



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

ORLENE HAWKS  
DIRECTOR

## Redacted Report

March 4, 2020

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

RE: License #: DC390313702  
Investigation #: 2020D0208006  
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:

R400.8140 Discipline.  
R400.8330 Food services and nutrition; generally.

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

- I interviewed the person who made the complaint, program director, licensee designee, child care staff members, parents, and children.
- I completed onsite inspections on 01/10/2020 and 01/15/2020.

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

### **R400.8140(2) Discipline**

I recommend no change to the current license status.

Due to the violations, you must send us a corrective action plan by 3/22/2020. 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"/>

You will be sent two copies of this report. One is **not for public disclosure** and one is a **redacted report**.

- The report marked **not for public disclosure** is for your records only. This copy may contain legally protected information. It must not be placed in your licensing notebook.

The report marked **redacted report** may have some legally protected information blacked out. The **redacted report** and any related corrective action plans must be placed in your licensing notebook. The **redacted 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**

<b>License #:</b>	DC390313702
<b>Investigation #:</b>	2020D0208006
<b>Complaint Receipt Date:</b>	01/09/2020
<b>Investigation Initiation Date:</b>	01/10/2020
<b>Report Due Date:</b>	03/09/2020
<b>Licensee Name:</b>	Foundation for Behavioral Resources
<b>Licensee Address:</b>	600 S Lincoln St Augusta, MI 49012
<b>Licensee Telephone #:</b>	(269) 731-5775
<b>Administrator:</b>	Tricia Ryan, Designee
<b>Licensee Designee:</b>	Tricia Ryan, Designee
<b>Name of Facility:</b>	CDC - Forest
<b>Facility Address:</b>	5196 Comstock Ave. Comstock, MI 49048
<b>Facility Telephone #:</b>	(269) 488-2323
<b>Original Issuance Date:</b>	09/14/2011
<b>License Status:</b>	REGULAR
<b>Effective Date:</b>	03/12/2018
<b>Expiration Date:</b>	03/11/2020
<b>Capacity:</b>	86
<b>Program Type:</b>	CHILD CARE CENTER

**II. ALLEGATION(S)**

	<b>Violation Established?</b>
On 01/06/2020 during naptime, child care staff member, Linda Foreman, slapped Child A on the forehead with an open hand. In the past she may have choked Child C.	Yes
Child care staff members at the center are threatening children with no outdoor play as a form of disciplining them.	No
The center is serving Child B food with tomato products after they were told Child B is allergic to anything with tomatoes. The center is not serving food brought from home to Child B and is still serving Child B the food provided by the center.	No

**III. METHODOLOGY**

01/09/2020	Special Investigation Intake 2020D0208006
01/09/2020	Contact - Face to Face Attempted contact with Child A's Mother and Child A with [REDACTED] [REDACTED] Arrival: 3:37PM.
01/09/2020	Contact - Telephone call made Spoke with Child B's Mother.
01/10/2020	Special Investigation Initiated - On Site Arrived: 8:37AM - Departure: 11:24AM. Interviewed program director, Teri Orlando, licensee designee, Tricia Ryan, child care staff members, Kaylee Cramer, Payton DeYoung, and Child A, with [REDACTED]
01/15/2020	Special Investigation Initiated – 2 <sup>nd</sup> On Site Arrival: 10:37AM. Interviewed licensee designee, Tricia Ryan, and child care staff members with [REDACTED] [REDACTED]

02/05/2020	Contact - Face to Face Case conference with [REDACTED]
02/20/2020	Contact - Telephone call received Spoke with Child A's Mother.
02/20/2020	Contact - Telephone call made Spoke with Child C and Child G's Mothers.
02/21/2020	Exit Conference with licensee designee, Tricia Ryan.
02/25/2020	Contact - Document Sent Emailed program director, Teri Orlando, and licensee designee, Tricia Ryan.

**ALLEGATION:** On 01/06/2020 during naptime, child care staff member, Linda Foreman, slapped Child A on the forehead with an open hand. In the past she may have choked Child C.

**Child care staff members at the center are threatening children with no outdoor play as a form of disciplining them.**

**INVESTIGATION:** On 01/09/2020 I received a complaint that on 01/06/2020 during naptime, child care staff member, Linda Foreman, went up to Child A and stated, "how many times do I have to tell you not to talk" and slapped Child A on the forehead with an open hand. The complaint also stated that Ms. Foreman has a history of being physical with children and that she once choked Child C and nothing was done about it.

