

**CHILD CARE LICENSING UNIT**  
**STATE OFFICE PARK SOUTH**  
**129 PLEASANT STREET, BROWN BUILDING, CONCORD, N.H. 03301-3857**  
**TEL. 603-271-9025 OR 1-800-852-3345, EXT. 9025**

**STATEMENT OF FINDINGS**

**ISSUE DATE:** April 21, 2014

**VISIT TYPE:** Unannounced Complaint Investigation

**VISIT DATE:** March 5, 2014 & March 11, 2014

**Ann E. Mitchell, Applicant**  
**Annie's Place-Children's Learning Center**  
**81 Riverwood Drive**  
**New Hampton, NH 03256**

**LICENSE NUMBER: CCCB-05287**  
**LICENSING COORDINATOR(S):**  
**Kathy MacKenzie**  
**Michelle Deyermund**

**In response to a complaint investigation visit conducted in accordance with RSA 170-E:17 II, the department finds that the child care program has violated the following statutes and/or rules:**

**RSA 170-E:4, II:**

NO CHILD CARE PROVIDER, WHETHER LICENSED AS A CHILD DAY CARE AGENCY OR EXEMPTED FROM LICENSING PURSUANT TO RSA 170-E:3, I, SHALL CARE FOR A CHILD IN A MANNER WHICH ENDANGERS THE HEALTH, SAFETY OR WELFARE OF THE CHILD. FOR PURPOSES OF THIS PARAGRAPH, ENDANGERMENT SHALL MEAN THE NEGLIGENT VIOLATION OF A DUTY OF CARE OR PROTECTION OWED TO SUCH CHILD OR NEGLIGENTLY INDUCING SUCH CHILD TO ENGAGE IN CONDUCT WHICH ENDANGERS HIS HEALTH OR SAFETY. LICENSEES IN VIOLATION OF THIS PARAGRAPH SHALL BE SUBJECT TO THE PROVISIONS OF RSA 170-E:12. PERSONS EXEMPTED FROM LICENSING WHO ARE IN VIOLATION OF THIS PARAGRAPH SHALL BE ENJOINED BY A COURT OF COMPETENT JURISDICTION IN ACCORDANCE WITH THE PROVISIONS OF RSA 170-E:22 FROM CARING FOR SUCH CHILD AND MAY BE ENJOINED, AS THE COURT MAY DETERMINE, FROM CARING FOR OTHER CHILDREN.

**He-C 4002.09(j)(3)**

THE DEPARTMENT SHALL REVOKE, SUSPEND OR DENY AN APPLICATION FOR A NEW LICENSE, LICENSE RENEWAL OR LICENSE REVISION IF AN APPLICANT, LICENSEE OR PERMITTEE HAS ENDANGERED OR CONTINUES TO ENDANGER ONE OR MORE CHILDREN OR OTHERWISE CAUSED ONE OR MORE CHILDREN TO BE PHYSICALLY OR MENTALLY INJURED

**He-C 4002.25(e)(2)**

CHILD CARE PERSONNEL AND HOUSEHOLD MEMBERS, IF THE PROGRAM IS TO BE LOCATED IN A HOME, SHALL NOT USE CORPORAL PUNISHMENT.

**He-C 4002.01(o)(14)**

“CORPORAL PUNISHMENT” MEANS PHYSICAL ACTIONS AGAINST A CHILD, INCLUDING BUT NOT LIMITED TO MECHANICAL RESTRAINTS, SUCH AS TYING A CHILD TO A CHAIR.

**He-C 4002.01(o)(17)**

“CORPORAL PUNISHMENT” MEANS PHYSICAL ACTIONS AGAINST A CHILD, INCLUDING BUT NOT LIMITED TO REQUIRING OR FORCING A CHILD TO TAKE AN UNCOMFORTABLE POSITION...

