



STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

GRETCHEN WHITMER  
GOVERNOR

ORLENE HAWKS  
DIRECTOR

January 29, 2020

Shannon Phelps  
Northwest Michigan Community Action Agency Inc  
3963 Three Mile Rd  
Traverse City, MI 49686

RE: License #: DC100314873  
Investigation #: 2020D0790005  
NMCAA Preschool - Platte River

Dear Ms. Phelps:

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:

R 400.8125	Staff and Volunteers.
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The details of the allegations are in the attached report. To investigate the allegations:

- I interviewed the person who made the complaint, the licensee designee, child care staff members, witnesses, and parents.
- I completed on-site inspections on the following dates: 12/16/2019.

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

<b>R 400.8125</b>	<b>Staff and Volunteers.</b>
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I recommend no change to the current license status.

Due to the violations, you must send us a corrective action plan by 02/13/2020. 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.

<b>During this special investigation:</b>	<b>Yes</b>	<b>No</b>
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 (231) 922-5309.

Sincerely,



Codie Mayhew, Licensing Consultant  
 BCHS/Child Care Licensing Division  
 701 S. Elmwood Ave, Suite 11  
 Traverse City, MI 49684  
 (231) 342-5006

enclosure

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

**I. IDENTIFYING INFORMATION**

<b>License #:</b>	DC100314873
<b>Investigation #:</b>	2020D0790005
<b>Complaint Receipt Date:</b>	12/11/2019
<b>Investigation Initiation Date:</b>	12/12/2019
<b>Report Due Date:</b>	02/09/2020
<b>Licensee Name:</b>	Northwest Michigan Community Action Agency Inc
<b>Licensee Address:</b>	3963 Three Mile Rd Traverse City, MI 49686
<b>Licensee Telephone #:</b>	(231) 947-3780
<b>Administrator:</b>	Shannon Phelps, Designee
<b>Licensee Designee:</b>	Shannon Phelps, Designee
<b>Name of Facility:</b>	NMCAA Preschool - Platte River
<b>Facility Address:</b>	11434 Main Street Honor, MI 49640
<b>Facility Telephone #:</b>	(231) 325-3063
<b>Original Issuance Date:</b>	09/21/2011
<b>License Status:</b>	REGULAR
<b>Effective Date:</b>	03/21/2018
<b>Expiration Date:</b>	03/20/2020
<b>Capacity:</b>	36
<b>Program Type:</b>	CHILD CARE CENTER

## II. ALLEGATION(S)

	<b>Violation Established?</b>
A caregiver at NMCAA Platte River took four children to the bathroom and she returned to the classroom with three children, leaving one child unsupervised in the bathroom.	Yes

## III. METHODOLOGY

12/11/2019	Special Investigation Intake 2020D0790005
12/11/2019	Contact - Telephone call received The complainant
12/12/2019	Contact - Telephone call made I called and left a message for Child A's Mother.
12/12/2019	Contact - Telephone call made I called and left a message for Child A's Father.
12/12/2019	Special Investigation Initiated - Telephone Child A's Father
12/16/2019	Inspection Completed On-site I made an unannounced onsite inspection occurred at the NMCAA Platte River center from 09:15 AM to 11:00 AM. I interviewed Ms. Shanee Williams, Kathryn Richley, Fernando Acosta, and Ashley Olstad.
01/08/2020	Contact - Telephone call made Child B's Mother
01/08/2020	Contact - Telephone call made Child C's Mother
01/08/2020	Contact - Telephone call made I called Child D's Mother and left a voicemail message.
01/08/2020	Contact - Telephone call made I called and left a message for Child E's Mother.
01/08/2020	Contact - Telephone call made Child F's Mother

01/08/2020	Contact - Telephone call received Child E's Mother
01/22/2020	Contact- Telephone call made Child A's Father
01/22/2020	Exit Conference held with Ashley Olstad

**ALLEGATION:** A caregiver at NMCAA Platte River took four children to the bathroom and she returned to the classroom with three children, leaving one child unsupervised in the bathroom.