On this same day I received a second complaint regarding discipline at Child Development Center (CDC) Forest. The complainant reported that child care staff members are threatening children with no outdoor play as a form of discipline. I spoke with Child B's Mother. Child B was in the 3-year-old classroom until it was combined with 4-year-old children. Child B's Mother indicated they do not use positive methods of discipline with Child B and that Child B is automatically sent to

the office to sit with program director, Teri Orlando, or is threatened that he cannot go outside, or that his mother will be called.

On this same day I attempted face to face contact with Child A and Child A's Mother at their home with [REDACTED]

[REDACTED] The family was not home at the time.

On 01/10/2020 I conducted an unannounced onsite inspection to CDC Forest with [REDACTED] [REDACTED] We interviewed program director, Teri Orlando, licensee designee, Tricia Ryan, Child A, and child care staff members, Kaylee Cramer, and Payton DeYoung. I obtained child information cards and the parent handbook, including the discipline policy.

Ms. Orlando contacted licensee designee, Ms. Ryan, to participate by telephone. Ms. Orlando was aware of the incident with Ms. Foreman and Child A during naptime. She was told Ms. Foreman tapped the back of the child's head. Ms. Orlando talked with Child A's Mother about it the next morning and spoke with Ms. Foreman. Ms. Orlando reported that Ms. Foreman did admit that during naptime she was patting and rubbing backs and did pat Child A on the head and tell her to lay down. Ms. Orlando reprimanded her for patting Child A's head and reminded her that she should only pat and rub backs during naptime. Ms. Orlando vaguely recalled hearing about an incident where Child C was choked but did not believe he was actually choked by Ms. Foreman as Child C likes to say things happened that did not and has a lot of tough behaviors.

[REDACTED]

[REDACTED]

Ms. Cramer is a child care staff member in the Bumblebees classroom mostly but does sometimes work in the classroom with Ms. Foreman. Ms. Cramer was unaware of any incident with Ms. Foreman. She reported that children move to a quiet area to calm down when they are having behavior issues, and they will talk with the child about the behavior/issue. The quiet area has books for children to read. She denied children are ever told they cannot go outside for outdoor play. Ms. Cramer indicated there is one child in particular who always tries to run outside of the fence to the parking lot, and he is told sometimes he needs to go inside if he continuously tries to run after being talked to several times. They always allow this child to initially go outside with the class and play.

Ms. DeYoung is a child care staff member that floats between whatever classroom she is needed. Ms. DeYoung reported that she encourages the child and tries to work with the child on a resolution to an issue or behavior. She also uses positive reinforcement and redirection with children. If a child's behavior is harming them or other children, the child is sent to the office to talk with Ms. Orlando. Ms. DeYoung indicated she has never heard another child care staff member threaten to take away outdoor time and has never taken it away from a child herself. All children are sent outside but if they run off from the play area, they are asked to come inside and discuss staying with the class and making safe choices.

On 01/15/2020 I conducted a second onsite inspection with [REDACTED]. [REDACTED] had spoke with Child D, Child E, and Child F's parents. Child D's Mother reported that Child D will say she does not like Ms. Foreman but has never told her why. Child E's Mother reported no concerns with the discipline at the center or child care staff members in the classroom. Child F's Mother and Father reported no concerns with the center, or the child care staff members in Child F's class. All parents gave permission for [REDACTED] to speak with their children.

[REDACTED]

On this same day we interviewed child care staff members, Ms. Tipsword, and Ms. Foreman.

Ms. Tipsword reported that on 01/06/2020 all of the children were laying on cots during naptime. The center policy is that the children try to rest for 30 minutes and then they can grab something to do a quiet activity. They had recently combined some children in the classroom, so the children were adjusting to the changes. One of the added children in the classroom was talking to Child A. Ms. Foreman went up to Child A and said, "how many times do I have to tell you to stop talking?" Ms.

Foreman then tapped the child on the forehead. Child A teared up at her cot. Ms. Tipsword reported that Ms. Foreman often will touch a person when she is talking to them to make sure they are listening and hearing what she is saying to them. Ms. Tipsword was aware of the alleged choking incident with Ms. Foreman and Child C. Ms. Tipsword was not in the classroom to witness it but saw Child C come running out into the hallway panicked. She was with children at the bathrooms. She asked Child C what happened, and he said, "the new teacher choked me," and held up his hands like he was being choked. I asked Ms. Tipsword if any children were threatened with no outdoor play time, and she reported that the children all go outside. If they make an unsafe choice while they are outside, they might be asked to come inside and talk about what happened.