**THESE STATUTES AND/OR RULES WERE NOT MET AS EVIDENCED BY THE FOLLOWING:**

- NOTE: Throughout this evidence a playpen is referred to as a crib, playpen, porta-crib, and pack and play. All three terms are describing the same item; a portable, mesh-sided, folding crib with a thin mattress.
1. The Department has determined that the use of tightly tucked blankets, restrictive clothing and the act of covering an infant and/or child with a fitted sheet constitutes a mechanical restraint. In addition, restraining an infant and/or child limits their mobility and prevents them from being able to choose a comfortable position. The Department has determined that covering the head of an infant and or child with a sheet or blanket presents a suffocation hazard and an increased risk of SIDS.
  2. Staff A stated that to get the infants to sleep [Applicant] will put a fitted sheet over them. When asked to describe this, Staff A stated [Applicant] puts the fitted crib sheet "directly over them and tucks it in." Staff A confirmed to licensing coordinators that all four corners of the fitted sheet are tucked under the crib mattress so the child is trapped underneath. Staff A has seen this done to [Child G, 13 months old] when he was as young as approximately 8 months old.
  3. Staff B stated that she observed [Applicant] putting children in the crib located in back nap room and then putting a fitted crib sheet over them, tucking it in on all sides over the child. [Applicant] would state to Staff B "I'm just training them to sleep." Staff B witnessed this to occur with [Child G, 13 months old] and [Child I, 21 months old]. Staff B stated she went into the nap room and removed the sheet that was placed over the children and asked [Applicant] "Why are you doing that? You're suffocating them."
  4. Staff B stated that [Applicant] would tuck [Child J, 12 months old] in very tight with a blanket. Staff B stated to [Applicant] that it was "suffocating and restraining the children."
  5. Staff A stated that [Applicant] would wrap [Child H, 7 months old] "really tight so she'd sleep." Staff A stated that [Applicant] puts and directs staff to put [Child H, 7 months old] in her snowsuit to sleep after the child's parents took home the swaddling blanket.
  6. Staff C stated she was told by [Applicant] that if [Child H, 7 months old] is fussy to put her in a fleece snowsuit for naptime. Staff C stated that she was also told by [Applicant] to tuck the children in tight with a blanket so they sleep and do not wake their friends up, in response to questions from Licensing Coordinators who observed children to be tucked in tightly, restricting their movement.
  7. When the Licensing Coordinators asked [Applicant] about tucking children in tightly, she replied "When we put a blanket nice and tight she settles" in reference to Child J. The licensing coordinators asked about [Child K, 10 months old], [Applicant] stated "I'll tuck her in tightly, then they settle down."
  8. The licensing coordinators then asked if she ever used a crib sheet [Applicant] replied that [Child G, 13 months old] had no blanket and "I put a crib sheet over him on the corners." The licensing coordinators asked if [Applicant] meant all four corners and she replied "yes." When asked [Applicant] confirmed that [Child G, 13 months old] would be underneath the sheet. Applicant stated that the sheet was lightweight and two corners would be untucked once the child fell asleep. When asked why she covered and tucked the child in with a crib sheet the [Applicant] replied he wouldn't lay down.
  9. When asked about child sleeping in snowsuit [Applicant] stated that [Child H, 7 months old] would not sleep unless she was in the snowsuit, "it is the same as a swaddling blanket."
  10. On March 5, 2014, two licensing coordinators observed [Child J, 12 months old] to be laying in a pack n play and tucked in tightly with a blanket so that only the top of her head was showing. The blanket was tucked tightly on both sides of the child restricting her ability to move her arms and legs, to sit up or roll over.
  11. On March 11, 2014, two licensing coordinators observed [Child K, 10 months old] to be tucked in tightly as described above. The licensing coordinators observed [Child K, 10 months old] repeatedly struggling to move beneath the tightly tucked blanket, unable to free her arms or legs. [Child K, 10 months old] continued to struggle against the restraining blanket and appeared to be in an uncomfortable position without any response from staff. The licensing coordinators pointed out to staff that the child appeared uncomfortable and unable to freely move which was not safe and that the staff needed to release the child from the restraint of the blanket.
  12. On March 5, 2014, the licensing coordinators observed [Child H, 7 months old] lying on her back in a pack n play. The child was dressed in a one piece winter fleece snowsuit that covered her arms and legs with the

hood snug around her head and face. The child's hands and feet were covered with built in mittens and booties. The snowsuit is not intended for indoor use or sleep.

13. A previous corrective action plan was submitted by the program, and approved by the department in December 2001, in response to a complainant's statement that 1-3 year olds were being restrained to chairs using a belt to keep them seated. The corrective action plan stated "We no longer use belts or any other restraining methods to keep children seated for lunch or other activities unless an infant or young toddler is placed in a high chair that comes equipped with a belt."
14. Research states that to prevent the risk of SIDS: "Soft or loose bedding should be kept away from sleeping infants and out of safe sleep environments. These include, but are not limited to: bumper pads, pillows, quilts, comforters, sleep positioning devices, sheepskins, blankets, flat sheets, cloth diapers, bibs, etc. Also, blankets/items should not be hung on the sides of cribs. Swaddling infants when they are in a crib is not necessary or recommended, but rather one-piece sleepers should be used."  
(<http://cfoc.nrckids.org/StandardView/3.1.4.1>)

**He-C 4002.23(g)** TO REDUCE THE RISK OF SUDDEN INFANT DEATH SYNDROME (SIDS), INFANTS SHALL BE PLACED ON THEIR BACKS TO SLEEP, UNLESS THERE ARE WRITTEN MEDICAL ORDERS REQUIRING ALTERNATE POSITIONING.

**THIS STATUTE AND/OR RULE WAS NOT MET AS EVIDENCED BY THE FOLLOWING:**

1. Statements by three staff members that they have been directed to place a 7 month old in a car seat and place the car seat in a pack n play or crib for the infant to take a morning nap. This occurs each day the child is in attendance for an average of 30-45 minutes.

*door at 7:15. Put [redacted] in saucer and [redacted] in crib in her car seat. She will usually fall asleep around 7:35 - 8:10. Follow food schedule on wall*

2. Medical research states: "Infants should not nap or sleep in a car safety seat, bean bag chair, bouncy seat, infant seat, swing, jumping chair, play pen or play yard, highchair, chair, futon, or any other type of furniture/equipment that is not a safety-approved crib (that is in compliance with the CPSC and ASTM safety standards)" (ECELS, Healthy Child Care Pennsylvania. 2007. Car seats and swings are not safe for sleeping. *Health Link Online* 18:1-2. <http://ecels-healthychildcarepa.org/publications/heath-link-online/item/36-spring-2007>.)

**He-C 4002.25(e)(2)**

CHILD CARE PERSONNEL AND HOUSEHOLD MEMBERS, IF THE PROGRAM IS TO BE LOCATED IN A HOME, SHALL NOT USE CORPORAL PUNISHMENT.

**He-C 4002.01(o)(15)**

"CORPORAL PUNISHMENT" MEANS PHYSICAL ACTIONS AGAINST A CHILD, INCLUDING BUT NOT LIMITED TO ROUGH HANDLING.

**THESE STATUTES AND/OR RULES WERE NOT MET AS EVIDENCED BY THE FOLLOWING:**

1. Complainant reported that [Staff A] has told her that [Applicant] shouts and is rough with children, particularly [Child A, 4 years old].
2. Child A stated when [Applicant] brings him to timeout in the bathroom, she holds him hand and walks to the bathroom, then "she bangs my bum like this on the floor." "She would hold my hand and do this."  
(During this time Child A stood up and plopped himself on the floor more than once.)

