicting other forms of corporal punishment.
R 400.8188(13)	For children under school age who do not sleep at rest time, quiet activities must be provided such as reading books or putting puzzles together.
R 400.8176(5)(a)	For all preschoolers 3 years of age and older in care for 5 or more continuous hours.

Due to the violations, you must send us a [corrective action plan](#) by 11/16/2023. You can use our corrective action plan form or create your own.

If you need help writing the corrective action plan, please contact licensing consultant Michael Skonieczny at (989) 289-8572 or skoniecznym@michigan.gov. If you do not send a corrective action plan, you may face disciplinary action. The corrective action plan must include the following:

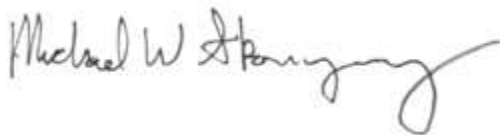
- How compliance with each rule will be achieved.
- Who is directly responsible for implementing the corrective action for each violation.
- Specific time frames for each violation as to when the correction will be completed or implemented.
- How continuing compliance will be maintained once compliance 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 this report for accuracy and contact your consultant, Michael Skonieczny at (989) 289-8572 or skoniecznym@michigan.gov. In the event that Michael Skonieczny is not available and you need to speak to someone immediately, please contact the Child Care Licensing Bureau at 517-284-9730.

Sincerely,



Michael Skonieczny, Licensing Consultant

Enclosure

**MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
CHILD CARE LICENSING BUREAU**

Report Type: Special Investigation Report

Date of Report: 10/26/2023

Special Investigation Number	Complaint/Incident Receipt Date
SI-00077475	9/22/2023
Investigation Initiation Date	Report Due Date
9/25/2023	11/25/2023
License Number	Licensee Name(s)
DC730020811	Swan Valley School District
Facility Name	Licensee Designee(s)
Swan Valley Learning Center	Jamie Rae Ouellette
Program Type	Central Administrator(s)
Center	
Capacity	Program Director(s) Name
99	Jamie Rae Ouellette Qualifications: R 400.8113(7)(a) (9). Date PD Approved: 2022-11-10
Facility Address	Mailing Address
8400 O'Hern, Saginaw, MI, 48609	8400 O'Hern, Saginaw, MI, 48609
Facility Phone Number	Facility Email Address
9899212461	jouellette@swanvalley.k12.mi.us
Original License Issuance Date	License Status:
9/18/1989	Regular
License Effective Date:	License Expiration Date:
6/13/2023	6/12/2025

ALLEGATION(S)

	Violation Established?	
Child A (4 year old male) alleges that Child Care Staff Member 1 (CCSM1) hit him in the eye during rest time.	Yes	
Additional Finding:	Yes	

METHODOLOGY

Date	Activity
9/25/2023	Special Investigation Case Created SI-00077475
9/25/2023	Special Investigation Initiated via Phone Call from Program Director Jamie Ouellette

9/25/2023	Special Investigation Initiated via Phone Call Telephone call made to Program Director Jamie Ouellette
9/27/2023	Contact – Phone Call Received from Officer Rafe Maxwell - Thomas Township Police Department
10/2/2023	Inspection Completed On-Site from 1:30-2:30PM. I interviewed Jamie Ouellette, CCSM2 and CCSM3.
10/2/2023	Contact – Document Received Police Report received from Thomas Township PD
10/2/2023	Contact – Phone Call Made to Child A's mother
10/9/2023	Contact – Face to Face with CCSM1
10/25/2023	Exit Conference with Ms. Ouellette via telephone

ALLEGATION: Child A (4 year old male) alleges that Child Care Staff Member 1 (CCSM1) hit him in the eye during rest time.

INVESTIGATION:

On 9/25/2023 I received a telephone call from Swan Valley Learning Center Program Director Jamie Ouellette. Ms. Ouellette reported she received a phone call from Child A's mother who advised that Child A (4 year old male) disclosed he was hit by Child Care Staff Member 1 (CCSM1) in the face. An incident report has been submitted and staff have been spoken with. There were no witnesses to the alleged incident and CCSM1 denies that the incident occurred.