**INVESTIGATION:** On 12/11/2019, I spoke to the complainant. The complainant reported that a child care staff member at NMCAA Platte River took four children to the bathroom on 12/09/2019 and the child care staff member returned to the classroom with three children, leaving Child A (4-year-old female) in the bathroom unsupervised. The complainant went onto report that a different child care staff member at the center found Child A in the hallway pulling up her pants. Child A was then taken back to her class by this child care staff member.

On 12/12/2019, I interviewed Child A's Father regarding the allegations and the 12/09/2019 incident involving his child. Child A's Father stated that when he picked Child A up from school, he was informed by the Lead Caregiver, Ms. Shanee Williams, that Child A had been left unsupervised in the bathroom earlier in the day. Ms. Williams went onto report that Child A was found crying in the hallway by another child care staff member and this child care staff member took Child A back to class. He went onto report that he was not informed of this child care staff member's name or the name of the child care staff member responsible for watching Child A during the restroom break. Child A's Father stated that he would prefer to be notified right when the incident occurred rather than at the end of the day. He stated that Child A's Mother took Child A to the child care center this morning and she informed NMCAA staff that Child A has been traumatized by this incident. Since the incident, Child A's Father reports that Child A has not wanted to be left alone. He stated that as soon as they get out of their child's line of sight, Child A starts crying. NMCAA staff informed Child A's Mother that Child A will have one on one care today. He had no additional information to provide and he stated that he has never had any other concerns with the center. He stated that Child A has a developmental speech delay, so Child A has never disclosed any concerns about the center staff. On 01/22/2020, I followed up with Child A's Father. He stated that Child A is no longer having anxiety about using the restroom. He went onto report no additional concerns involving communication with the center. Child A's Father confirmed that the center did implement one on one supervision with Child A for at least one day. He reported that he has no additional concerns with the center.

On 12/12/2019, I received a call from Child A's Mother. She stated that on 12/09/2019, Child A was left unsupervised in the bathroom at the NMCAA Platte River child care center. She stated that Ms. Shanee Williams, the Lead Caregiver, informed her of the incident. Ms. Williams told her that Child A was unintentionally left in a bathroom by a child care staff member. Ms. Williams went onto report to her that another child care staff member heard Child A crying in the bathroom and she was escorted back to the classroom. Child A's Mother is confident that Ms. Williams informed her that Child A was found in the bathroom, not in the hallway. She expressed frustration about not receiving a phone call right when the incident occurred with Child A being unsupervised in the bathroom. She stated that she was not informed of the incident until she picked Child A up along with Child A's Father at the end of the child care day. She stated that she "gets why they waited" but it "hurts" that Child A was forgotten about in the bathroom. Child A's Mother stated that she plans on obtaining additional information from the center regarding the

12/09/2019 incident. Since the incident, she stated that Child A is presenting as traumatized. She stated that Child A does not want to use the restroom. Child A's Mother stated that before this incident, Child A would go to the restroom on her own without being accompanied by an adult. Child A's Mother went onto report that Child A is now pulling away from her and her father and crying when they take her to the restroom at home or in public. Child A's Mother reported that Child A does not discuss her feelings and she has a speech delay. She stated that Child A never disclosed anything about the incident other than stating that she "had a bad day" on 12/09/2019.

Child A's Mother stated that she reported to child care staff members that Child A is having behavior issues stemming from the 12/09/2019 incident. She stated that she spoke to Ms. Shanee Williams and another child care staff member this morning about her concerns with Child A's behavior. Ms. Williams informed her that one child care staff member will be with Child A all day today. She is going to request that one caregiver remains with Child A until she starts becoming more comfortable with using the bathroom again. Child A's Mother feels the center is doing a great job with their daughter and she never has had any other concerns.

On 12/16/2019, I made an unannounced visit to the NMCAA Platte River center. Upon arrival, I was able to observe Ms. William's classroom during a restroom break. The restroom is located on the same side of the hallway as Ms. Shanee Wilson's classroom exactly one classroom down from Ms. Shanee Wilson's class. One child care staff member stood at the bathroom while Ms. Williams stood at the doorway to the classroom. Ms. Williams and the other child care staff member were transitioning four children at a time to use the restroom. Once four children returned from the restroom, Ms. Williams would count four children and send a different four children to the restroom. The other child care staff member would then count the children as they exited the bathroom and then send the children back to the classroom. I was able to see Child A exit the classroom and head to the restroom as well. Child A exhibited no fear and she presented with no visible reservations about entering the restroom.