3. Child D stated if a child tries to leave timeout, "a grownup will put me back in the kitchen and hurt my bum, make my bum hurt."
4. Staff A stated that when [Child A, 4 years old] resisted time out, [Applicant] would take him to kitchen and "plunk him down." [Applicant] would repeatedly bring [Child A, 4 years old] "back into the kitchen and forcefully plunk him down."
5. Staff A stated that [Applicant] "slammed [Child C, 27 months old] down and her head hit the wall and she cried."
6. Staff B reported that when [Applicant] would put children in time out, "you could hear them hit the spot, hear the thump of the door." This occurred in front of the nap room door in reference to toddlers.
7. Staff B stated in reference to preschoolers, [Applicant] would tell them to sit in a chair in the kitchen and "would use force to make them sit."

**He-C 4002.24(a)** PARENTS SHALL BE ALLOWED UNANNOUNCED ACCESS TO THEIR CHILDREN AT ALL TIMES, INCLUDING BUT NOT LIMITED TO OBSERVATION OF THEIR CHILDREN INTERACTING WITH THE CHILDREN IN HIS/HER ASSIGNED CLASSROOM AND WITH THE CHILD CARE PERSONNEL RESPONSIBLE FOR HIS/HER CARE.

**THIS STATUTE AND/OR RULE WAS NOT MET AS EVIDENCED BY THE FOLLOWING:**

1. Licensing coordinators observed the entrance to the program to be locked on both March 5<sup>th</sup> and March 11<sup>th</sup> and had to knock and wait a few minutes before staff came to the door and allow them to enter the program.
2. On March 5<sup>th</sup>, 2014 the licensing coordinators observed a sign to be displayed outside the front door of the program. The sign stated. "Do not Disturb, Nap Time 1-3pm, Please call if you need us."
3. Staff A reported that parents are not welcome to come into the program. The door is always locked unless staff are aware that a parent is coming at a specific time.
4. Staff B stated that the program is "not family orientated (sic)." She further explained that parents do not come into the program at all during the day, not sure if "they are allowed or not."
5. Staff B stated a sign that said "Do not disturb nap time", has always been posted at the door.
6. The licensing coordinators observed on both March 5<sup>th</sup> and March 11<sup>th</sup> all but two parents to remain at the front door to the program when picking up their children. The parents did not enter the classroom and waited for staff to bring their child and their child's belonging to them.

**He-C 4002.25(e)(3)(e)** CHILD CARE PERSONNEL AND HOUSEHOLD MEMBERS, IF THE PROGRAM IS TO BE LOCATED IN A HOME, SHALL NOT: ATTEMPT TO CONTROL CHILDREN'S BEHAVIOR BY ACTIONS WHICH ARE HUMILIATING, THREATENING, SHAMING, FRIGHTENING OR OTHERWISE DAMAGING TO CHILDREN, INCLUDING BUT NOT LIMITED TO: YELLING AT CHILDREN

**THIS STATUTE AND/OR RULE WAS NOT MET AS EVIDENCED BY THE FOLLOWING:**

1. The complainant stated that [Child A] reported that [Applicant] yells at him and that she puts him in time out in the kitchen. The complainant has noticed [Child A]'s temper increasing, where he would get directly in your face and yell. The child stated that is what [Applicant] does.
2. Staff A stated that :
  - a. One time [Child D, 3 1/2 years old] tripped on the playground and stepped on a plastic pail. [Applicant] yelled at [Child D, 3 1/2 years old] because the pail broke.
  - b. She is concerned about [Applicant's] loud voice.
  - c. She explained that [Child A, 4 years old] would yell and get in children's faces.
  - d. She realized that [Child A, 4 years old] learned this behavior from [Applicant] and she does get in the children's faces and yell.

3. Staff B stated [Applicant] does not treat children fairly, being verbally yelled at, and put in time out. The [Applicant] yelled a lot and her tone of voice, very demanding.
4. Staff C stated she has overheard [Applicant] use the words "naughty" and "bad" with the children and that [Applicant's] discipline is "too harsh."

**He-C 4002.25(e)(10)**

CHILD CARE PERSONNEL AND HOUSEHOLD MEMBERS, IF THE PROGRAM IS TO BE LOCATED IN A HOME, SHALL NOT DISCIPLINE A CHILD FOR NOT SLEEPING AT REST OR NAP TIME.

**He-C 4002.23(c)**

PROGRAMS SHALL ACCOMMODATE THE INDIVIDUAL SLEEPING PATTERNS OF INFANTS AND CHILDREN WHO ARE UNABLE TO ADJUST TO A SCHEDULED NAP OR REST TIME.

**He-C 4002.23(d)**

PROGRAMS SHALL ALLOW CHILDREN WHO ARE ABLE TO ADJUST TO A SCHEDULED NAP OR REST TIME TO FALL ASLEEP AND AWAKEN AT THEIR OWN PACE WITHIN A BLOCK OF TIME SET ASIDE AS NAP OR REST TIME.