Ms. Foreman started working at CDC Forest approximately [REDACTED]. She reported the methods she uses for discipline are to talk to children, try to talk with them about the situation and find a resolution together, redirect children, and model positive behaviors/communication. They also have a quiet area where children can go to calm down. If the child does not want to go to the quiet area, she has them sit with her. Ms. Foreman was informed of the allegation that she slapped Child A on the forehead during naptime on 01/06/2020. Ms. Foreman denied slapping Child A on the forehead but did admit that she put her hand on the back of Child A's head and moved it gently down toward the cot, asking her to lay down on the cot and stop talking. Ms. Foreman reported that she was told later that Child A was scared when she did that, and she felt really bad as it wasn't her intent. Ms. Foreman indicated there were five children added to the classroom after Christmas break and on that particular day she did have to give Child A several warnings to stop talking. Ms. Foreman denied choking Child C. There was an incident where Child C stood up on a chair and would not get down. He laughed when Ms. Foreman asked him to get down and stood on the table. Ms. Foreman put her hands on his shoulders and told him to get down. He then got down and took off running. Ms. Foreman denied ever threatening to take away a child's outdoor play time.

It should be noted that licensee designee, Ms. Ryan sent me an email indicating they had received permission and ordered cameras to be installed in the classrooms of the center. The cameras will be installed in approximately two weeks when the IT person for the center is available.

On 02/05/2020 I had a case conference with [REDACTED]

On 02/20/2020 I spoke with Child A, Child C, and Child G's Mothers.

Child A's Mother did not have concerns with discipline until Child A came home and told her Ms. Foreman had tapped her on the head during naptime. She currently does not have concerns with the child care staff members in the classroom, or

discipline at the center, as Ms. Foreman is no longer employed at the center, and the classroom has a new lead child care staff member. Child A's Mother spends time in the classroom in the morning sometimes with Child A and reported things are going great.

Child C's Mother did not have concerns with the discipline at the center. She indicated Child C has some tough behaviors and the center seems to be trying to work with him.

Child G's Mother did not have concerns with the child care staff members being physical with the children and does not feel that is an issue. She did report some concern with the children being physical with each other/bullying and the behaviors not being corrected/handled by the child care staff. This concern was discussed with the program director as it came up as a concern from special investigation 2020D0208005, dated 02/26/2020, during a parent interview.

I did review the center discipline policy in the parent handbook. The center uses positive methods of discipline, such as, clarifying the rule for the child, showing appropriate behavior by example, offering the words needed to help children solve their problems and helping verbalize what they want, redirect, ignore, and offer alternative activity praise to extinguish the behavior. If a behavior escalates, the child is moved directly next to the child care staff member and reminded of the rule and appropriate behavior, moved outside of the immediate group but still expected to participate in the activity, and reminded of the rule. If a child shows a pattern of behavior issues/concerns, the center will work with the parents to come up with a plan to work on the behavior with the child.

<b>APPLICABLE RULE</b>	
<b>R 400.8140</b>	<b>Discipline.</b>
	<b>(2) All of the following means of punishment are prohibited: (a) Hitting, spanking, shaking, biting, pinching, or inflicting other forms of corporal punishment.</b>

<b>ANALYSIS:</b>	<p>Ms. Foreman denied slapping Child A in the forehead. She did admit that she put her hand on the back of Child A's head and pushed her head gently down toward the cot. Child A did get tearful.</p> <p>When asked directly, Child A did say Ms. Foreman tapped her on the head but indicated she was not scared of Ms. Foreman and that she liked Ms. Foreman. Child D, Child E, and Child F reported that they liked Ms. Foreman and did not dislike anything about her. They denied that any child care staff member taps them on the head during naptime and that the staff pat and rub their backs during nap.</p> <p>The parents interviewed did not have concerns with discipline at the center currently. Child A's Mother did have concern with Ms. Foreman after the incident occurred, but Ms. Foreman is no longer employed at the center.</p>
<b>CONCLUSION:</b>	<b>VIOLATION ESTABLISHED</b>

<b>APPLICABLE RULE</b>	
<b>R 400.8140</b>	<b>Discipline.</b>
	<p><b>(2) All of the following means of punishment are prohibited:</b>  <b>(f) Excluding a child from outdoor play or other gross motor activities.</b></p>
<b>ANALYSIS:</b>	<p>The program director and child care staff members denied that children are excluded from outdoor play or threatened to have their outdoor play taken away. The staff did report that all children go outside but if they are repeatedly making unsafe choices, they are asked to go inside and discuss their behavior.</p> <p>The parents interviewed did not have concerns with the discipline at the center currently.</p>
<b>CONCLUSION:</b>	<b>VIOLATION NOT ESTABLISHED</b>

**ALLEGATION:** The center is serving Child B food with tomato products after they were told Child B is allergic to anything with tomatoes. The center is not serving food brought from home to Child B and is still serving Child B the food provided by the center.

