



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

January 15, 2020

Tricia Ryan
Foundation for Behavioral Resources
600 S Lincoln St
Augusta, MI 49012

RE: License #: DC390313702
Investigation #: 2020D0208005
CDC - Forest

Dear Ms. Ryan:

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:

R400.8125 Staff and volunteers.
R400.8140 Discipline.

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

- I interviewed the person who made the complaint, program director, child care staff members, and parents.
- I completed an onsite inspection on 11/21/2019.

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

R400.8140(2)(a) Discipline.

I recommend no change to the current license status.

Due to the violations, you must send us a corrective action plan by 1/31/2020. 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 at (269) 568-2686. In the event that I am not available and you need to speak to someone immediately, please contact the local office at (616) 356-0183.

Sincerely,



Roxanne Duckworth, Licensing Consultant
 Bureau of Community and Health Systems
 Child Care Licensing Division
 322 E. Stockbridge Ave
 Kalamazoo, MI 49001

enclosure

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

I. IDENTIFYING INFORMATION

License #:	DC390313702
Investigation #:	2020D0208005
Complaint Receipt Date:	11/18/2019
Investigation Initiation Date:	11/21/2019
Report Due Date:	01/17/2020
Licensee Name:	Foundation for Behavioral Resources
Licensee Address:	600 S Lincoln St Augusta, MI 49012
Licensee Telephone #:	(269) 731-5775
Administrator:	Tricia Ryan, Designee
Licensee Designee:	Tricia Ryan, Designee
Name of Facility:	CDC - Forest
Facility Address:	5196 Comstock Ave. Comstock, MI 49048
Facility Telephone #:	(269) 488-2323
Original Issuance Date:	09/14/2011
License Status:	REGULAR
Effective Date:	03/12/2018
Expiration Date:	03/11/2020
Capacity:	86
Program Type:	CHILD CARE CENTER

II. ALLEGATION(S)

	Violation Established?
During a parent conference, it was brought to the attention of the center that Child A put his thumb up Child B's bottom in the bathroom.	No
A caregiver grabbed a child roughly by the arm and pulled him. The child kicked the caregiver in the face, and she swatted his bottom.	Yes

III. METHODOLOGY

11/18/2019	Special Investigation Intake 2020D0208005
11/18/2019	Contact - Document received Received two incident reports from program director, Teri Orlando.
11/21/2019	Special Investigation Initiated - On Site Arrival: 2:49PM - Departure: 4:18PM. Interviewed program director, Teri Orlando, child care staff members, Kristen Tipsword, Danielle Morrison, Monica Armentrout, and Brittney Perigo.
11/22/2019	Contact - Telephone call made Unsuccessful contact with child care staff member, Asyia Simmons.
01/06/2020	Inspection Completed-BCAL Sub. Compliance
01/06/2020	Contact - Telephone call made Spoke with Child A and Child B's Mothers. Left a voice mail for Child C's Mother.
01/06/2020	Exit Conference Spoke with licensee designee, Tricia Ryan.

01/07/2020	Contact - Telephone call made Spoke with Child C's Mother.

ALLEGATION: During a parent conference, it was brought to the attention of the center that Child A put his thumb up Child B's bottom in the bathroom.

INVESTIGATION: On 11/18/2019 I received an incident report from program director, Teri Orlando, at Child Development Center (CDC) Forest. It was reported that during a parent teacher conference, a parent brought to the center's attention that their child told them that he witnessed Child A touch Child B's buttocks and possibly put this thumb in Child B's buttocks in the bathroom. There was no staff present in the bathroom.

On 11/21/2019 I made an unannounced onsite inspection to CDC Forest. I spoke with program director, Teri Orlando, child care staff members, Kristen Tipsword, Danielle Morrison, Monica Armentrout, and Brittney Perigo. I obtained child information cards.

Ms. Orlando reported that she spoke to all parents involved. Child B's parents asked Child B if he had been touched by another child at school and he said he had not been touched. She indicated the new policy is that children will not be allowed to go to the bathroom without supervision.

Ms. Tipsword works in the dragonfly classroom. She reported that the children in her classroom are supervised at all times, including in the bathroom. A caregiver will go to the bathroom with a group of boys, or a group of girls, and supervise while they use the bathroom and wash their hands.