**THESE STATUTES AND/OR RULES WERE NOT MET AS EVIDENCED BY THE FOLLOWING:**

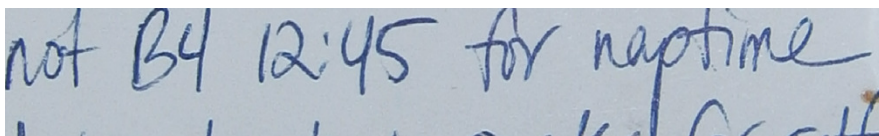
1. The Department determined that the program's failure to accommodate the individual sleeping patterns of infants and children has the potential to jeopardize the health, safety or well being of children.
2. In reference to [Applicant's] treatment of children at rest time, Staff A stated that the babies are allowed to "cry and cry and cry" for 45 minutes to an hour. When [Child G, 13 months old] and [Child I, 21 months old] wake up around 1:45-2:00 pm, the [Applicant] will let them cry and cry in their "crib", they are not allowed to be taken out of their "crib" until 3:00 pm.
3. Staff A stated that the [Applicant]:
  - a. expects the whole center, all children, to sleep from 1:00 – 3:00 pm.
  - b. has instructed her to wake all sleeping children at 3:00 pm.
  - c. instructs staff to have all the children lay on their "tummies" and to be wrapped in blankets.
  - d. instructed staff to skip [Child K, 10 months old]'s morning nap despite instructions at recent enrollment from parent. The reason [Applicant] gave to staff for withholding morning nap is that she wanted to ensure all children would sleep from 1:00-3:00pm.
4. Staff B stated that the [Applicant]:
  - a. wants all the children "down for a nap from 12:45 – 3:00 pm"
  - b. expects infants and toddlers to stay in a pack n play or on their mats during this time.
  - c. expects all preschoolers to stay on their mats during this time.
  - d. would "forcefully" put [Child A, 4 years old] on his mat and he still didn't sleep.
  - e. instructs the children to 'lay on their bellies, they are afraid of [Applicant]."
  - f. would hold her hand on the children's backs until they fall asleep.
  - g. would put a fitted crib sheet over an infant and say "I'm just training them to sleep."
  - h. began putting [Child H, 7 months old] in a snowsuit for nap so she would sleep longer, from 12:45 - 3:00 pm.
  - i. has posted a sign that says "Do Not Disturb Nap Time." This sign has always been present to the knowledge of [Staff B].
5. Staff C described naptime as "harsher than where I've worked before," "rigid" and "set in stone" from 1-3 pm.
6. Staff C stated that the [Applicant]:
  - a. instructs staff to have all the children on mats start by laying on their belly with a blanket
  - b. instructed staff to skip [Child K, 10 months old]'s morning nap because it impacted her afternoon nap. Staff C stated that [Child K, 10 months old] would be fussing and she had to try to keep her awake because she had "been closing her eyes and be tired – we'd just keep her awake." Staff C

explained that this week the parent of [Child K, 10 months old] informed them that [Child K] needs to go back to having her morning nap per her doctor's instructions.

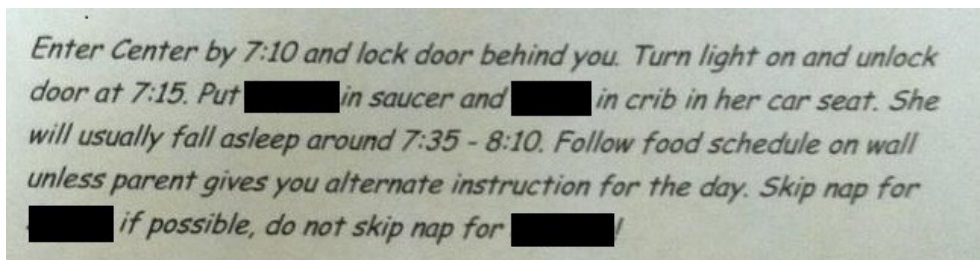
- c. expects the infants and children to be tucked in tight so they sleep and do not wake their friends up.
- 7. Child A stated that [Child D, 3 1/2 years old] doesn't follow the rules. "He be bad at nap, got a book. [Applicant] says books are for later."
- 8. Child B, 3 years old, stated that at naptime you lay on your belly, no one is allowed to sleep on their back.
- 9. Child D, 3 1/2 years old, stated that at naptime you lay on your belly. [Staff A] and [Applicant] will tell you no if you sleep on your back, "no one sleeps on their back."
- 10. Child E, 6 years old, stated:
  - a. sometimes after nap when people wake up they get to do something, like coloring or something.
  - b. rules for naptime: you can't wake anyone up, lay on your mat
  - c. he does not always sleep at nap time, "sometimes." Child E, 6 years old, stated that he just lays on his mat and "be quiet" when he is not sleeping like he is supposed to.
  - d. you can get up off of mat when teachers say you can. You know when you can get up, when the shade on the door comes off and the lights are on and a teacher invites you to come up.
  - e. you are supposed to sleep with your back facing the ceiling.
- 11. The licensing coordinators observed on March 5<sup>th</sup>:
  - a. a sign to be displayed outside the front door of the program. The sign stated Do not Disturb, Nap Time 1-3pm, Please call 744-7949 if you need us



- b. at approximately 12:15, several children from the infant/toddler group were already in their pack n plays.
- c. the lights were turned off at approximately 1:00 pm once all the children, including infants, in the program were either on their mats or in pack n plays.
- d. Written instructions from the [Applicant] to the staff stating in part:
  - 1. "not B4 12:45 for naptime."



- 2. "skip nap for [Child K, 10 months old] if possible, do not skip nap for [Child G, 13 months old]!"
- 3. "put [Child H, 7 months old] in crib in her car seat. She will usually fall asleep around 7:35-8:10"



12. The licensing coordinators observed on March 11<sup>th</sup>:
- as each infant and/or child finished lunch and had their diaper changed, staff placed them in their pack n play as early as 12:15pm.
  - the lights were turned off at 1:00pm and the shade hung on the front door.
  - while interviewing [Applicant] in the preschool room, children who had woken up to remain on their mats or in their pack n plays until 3:00 pm when the lights were turned on and the shade removed from the door.
13. The [Applicant] stated:
- that children who are awake are provided books after 30 minutes and are then allowed off of their mats after 60 minutes.
  - [Child G, 13 months old] and [Child I, 21 months old] sleep in the back room and were waking up at 2 pm screaming. [Applicant] would try to rub their backs to get them back to sleep. If they did not fall back to sleep, the lights would be turned on and they would stay in their cribs talking to each other until 3:00 pm.
  - she would use a crib sheet, tucked in on all four corners with [Child G, 13 months old] underneath the sheet until he fell asleep. The [Applicant] further stated she tucked [Child G, 13 months old] in because "he wouldn't lay down, then he'd settle down..."
  - that [Child J, 12 months old] is tucked in nice and tight with a blanket because "she wouldn't lay down," she then settles. [Child J, 12 months old] would "keep getting up and down, once tucked in tight she fell right asleep."
  - that [Child H, 7 months old] will not sleep unless she is in her snow suit. The [Applicant] justified putting [Child H, 7 months old] in a snowsuit to get her to sleep because "it is the same as a swaddling blanket."
14. To reduce the risk of SIDS the American Academy of Pediatrics states, "Infant sleep clothing that is designed to keep the infant warm without the possible hazard of head covering or entrapment can be used in place of blankets; however, care must be taken to select appropriately sized clothing and to avoid overheating. If a blanket is used, it should be thin and tucked under the mattress so as to avoid head or face covering." (<http://pediatrics.aappublications.org/content/early/2011/10/12/peds.2011-2285.full.pdf+html>)