On 12/16/2019, I met with the Lead Caregiver, Ms. Shanee Williams, to discuss the allegations. Ms. Williams informed me that on 12/09/2019, Child A was left unsupervised in the restroom around 02:30 PM. She reported that Fernanda Acosta, was a child care staff member in her classroom on this day; however, Ms. Acosta does not help in the room on a regular basis. Ms. Williams stated that after nap time, Ms. Acosta took three children and Child A to the bathroom. Ms. Williams stated that Ms. Acosta returned to the classroom with three children. She stated that Child A was left in the bathroom but found in the hall way by, Kathryn Richley, a child care staff member. Ms. Williams stated that less than a minute after Ms. Acosta returned to the classroom, Ms. Richley was at the classroom door waving her to come out in the hallway. Ms. Richley informed Ms. Acosta that Child A was left in the bathroom and Child A was upset. Ms. Williams believes that Child A was only unsupervised for thirty seconds. She informed Child A's Mother and Father about

the incident at the end of the day. Ms. Williams then reported the incident to, Ashley Olstad, the Licensee Designee. I asked why the parents reported that Child A was found in the bathroom. Ms. Williams believes that the parent's misunderstood the events of the incident. I inquired about Child A displaying anxiety since being left unsupervised in the bathroom. She stated that child care staff had been doing one on one supervision with Child A. Staff had been accompanying Child A to the bathroom and then placing their foot under the stall door so Child A could see that the child care staff member was still present in the restroom. Ms. Williams reported that NMCAA procedure is to call parent's right away when a child is left unsupervised. She stated that Child A's Mother and Father were informed of the incident at the end of the day because by the time staff addressed the incident and reported it to Ms. Olstad, Child A's Mother and Father were less than 30 minutes from picking Child A up from the child care center.

On 12/16/2019, I met with Kathryn Richley to discuss the allegations. Ms. Richley stated that she is a child care staff member for Ms. Lindsay's class. Ms. Richley was getting ready for snack time with her class on 12/09/2019 when she heard crying in the hallway. She stated that she found Child A standing outside Ms. William's classroom crying. She stated that she walked up to Child A and she asked her what was wrong. Ms. Richley stated that she believes that Child A was left in the restroom stall because her pants were not completely pulled up. She stated that Child A's jeans were at her knees when she found her in the hallway. At this time, Ms. Richley stated that she knocked on Ms. William's classroom door and she asked Ms. Acosta to come out to the hallway. Ms. Richley stated that this incident occurred in the afternoon around 02:30 PM. Ms. Richley stated that she did not speak to Child A's parents about the incident. Ms. Richley is not aware of any behavior issues with Child A stemming from being left unsupervised in the restroom on 12/09/2019.

On 12/16/2019, I met with Fernando Acosta to discuss the allegations. Ms. Acosta reported that she took four children to the bathroom on 12/09/2019 when she was filling in for Ms. William's class. Ms. Acosta stated three children finished going to the restroom, so she took them back to class. Ms. Acosta stated that when she got back to the classroom, she realized that she was missing Child A and she had left her in the restroom. She stated that she then saw Ms. Richley at the door asking her to come out in the hallway. She stated that Ms. Richley was with Child A in the hallway and Child A was crying. She stated that everything happened so fast and she knows that she should be counting the child care children before the children went into the restroom and after they left the restroom. Ms. Acosta believes that Child A was in the restroom unsupervised for about 30 seconds. She stated that this has never happened before, and she did not speak with the parents regarding the incident.