On 9/27/2023 I received a telephone call from Officer Rafe Maxwell from the Thomas Township Police Department. His office received a complaint for investigation stating that Child A was slapped in the face by CCSM1. He conducted interviews today with Child A's mother, Ms. Ouellette, CCSM1 and Child Care Staff Member 2 (CCSM2). His report is available at the Thomas Township Police Department (Report# 2389401975). Child A's mother declined to press charges and he will be closing his investigation.

On 10/2/2023 I conducted an unannounced onsite inspection at the Swan Valley Learning Center. Ms. Ouellette stated that Child Care Staff Member 3 (CCSM3) took the call from Child A's mother regarding the incident. Child A alleges he was hit in the eye by CCSM1 during nap time. CCSM 3 called Ms. Ouellette who then called and spoke to Child A's mother personally. At the time of the alleged incident, CCSM1 was in the room with 10 children while CCSM2 went on her lunch break. The cameras in the classroom have not been activated yet so there is no footage to review. CCSM1 has only worked

at the center since August but has worked in childcare before. She does not seem to have the temperament of someone who hits children but does have a loud voice that she needs to be careful about using. CCSM1 said Child A was not laying down at nap time and was constantly getting up and making noise, preventing the other children from sleeping. She insisted she did not hit Child A and kept having him lay back down on his cot.

I spoke with CCSM2 regarding the alleged incident. She is the lead caregiver in the preschool room where Child A was attending. She was not present for the incident. CCSM1 is good with the children and has a great temperament. She has never observed CCSM1 be physical or handle a child roughly. Child A is a good kid but does try and test your patience. He can be challenging at naptime.

I spoke with CCSM3 regarding the alleged incident. She took the phone call from Child A's mother and passed on the information to Ms. Ouellette. Child A's mother seemed very worried and upset. She did not see Child A after nap time and has not worked much with CCSM1. Ms. Ouellette got Child A's Child information card and showed that the attendance confirmed there was 10 children at the time of the alleged incident. CCSM1 was not working today but would be back next week working on administrative tasks or working in a classroom on a supervised basis.

On 10/2/2023 I spoke with Child A's mother on the telephone. Child A has attended Swan Valley Learning Center for over a year. She picked Child A up from school on 9/25/2023 and he said that CCSM1 hit him in the eye during naptime. He did not remember if any other adult was in the room at the time. When asked to demonstrate how he was hit, he showed that it was with an open hand to his eye. CCSM1 also told him to stop crying. Child A told his mother he was not being a good listener. Child A's mother knows nap time can be difficult and he does struggle with listening at times. There have been no previous issues that has made her concerned about Child A's physical safety. She does not know CCSM1 since she is relatively new to the center. When asked if she believed the incident happened as reported by Child A, she said she was not sure and it could have been some other sort of contact or incident that Child A misinterpreted.

On 10/2/2023 I went to the Thompson Township Police Department and received a copy of the police report. In the report, CCSM1 admits to grabbing Child a's arm gently and guiding him back to his cot after he continued to get up. She indicated she knew staff were not supposed to touch the children, but she was just trying to get him back to his cot. She admitted that it was possible that when she went to grab his arm, she may have accidentally hit his face with her hand, but she did not notice it and he did not cry or shout out in any way. Later, after the officer advised her there were camera in the room she stated that she likely hit him in the face accidentally and was very sorry about it.

On 10/9/2023 I spoke with CCSM1 at Swan Valley Learning Center. She has only worked here a short time but has worked in several other facilities in the past. She has

never been investigated for anything in the past. Child A usually rests at nap time, but on this day, he was constantly up and moving around, singing, standing on his cot, and talking loudly. She continued to ask him to go back to his cot and she even went over and covered him up on several occasions. She admitted to gently grabbing Child A's upper arm and guiding him back to the cot. She added that when she did this, she may have brushed his eye or touched his face in the area of his eye. She said she knows that she is not supposed to touch the children, but she was just helping him to his cot. Child A did not cry when the alleged incident occurred but did cry 10 minutes later and said he wanted his mom. She did not observe any marks or injuries after naptime was over and he seemed to be in a good mood. She stayed after nap time, cleaned up, stacked cots, and then left.