**He-C 4002.25(e)(7)**

CHILD CARE PERSONNEL AND HOUSEHOLD MEMBERS, IF THE PROGRAM IS TO BE LOCATED IN A HOME, SHALL NOT: USE ISOLATION AS A FORM OF DISCIPLINE

**He-C 4002.25(d)(1)**

SEPARATION, OR TIME OUT, SHALL ONLY BE USED AS A METHOD TO ENABLE A CHILD TO REGAIN CONTROL OF HIS OR HERSELF, NOT AS A PUNITIVE DISCIPLINARY TECHNIQUE, AND THE FOLLOWING REQUIREMENTS SHALL APPLY: SEPARATION SHALL BE BRIEF AND APPROPRIATE TO THE CHILD'S DEVELOPMENTAL LEVEL AND CIRCUMSTANCES:

**He-C 4002.25(d)(2)(a)**

SEPARATION, OR TIME OUT, SHALL ONLY BE USED AS A METHOD TO ENABLE A CHILD TO REGAIN CONTROL OF HIS OR HERSELF, NOT AS A PUNITIVE DISCIPLINARY TECHNIQUE, AND WHEN A CHILD IS SEPARATED FROM THE GROUP, HE OR SHE SHALL BE ABLE TO SEE AND HEAR THE OTHER CHILDREN.

**He-C 4002.25(d)(2)(b)**

SEPARATION, OR TIME OUT, SHALL ONLY BE USED AS A METHOD TO ENABLE A CHILD TO REGAIN CONTROL OF HIS OR HERSELF, NOT AS A PUNITIVE DISCIPLINARY TECHNIQUE, AND WHEN A CHILD IS SEPARATED FROM THE GROUP, HE OR SHE SHALL BE WITHIN HEARING AND VISION OF CHILD CARE PERSONNEL.

**THESE STATUTES AND/OR RULES WERE NOT MET AS EVIDENCED BY THE FOLLOWING:**

1. A complainant stated that her four year old child [Child A, 4 years old] reported that [Applicant] puts him in time out in the kitchen. He has reported this several times and that the "time out" is happening at least daily. He has also reported that [Applicant] put him into the bathroom before and closed the door for time out.
2. Child A, 4 years old, stated "When I was bad at [Applicant's] you go to a time out in the kitchen." Time out is when you sit in the kitchen in a chair. You sit until you come out. Ms. [Applicant] was in the baby room, could not see her. Child A stated when he was in time out the other teachers were at circle, he could not see them. Child A stated that he can't see them because there is a door where the kitchen, it was closed. Child A stated there was a time he couldn't open the door, he tried to open the door, and it was too hard because it was locked. The other kids were at circle. Child A stated "when I scream really loud in the kitchen Ms. [Applicant] puts me in the bathroom and closes the door. Ms. [Applicant] will hold my hand and walk to the bathroom." Child A, 4 years old, stated that when Ms. [Applicant] brings him to the bathroom, she closes the door and then "she bangs my bum like this, on the floor. She would hold my hand and do this." (During this time the child stood up and demonstrated slamming himself down onto the floor more than once). Ms. [Applicant] would say "when you stop crying and are ready to come out, you can play." Child A stated that [Child B, 4 years old] doesn't follow the rules. When [Child B, 4 years old] doesn't follow the rules Ms. [Applicant] will say you're going into the kitchen. [Child B, 4 years old] starts crying like a baby, and goes into the kitchen in a chair and comes out when Ms. [Applicant] asks him to. Ms. [Applicant] doesn't say anything when [Child B, 4 years old] cries.
3. Staff A stated that [Applicant] puts the children in the kitchen for time out and yells at them. When asked if children ever resist time out [Staff A] stated that [Child A, 4 years old] has. [Applicant] would take [Child A, 4 years old] to kitchen and "plunk him down." [Applicant] would repeatedly bring [Child A, 4 years old] back into the kitchen and forcefully plunk him down. Staff A provided another example of a time out in reference to two year old [Child C, 27 months old]. Staff A stated that " [Applicant] slammed [Child C, 27 months old] down and her head hit the wall and she cried." This was approximately three months ago.
4. Staff B stated [Applicant] does not treat children fairly, being verbally yelled at, and put in time out. When children would bite [Applicant] would put the child in timeout, "you could hear them hit the spot; hear the thump of the door." Time out was in front of nap room door, and would last 3-4 minutes. Staff B stated the children would cry when in time out which occurred at least every other day. Staff B stated that time outs are regularly used. [Applicant] would tell the children to sit in a chair in the kitchen. The [Applicant] would use force to make them sit. Staff B stated the [Applicant] would use the bathroom for timeouts, specifically [Child A, 4 years old] and [Child D, 3 1/2 years old]. The [Applicant] would put them in the bathroom, hold the door shut for four to five minutes. The [Applicant] would leave the toddler classroom to come and discipline the preschoolers.
5. Child E, 6 years old, stated that if you are doing something that is not good then you have to sit in the kitchen. You sit in the chairs near the table or near the door if someone is in the kitchen. Child E stated that [Child B, 4 years old] did a timeout once. [Child B, 4 years old] came in crying like [Child A, 4 years old] usually does. One time [Child B, 4 years old] had to stand facing the calendar. [Child B, 4 years old] had to stand in the classroom but had to turn around so he couldn't see the book that was being read. Child E stated that if it is not that bad you work at the tables. Child E stated that if you don't follow the rules inside you will have to go sit in the kitchen. Child E further explained that while in the kitchen you would have to sometimes stand or take a chair and sit. The teachers will usually say "don't do that" or something like that and tell you to come into the kitchen. Child E stated that sometimes [Child A, 4 years old] would cry and say I don't want to do it when told to go sit in the kitchen. Sometimes [Staff A] would tell him to sit in the kitchen and he would say no and she would have to pull him into the kitchen. Child E described an incident that one time happened at nap where [Child A, 4 years old] knocked over [Child E, 6 years old]'s tower. Another time [Child A, 4 years old] was running and had to go to timeout. Child E stated "sometimes if not that bad of a rule you broke, you would have to sit at the table and do a table top."
6. Child D, 3 1/2 years old, stated if you don't follow the rules teachers will say "go in the kitchen, stay in the kitchen, you don't get out of the kitchen if naughty." When asked what if you leave the kitchen, Child D stated "a grownup will put me back in the kitchen and hurt my bum, make my bum hurt." When asked which grownup, Child D stated [Staff A]. Child D stated that for timeout you sit in the kitchen or at the