Ms. Morrison works in the bumblebee classroom. She stated that she and the other child care staff member are always watching the children, including supervising them while they use the bathroom. Ms. Morrison indicated she and other child care staff members will stand in the doorway to keep eyes on the hallway and the classroom for the older children. The younger children are accompanied by a child care staff member as they are more likely to play in the bathroom and not return right away.

Ms. Armentrout floats between classrooms, depending on where she is needed. She reported that she takes boys and girls separately to the bathroom and one child in the bathroom stall at a time. The children line up on the wall outside the bathroom and she stands in the doorway to watch the children in the hallway and in the bathroom. If another child care staff member is available, she will take a single child to the bathroom.

Ms. Perigo works in the butterfly (3-year-old) room. She was not aware of any child touching another child inappropriately in the bathroom as no child had come to her and reported anything. Ms. Perigo stated that the children were using the bathroom close to the library but that they had started using the bathroom closer to the classrooms because children were playing in the bathroom instead of using it. She takes the children down together and have them line up against the wall. There are two stalls for children to go into. Ms. Perigo stands in the doorway and watch the line of children waiting and the two children in the bathroom.

On 01/06/2020 I spoke with Child A and Child B's Mothers.

Child A's Mother did have concerns with the supervision at the center. She reported she was never told by the center if the incident involving Child A and Child B actually occurred and was concerned there was no caregiver in the bathroom supervising the children. Child A's Mother indicated the supervision on the playground is also concerning as Child A has run off the playground and out of the fenced area. This concern has been addressed with the program director and child care staff members. A plan will be put in place to address this issue.

Child B's Mother asked Child B about the incident in the bathroom. She reported that he did not give a clear or straight answer. Child B's Mother is not concerned with care and supervision in the classroom and indicated now that they added policy at the center for supervision in the bathroom, she feels comfortable.

On 01/07/2020 I spoke with Child C's Mother. Child C's Mother did not have any concerns with the care and supervision of children in the classroom. She reported

she often sees Ms. Orlando walking around the classrooms and filling in when needed.

APPLICABLE RULE	
R 400.8125	Staff and Volunteers.
	(1) All staff and volunteers shall provide appropriate care and supervision of children at all times.
ANALYSIS:	Licensing rules do not prohibit a preschool age child from going to the bathroom unattended. There is not enough information to support this allegation. Child A's Mother did have concerns with supervision but Child B and Child C's Mothers did not.
CONCLUSION:	VIOLATION NOT ESTABLISHED

ALLEGATION: A caregiver grabbed a child roughly by the arm and pulled him. The child kicked the caregiver in the face, and she swatted his bottom.

INVESTIGATION: On 11/18/2019 I received an incident report from program director, Teri Orlando, at Child Development Center (CDC) Forest. The incident report indicated a child care staff member, Asyia Simmons, was observed by another child care staff member grabbing Child C's arm and roughly pulling him into the classroom. Child C then kicked Ms. Simmons in the face, and she reacted by swatting him on his buttocks. Other staff reported hearing Ms. Simmons say she smacked the child on his buttocks. Ms. Simmons was terminated from the center.

On 11/21/2019 I made an unannounced onsite inspection to CDC Forest. Law enforcement was also present interviewing staff members regarding the complaint. I spoke with Ms. Orlando, Ms. Tipsword, Ms. Morrison, Ms. Armentrout, and Ms. Perigo.

Ms. Orlando confirmed that Ms. Simmons has been terminated from the center because of the incident involving Child C on 11/18/2019. She reported that child care staff members are trained on positive methods of discipline and the center discipline policy. They also must sign a discipline policy at the start of their employment.