On 10/25/2023 I conducted an exit conference with Ms. Ouellette.

RULE/STATUTORY VIOLATIONS:

APPLICABLE RULES	
R 400.8140(2)(a)	Hitting, spanking, shaking, biting, pinching, or inflicting other forms of corporal punishment.
ANALYSIS:	Based on the investigative findings, there is a preponderance of evidence that CCSM1 used inappropriate disciplinary methods with Child A. She admitted she knew she is not supposed to touch a child in the course of disciplining them, but chose to grab his upper arm to guide him back to his cot. In the process of grabbing his arm, she likely hit his face causing Child A to feel as though he was slapped. Despite this being unintentional, it was the result of CCSM1 handling the child in a way that she knew not to.
CONCLUSION:	Violation Established

ADDITIONAL FINDING:

INVESTIGATION:

On 10/9/2023 I spoke with CCSM1. She indicated they do not offer a quiet alternate activity for children who choose not to rest. She admitted this would have likely diffused the situation with Child A and could have prevented the frustration felt by her and him. I spoke with Ms. Ouellette about providing a quiet activity for children who do not want to rest. She said they used to offer quiet activity bags to children after 15 minutes of quiet rest, but they have gotten away from this practice. She will immediately start putting the bags back together and discuss with staff how to implement them back into rest time. She agreed a quiet activity would likely have impacted the outcome of this incident.

RULE/STATUTORY VIOLATIONS:

APPLICABLE RULES	
R 400.8188(13)	For children under school age who do not sleep at rest time, quiet activities must be provided such as reading books or putting puzzles together.
ANALYSIS:	According to CCSM1 and Ms. Ouellette, there was no quiet activity time offered for children who chose not to rest. Had Child A been given a quiet activity in lieu of rest time, the situation would likely not have escalated to CCSM1 having to discipline him. Ms. Ouelette admitted that they used to have bag of activities to give children who did not want to rest, but that practice has not been followed recently.
CONCLUSION:	Violation Established

ADDITIONAL FINDING:**INVESTIGATION:**

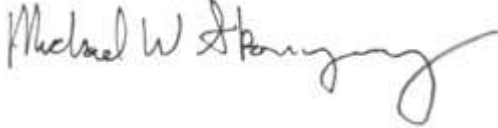
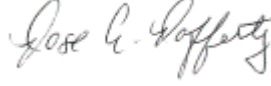
The police report obtained from Officer Maxwell contained an interview with CCSM2 where she remembers CCSM1 saying she took Child A's pillow and blanket as a result of his behavior. On 10/9/2023 I spoke to CCSM1 and she denied taking Child A's pillow and blanket. I spoke with CCSM2 who confirmed that CCSM1 did tell her she took Child A's pillow and blanket. She did not think that was the only time that a child's pillow or blanket was taken from them. I spoke with Ms. Ouellette who did not know if Child A's pillow and blanket were taken, but admitted she knows it should not happen and would make sure her staff knew that this was against the rules.

RULE/STATUTORY VIOLATIONS:

APPLICABLE RULES	
R 400.8176(5)(a)	For all preschoolers 3 years of age and older in care for 5 or more continuous hours.
ANALYSIS:	CCSM2 admitted to Officer Maxwell and to me that CCSM1 took Child A's pillow and blanket because he was playing with them and throwing them. Center staff can not take a child's pillow and blanket during rest time and expect them to rest because they are obligated to provide these items to make children more comfortable at rest time. .
CONCLUSION:	Violation Established

BUREAU RECOMMENDATION

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

Approved By:	
	
Michael Skonieczny 10/31/2023 Consultant Date	Rose A. Rafferty 10/31/2023 Manager Date