table in the preschool. Child D stated that [Applicant] and [Staff A] will say when you go to timeout. "If you be naughty you go to time out, if you're good you stay out." Child D identified the teachers as [Staff A] and [Applicant]. "They tell me to go to time out if I be naughty." But if I don't do it anymore I don't go to time out.

7. Child B, 4 years old, stated that if you don't follow the rules [Applicant] will "put you in trouble." Child B stated that in trouble means you sit in the kitchen. Child B stated that [Child F] hit and "[Applicant] will get him in trouble." He should be a big boy and not hit. When kids are in trouble they go in the kitchen.
8. The Applicant stated that "discipline depends on the act and the child." If the child has hurt or is about to hurt another child she has them sit in the kitchen and think about their behaviors. She allows the child to do a quiet activity, a choice that allows them space away from the other children. Some kids don't want to sit so she "will help make them sit." "Timeouts are rare." Time outs occur in the kitchen. If the children are at circle time and need a time out they are asked to sit at the table in the classroom. "Toddlers don't usually do timeout. Will redirect them, move them away." The Applicant stated that Annie stated that one particular child, [Child A, 4 years old], needed to be removed from the situation. The Applicant described the child as a "frictious" child, and she has tried everything including PTAN. The Applicant stated [Child A, 4 years old] "would get in a zone; he would hurt other children if he got in the zone." There were days when [Child A, 4 years old] would throw the things off the table. When asked if there was another room used for time out [Applicant] stated one time [Applicant] she brought [Child A, 4 years old] into the bathroom because he was not safe in the kitchen during a time out. [Child A, 4 years old] was pulling the light board off of the table, throwing things. The Applicant stated there is a stool in the bathroom and nothing else to get hurt on so she brought him to the bathroom. [Child A, 4 years old] was in the bathroom and was kicking bathtub, he got upset when he realized the other children were talking/watching him so [Child A, 4 years old] slammed the bathroom door shut. The Applicant stated that she told [Child A, 4 years old] when he is ready he can come out and return to group. The Applicant stated that all of a sudden [Child A, 4 years old] came out on his own and was calm. The Applicant stated this only happened one time. When asked again if it happened one time or more than one time [Applicant] then stated it might have been more than once. The applicant stated that Staff B was upset this had occurred, she didn't like it.

**He-C 4002.23(h)**

CHILD CARE PERSONNEL SHALL CHECK ON INFANTS IN CRIBS, IN PERSON, AT LEAST EVERY 10 MINUTES.

**THIS STATUTE AND/OR RULE WAS NOT MET AS EVIDENCED BY THE FOLLOWING:**

1. Two licensing coordinators observed two children in cribs in the adjoining room of classroom with the door shut.
2. Staff Member B stated that she checks on the children in cribs every 30 minutes.
3. Staff Member C stated that she checks on the children in cribs at least once during nap time. She further explained that naptime is typically from 1:00 pm to 3:00 pm.

**He-C 4002.21(k)(3)**

PRIOR TO BEING USED FOR CHILD CARE, ALL INDOOR AND OUTDOOR CHILD CARE SPACE SHALL BE: INSPECTED BY THE DEPARTMENT IN ACCORDANCE WITH RSA 170-E:8, III, AND RSA 170:E9, II;

**THIS STATUTE AND/OR RULE WAS NOT MET AS EVIDENCED BY THE FOLLOWING:**

On March 5<sup>th</sup> and 11<sup>th</sup>, two licensing coordinators observed [Child G, 13 months old] and [Child I, 21 months old] in pack n plays in a back room which is referred to as the nap room. The back room is a small space located behind the infant/toddler classroom which has a stairway that leads to the [Applicant's] residence. The [Applicant] stated that the fire department did not come out and approve the space but that a former licensing

coordinator approved the space. [Applicant] stated that the only thing fire department said about that space was to not block the stairs because they are the path of the second egress. All staff confirmed that the back room is used daily as child care space. The licensing coordinator's review of department records showed that this space has not been measured or documented in the permanent record as approved child care space.

**He-C 4002.19(a)**

CHILD CARE PERSONNEL SHALL SUPERVISE EVERY CHILD IN CARE AT ALL TIMES.