Ms. Tipsword was present when the incident with Ms. Simmons and Child C occurred and did observe her swat Child C on the buttocks. The incident occurred when the children were transitioning from small group activities. Child C was in Ms. Simmons group. Child C was having trouble transitioning from one activity to the

next. Ms. Simmons was bent down with her hands gently on Child C's shoulders talking to him. Child C was kicking and screaming, so Ms. Simmons kneeled down to his level. Child C threw himself on the floor and screamed louder than he already was. He kicked Ms. Simmons in the face and knocked her glasses off her face. Ms. Simmons lifted up her hand and swatted him on the buttocks or right below over his clothing. Ms. Simmons turned around and saw Ms. Tipsword staring. Ms. Simmons said, "he kicked me in the face." Ms. Tipsword said, "I know." Ms. Simmons said, "I hit him," and Ms. Tipsword said, "I know." Ms. Tipsword left the classroom. When Ms. Tipsword returned, Ms. Simmons told her it was an accident/a natural reflex, and she had not intended to swat Child C. Ms. Tipsword has never witness Ms. Simmons spank or hit a child in the past. She did not witness Ms. Simmons grab Child C's arm that day and only saw the incident inside the classroom with him. Ms. Tipsword confirmed the child care staff members sign a discipline policy when they begin employment at the center. She indicated she uses mindful moments, breathing exercises, and talking to children about behaviors. If a child is having trouble controlling their behavior, she stays close to them, makes sure they are safe and others are safe, until they calm down.

Ms. Morrison reported that on 11/18/2019 Ms. Simmons came into her classroom and was talking about her morning. Ms. Simmons said a child hit her in the face and she "popped him on the butt" and demonstrated using a swatting hand gesture. Ms. Morrison did not witness the actual incident in Ms. Simmons classroom as she was in her own classroom at the time it happened.

Ms. Armentrout indicated she had no knowledge of the incident involving Ms. Simmons grabbing Child C by the arm and swatting his buttocks but that Ms. Simmons did tell her she no longer was employed at the center. Ms. Armentrout reported that she talks with children about a behavior or issue and comes up with a solution. She uses a gentle voice when talking to/with them. If a behavior has escalated or is repeated, she will have the child take a break and do something quiet until they are calmed down. If the behavior is taking away from the care and supervision of other children in the classroom, the child is sent down to talk with Ms. Orlando. She indicated all staff have to sign a discipline policy when they are hired.

Ms. Perigo did not witness the incident involving Ms. Simmons and Child C. She was told what happened at the end of the day and that Ms. Simmons was no longer employed at the center. The methods of discipline Ms. Perigo uses in her classroom are conflict resolution; talking to the child, walking through what they should/shouldn't do, and finding a resolution. She also demonstrates positive behavior/modeling to the children.

On 11/22/2019 I attempted to contact Ms. Simmons by telephone. I was not able to leave a voice mail and did not receive a return phone call.

On 01/06/2020 I spoke with Child A and Child B's Mothers.

Child A's Mother did have concerns with the discipline at the center. She indicated she has observed child care staff members handling the children roughly at times but Child A has never complained to her about anyone hurting him. Child A's Mother reported that she came to pick up Child A one time and he was standing with his face towards the wall like he was in a "time out." When Child A saw her, he started crying. It should be noted that Child A is in preschool and over the age of 3, therefore "time outs" can be used as a method of discipline.

Child B's Mother did not have concerns with discipline in regard to the child care staff members in her child's classroom but had concern that the staff are not protecting the children enough from other children bullying each other. She reported that Child B has come home crying and told her that children are hitting him at the center. This concern was addressed with the program director and center staff and will be addressed in a safety/corrective action plan.

On 01/07/2020 I spoke with Child C's Mother. Child C's Mother did not have concerns with the current child care staff members at the center as Ms. Morrison was terminated the same day the incident with Child C occurred. She reported that her child can be difficult but that his behaviors have improved since Ms. Morrison has been gone.

APPLICABLE RULE	
R 400.8140	Discipline.
	(2) All of the following means of punishment shall be prohibited: (a) Hitting, spanking, shaking, biting, pinching, or inflicting other forms of corporal punishment.
ANALYSIS:	Child care staff witnessed Ms. Simmons swat Child C on the buttocks when he kicked her in the face. They also heard her talk about swatting Child C after it happened.
CONCLUSION:	VIOLATION ESTABLISHED

IV. RECOMMENDATION

I recommend no change in the current license status of this child care center.

Roxanne Duckworth

01/15/2020

Roxanne Duckworth
Licensing Consultant

Date

Approved By:

Yolanda Sims

01/15/2020

Yolanda Sims
Area Manager

Date