On 12/16/2019, I met with Ashley Olstad, the Licensee Designee to discuss the allegations. Ashley Olstad reported that she was not positive whether she needed to complete an incident report and call her Licensing Consultant regarding Child A



being unsupervised in the restroom. Ms. Olstad stated that Ms. Williams initially informed her of the incident. She was informed that Ms. Acosta unintentionally left Child A in the bathroom when she took three other children back to Ms. William's classroom. Ms. Olstad stated that Ms. Richley was the child care staff member who found Child A in the hallway crying. Ms. Olstad was informed by Ms. Acosta and Ms. Shane Wilson that Child A was only in the hallway for a few seconds. Ms. Olstad stated that Ms. Acosta usually does not work in the classroom but she is used as a child care staff member when they need to maintain appropriate caregiver to child ratios. She stated that Ms. Williams spoke to Child A's Mother and Child A's Father about the incident. Ms. Olstad heard from Ms. Shane Wilson that Child A's parents felt that the center handled the situation well. Ms. Olstad acknowledged Child A's parents informed the center that Child A is exhibiting fear about going to the bathroom since the incident occurred. She stated that the center addressed the issues with Child A by having one on one supervision with Child A throughout the day. She indicated that Child A is no longer displaying fear and anxiety over going to the bathroom. She went on to report that Ms. Acosta will not be executing transitions between places with the child care children and she will no longer be having unsupervised contact with the children. Ms. Olstad stated that since the incident occurred, she has reviewed active supervision with Ms. Acosta.

On 01/08/2020, I called and interviewed Child B's Mother. She stated that she has never had any concerns with the child care center. She stated that Child B (3-year-old female) has never expressed any concerns regarding the center and Child B has never been injured at the center. She stated that Child B fell once in the hallway but suffered no injury.

On 01/08/2020, I called and interviewed Child C's Mother. Child C's Mother stated that the child care staff members at the center are phenomenal. She stated that Child C (4-year-old female) is in Ms. William's class this year. Child C's Mother stated that her child has never been injured at the child care center. She stated that Child C has never complained about going to the child care once and Child C has never made statements regarding concerns involving staff with other children. She reported that staff from the center communicate well with her and she has never had any concerns with their ability to care for her child.

On 01/08/2020, I called and interviewed Child F's Mother. She reported that her child has sustained one minor injury since attending the child care center. She stated that NMCAA Platte River staff reported her child's injury to her immediately after the injury occurred. Child F's Mother stated that the staff communicate well with her. She indicated that she has never had any concerns related to the child care center. She stated that Child F (4-year-old female) is learning a lot from the child care center and her child appears to be advancing due to the child care center.

On 01/08/220, I interviewed Child E's Mother. She stated that the center communicates concerns and progress about her child with her very well. She stated that they continuously inform her when Child E (3-year-old male) has accidents.

She stated that she routinely volunteers in the classroom, and she has never witnessed any concerns while volunteering in the classroom. Child E's Mother stated that Child E has never been injured at the center. She stated that she has witnessed staff at the center counting children when they transition rooms or use the restroom. She stated that child care staff members are very consistent with following the center rules. She stated that Child E is very verbal, and her child would inform her if there were concerns at the center. She asks Child E everyday about his day and what he liked or did not like about preschool. Child E's Mother stated that her son has never shared anything concerning regarding the center. She stated that Child E attended two child care centers before this which he did not like. She stated that Child E loves attending this center.

<b>APPLICABLE RULE</b>	
<b>R 400.8125</b>	<b>Staff and Volunteers.</b>
	(1) All staff and volunteers shall provide appropriate care and supervision of children at all times.
<b>ANALYSIS:</b>	On 12/09/2019, Ms. Acosta took four children to the bathroom. She returned to the classroom with three children. Based on interviews with child care staff members, Child A was unintentionally left in the restroom the bathroom for about 30 seconds and found in the hallway crying.
<b>CONCLUSION:</b>	<b>VIOLATION ESTABLISHED</b>

**IV. RECOMMENDATION**

Upon receipt of an acceptable corrective action plan, I recommend increased monitoring.

*Codie Mayhew*

01/22/2020

Codie Mayhew  
Licensing Consultant

Date

Approved By:

*Katrice Sweet*

01/29/2020

Katrice Sweet  
Area Manager

Date