**THIS STATUTE AND/OR RULE WAS NOT MET AS EVIDENCED BY THE FOLLOWING:**

1. It is the Department's determination that the [Applicant] has failed to supervise children in her care by leaving children in classrooms unattended by staff and leaving children in unapproved "nap room." The licensing coordinators determined that staff would not have had the ability to see and hear the children at all times and provide prompt attention to safeguard them from harm.
2. Staff A stated:
  - a. [Applicant] puts and directs staff to put two children (later identified as [Child G, 13 months old] and [Child I, 21 months old]) in "pack n plays in the back room until they poop and then she brings them out."
  - b. that during naptime staff take breaks leaving one staff member in each room. Staff A takes her break from 2-3 pm and [Staff C] is on break from 1-2 pm.
  - c. [Applicant] goes upstairs "quite often" during those times leaving the infants/toddlers alone in the classroom without supervision.
  - d. that the [Applicant] told staff that if no more than four children total are awake, in either classroom, they can go on their breaks regardless of how many children are present in each classroom.
  - e. when she leaves at the end of her workday there are between 3-6 children still present in the program. [Applicant] will leave 2-3 children alone in the preschool classroom while she is in the infant/toddler classroom with up to 4 infants and toddlers. This leaves the preschool children unsupervised in the preschool classroom.
3. On March 5<sup>th</sup> the licensing coordinator opened the solid, metal door leading into the room identified as the nap room and observed [Child G, 13 months old] and [Child I, 21 months old] to be standing, wide awake in their pack n plays with the overhead lights on. The licensing coordinators could not hear the child in the "nap room" when the door was closed due to the volume of the voices and activity of the classroom and the thickness of the closed door.
4. Staff C stated:
  - a. in response to licensing coordinators questions regarding their observations of [Child G, 13 months old] and [Child I, 21 months old], that staff have been instructed by [Applicant] to put them in their pack n plays after lunch until they "poop."
  - b. [Child G, 13 months old] and [Child I, 21 months old] sleep in the nap room. There is no nursery monitor and the door is usually closed.
5. Staff B stated:
  - a. she "hates the nap room" for the infants and toddlers. "You cannot see the kids at all."
  - b. The [Applicant] left the children alone. [Staff B] was leaving around 4 pm and saw the oil truck pull up, and knew [Applicant] was alone with the children. [Staff B] came back into the classroom and observed two toddlers and one preschool alone. [Applicant] stated to [Staff B] that she just had to run to the garage to let the oil man in.
  - c. other times [Applicant] would go upstairs and leave the children unsupervised in the classroom. This would occur during staff break times and would only leave one teacher for both classrooms. [Applicant] said it was ok that she was going upstairs.
6. [Applicant]:
  - a. confirmed that [Child G, 13 months old] and [Child I, 21 months old] sleep in the room identified as the nap room. She also confirmed that this room is not equipped with a nursery monitor. [Applicant]

stated she was told that she only needed a monitor for infants and she can hear the older ones if they wake up.

- b. stated that [Child G, 13 months old] and [Child I, 21 months old] poop after lunch so they are put in their pack n plays to chitchat, this is around 12:30.
- c. claimed that the door is open and the light is on.
- d. Stated that once [Child G, 13 months old] and [Child I, 21 months old] poop they are changed and put down for a nap. The door is shut until they fall asleep because the light keeps them awake. They will not settle if it is not "pitch black."

**He-C 4002.24(e)(3)**

ALL PROGRAMS SHALL PROVIDE EACH CHILD WITH OPPORTUNITIES TO SAFELY PRACTICE THE WIDE RANGE OF MOVEMENTS APPROPRIATE TO THEIR DEVELOPMENTAL LEVEL.

**He-C 4002.24(f)(3)**

IN ADDITION TO THE REQUIREMENTS IN He-C 4002.24(e), CENTER BASED PROGRAMS CARING FOR CHILDREN YOUNGER THAN 3 YEARS OF AGE SHALL PROVIDE STIMULATING ACTIVITIES FOR INFANTS OR TODDLERS, WHO ARE AWAKE IN INFANT SEATS, SWINGS, HIGH CHAIRS, CRIBS, PLAY PENS OR OTHER SIMILAR EQUIPMENT, AND SHALL NOT KEEP THEM CONFINED IN SUCH EQUIPMENT FOR LONGER THAN 30 MINUTES.

**THESE STATUTES AND/OR RULES WERE NOT MET AS EVIDENCED BY THE FOLLOWING:**

1. The Department determined that by confining infants and toddlers in equipment such as playpens, infant seats and exersaucers for extensive periods of time hinders children's ability to safely practice a wide range of movements needed in order to assure that they reach the developmental milestones including fine and gross motor skills appropriate for their age. "Keeping an infant confined in a piece of infant equipment prevents an infant from active movement. Infants need the opportunity to play on the floor in a safe open area to develop their gross motor skills. If infants are not given the opportunity for floor time, their development can be hindered or delayed (2)." (American Physical Therapy Association (APTA). 2008. Lack of time on tummy shown to hinder achievement of developmental milestones, say physical therapists. Press release.) Therefore the practice of confining the children has the potential to jeopardize the health, safety or wellbeing of children in care.
2. On March 5, 2014 from approximately 12:15 PM until they left the program at approximately 3:40, the licensing coordinators observed that all the infants and young toddlers were confined to equipment such as playpens, high chairs, infant seats or exersaucers. The children remained in playpens or high chairs while staff were changing individual children's diapers and getting them ready for naptime and throughout the designated naptime from 1:00-3:00 PM, regardless of whether they had awoken before 3:00 PM. Children remained in the equipment until staff finished diaper changes and then some children were moved to high chairs while older toddlers sat at the table for snack.
3. Child H, 7 months old, remained in a child seat, which was placed in a playpen throughout the licensing coordinator's visit, except when staff changed her and fed her a bottle.
4. The licensing coordinators also observed written instructions from the [Applicant] to staff. The notice stated in part: "Enter center by 7:10 and lock door behind you. Turn light on and unlock door at 7:15. Put [Child K, 10 months old] in saucer and [Child H, 7 months old] in crib in her car seat. She will usually fall asleep around 7:35 - 8:10."