**INVESTIGATION:** On 01/09/2020 I spoke with Child B's Mother. Child B's Mother is concerned with the food service at the center. Child B has a tomato allergy and will break out in hives when he eats anything with tomato. Child B's Mother asked if she could bring in food when they are serving foods with tomato products and the center staff indicated they would provide him with a substitute food if he could not eat what they are serving. Child B's Mother reported the food he was given as a substitute was corn pops, so she sent him to school with macaroni and cheese. The macaroni and cheese was in his locker at the end of the day. She asked the center about it and they told her Child B had wanted the food being served by the center, which was riblets with tomato product.

On 01/10/2020 I conducted an unannounced onsite inspection to CDC Forest. I interviewed program director, Ms. Orlando, licensee designee, Ms. Ryan, and child care staff members, Ms. Cramer, and Ms. DeYoung. I obtained child information cards and the parent handbook, including the nutrition, food service, and infant bottle policy.

Ms. Orlando had Ms. Ryan participate per telephone call. Ms. Orlando indicated the macaroni and cheese was served to Child B, and that the center always follows any allergies/special dietary needs a child has. She reported that the menu is posted in the hallway where parents walk in and is sent home each month. Any substitutions are noted on the menu. Ms. Orlando and Ms. Ryan confirmed that the center policy is to provide breakfast, lunch, and snack to the children and that the Child Care Food Service follows any instructions provided by parents or a physician for an allergy or special dietary need. This information and policy are located in the parent handbook that parents read and sign.

I did review the center nutrition, food service, and infant bottle policy. The Child Care Food Service prepares all food for the center. They prepare and serve nutritious and well-balanced meals following the guidelines and standards of the Child and Adult Food Care Program (CAFCP). The center provides breakfast, lunch, and an afternoon snack. The menu is posted in each classroom monthly and available for parents to take home. Parents are asked not to bring food to the center unless it is for a special occasion. If a physician has diagnosed food allergies for a child, a food substitution form, available from the director, must be completed by the physician and returned to the director prior to the first day of care for meal and snack planning.

The Child Care Food Service is notified and they will accommodate the special dietary needs for that child. CDC Forest is also a peanut-free center.

Ms. Cramer and Ms. DeYoung reported the child care staff are all very careful and pay close attention to any allergies a child may have. If a parent does send something in for their child, they do serve it to the child.

On 01/15/2020 I conducted a second onsite inspection to CDC Forest. I interviewed child care staff members, Ms. Tipsword, and Ms. Foreman. Both staff members indicated the center follows the instructions of parents/physician when it comes to a child's dietary needs/allergies. Ms. Foreman reported she has never heard of a child care staff member not following the food policy, or not serving what a parent brought to the center for their child.

On 02/20/2020 I spoke with Child A, Child C, and Child G's Mothers. They did not have concerns with the food service at the center. The center provides food for the children and parents are allowed to provide food for a special occasion. Child A, Child C, and Child G's Mothers were aware of the monthly menu and reported it is posted and sent home. Child A's Mother indicated Child A has a dairy sensitivity and is served soy or almond milk.

<b>APPLICABLE RULE</b>	
<b>R 400.8330</b>	<b>Food services and nutrition generally.</b>
	<b>(4) A center shall ensure a child with special dietary needs is provided with snacks and meals in accordance with the child's needs and with the instructions of the child's parent or licensed health care provider.</b>
<b>ANALYSIS:</b>	The program director and child care staff members denied serving Child B tomato products, and indicated they always follow the special dietary needs and instructions of the parent or licensed health care provider.  Aside from Child B's Mother, the other parents interviewed did not have concerns with the food service at the center and indicated the center always follows their special needs and instructions for their child.
<b>CONCLUSION:</b>	<b>VIOLATION NOT ESTABLISHED</b>

**IV. RECOMMENDATION**

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

*Roxanne Duckworth*

03/04/2020

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Roxanne Duckworth  
Licensing Consultant

Date

Approved By:

*Yolanda Sims*

03/04/2020

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Yolanda Sims  
Area Manager

Date