*Enter Center by 7:10 and lock door behind you. Turn light on and unlock door at 7:15. Put [REDACTED] in saucer and [REDACTED] in crib in her car seat. She will usually fall asleep around 7:35 - 8:10. Follow food schedule on wall unless parent gives you alternate instruction for the day. Skip nap for [REDACTED] if possible, do not skip nap for [REDACTED].*

5. On March 11, 2014, the licensing coordinators observed infants and toddlers having opportunities for floor time but once the lunch routine began, at approximately 11:30, all children in the infant and toddler classroom were confined to equipment, as referenced in 2 above.
6. Staff A stated that:
  - a. [Applicant] confines an infant [Child G, 13 months old] and a toddler [Child I, 21 months old] "in pack n plays, in back room, until they poop and then she brings them out."
  - b. the babies are allowed to "cry and cry and cry" for 45 minutes to an hour after waking up around 1:45 - 2:00 pm. They do not come out of their pack n play until 3:00 pm.
  - c. [Applicant] leaves [Child H, 7 months old] in her car seat, in her pack n play each morning after drop off from 7:15 until she falls asleep which typically takes over half an hour.
  - d. [Applicant] does not let staff provide [Child H, 7 months old] any "belly time", no time on the floor. The [Applicant] states this is so that [Child H, 7 months old] will not get hurt.
  - e. [Child H, 7 months old] does not reach for people, is not trying to touch faces, and is not sitting up or rolling over as would be expected for her age. Staff A concerned for [Child H, 7 months old]'s development because she is confined per [Applicant]'s direction.
7. Staff B stated:
  - a. infants are always in pack n play or other equipment.
  - b. since November, [Child H, 7 months old], has been placed in a pack n play "all day long."
8. Staff C stated:
  - a. She has been taught by [Applicant] to nap [Child H, 7 months old] in car seat, placed in "crib."
  - b. [Child H, 7 months old] cannot sit up on her own. Each day she naps in her car seat in the pack n play.
  - c. [Child K, 10 months old] goes in the exersaucer every morning at drop off, approximately 7:15, until "she's happy" usually until 8:00 am. [Child K, 10 months old] is regularly placed in the exersaucer after lunch while the staff are getting children ready for nap.
9. [Applicant] stated:
  - a. [Child I, 21 months old] and [Child G, 13 months old] were waking up at 2:00 pm screaming, so she would rub their backs in attempt to get them back to sleep. If they did not fall asleep the lights would be turned on and they would remain in their pack n plays until 3:00 pm "chit-chatting."
  - b. [Child I, 21 months old] and [Child G, 13 months old] both "poop" after lunch and are put into their pack n plays to "chit-chat" at approximately 12:30. Once the children "poop" they are changed and then put back into their pack n plays for nap.
  - c. infants are provided a limited amount of floor time to keep them safe from other children.
  - d. If [Child H, 7 months old] arrives sleeping, she will place her in her car seat right in her "crib" where she sleeps from approximately 7:30 - 8:00 am. The car seat is placed in the crib because [Child G, 13 months old] has scratched [Child H, 7 months old]'s face once. [Applicant] stated that the day prior, [Child H, 7 months old] arrived awake so she was put in "a jumpy seat."

**He-C 4002.28(m)(1), (2), and (4)**

TOILETING LEARNING SHALL BE: (1) INDIVIDUALIZED; (2) DEVELOPMENTALLY APPROPRIATE; AND (4) NEVER FORCED.

**THIS STATUTE AND/OR RULE WAS NOT MET AS EVIDENCED BY THE FOLLOWING:**

1. Staff A stated:
  - a. that one time three year old [Child L] was out on the playground and needed to go to the bathroom. When Staff A tried to bring the child inside to the [Applicant], [Applicant] said no, she went before she went out, she is not coming in. The [Applicant] then told [Child L] "you're not coming in." [Child L] then "pooped in her pants."
  - b. [Applicant] told [Child D, 3 1/2 years old] that he couldn't use the bathroom.
  - c. a third incident involved (an unnamed child) who had "pooped." [Applicant] brought him to the changing table and said "You're too old for this. You are too big for this. You need to tell me when you need to go to the potty." At that time Staff A had not seen the child begin potty training, had not seen [Applicant] ever take him into the bathroom to use the potty.
2. Child D stated "if you come inside from the playground to go pee, you can't go back outside again. Ms. [Applicant] says that." When asked what happens if you have an accident he stated "you have to get changed and go with the babies."

**He-C 4002.32(c)(1)**

CENTER DIRECTORS AND SITE DIRECTORS SHALL BE RESPONSIBLE FOR THE DAILY OPERATION OF THE PROGRAM AND ENSURE THE PROGRAM'S COMPLIANCE WITH He-C 4002.

**THIS STATUTE AND/OR RULE WAS NOT MET AS EVIDENCED BY THE FOLLOWING:**

1. Staff A stated that she is the "director by name only." [Applicant] is the owner, and she hired [Staff A] as the center director on September 9<sup>th</sup>, 2013. Staff A explained that [Applicant] "doesn't let me do anything," and that [Applicant] does all the director duties. Staff A has not seen any of the children or staff files, does not even know all of the children's last names, and only [Applicant] does the sign in and out sheet.
2. Staff B stated that [Staff A] worked in the preschool as a teacher. Staff B knows of /believes [Applicant] is the director of the program and "did whatever else."
3. Statements by Staff A, Staff B and Staff C indicated that they receive instructions from [Applicant] regarding policies and procedures for the daily operation of the program, and their statements further indicated that Staff A is not recognized by any staff as the person responsible for the daily operation of the program.
4. The licensing coordinator's observed that several notices written by [Applicant], who does not meet the qualifications of Center Director, were posted around the program directing staff on policies and procedures. Notices included the following directives from [Applicant] which indicated that she is the person acting in the role of the person in charge of the daily operation of the program, and when she is not present she refers parents to a person who has not been regularly present at the program as substituting for her, instead of allowing the center director approved by the Department to be responsible for the daily operation of the program, and :
  - a. Discipline-redirection preschoolers are redirected to the kitchen and given an activity to do on the counter until they are ready to make things right with their friends or teacher. Circle time for disruptive children, children sit on the other side of the red table for circle time",
  - b. Goals for preschool three year olds: "learn to recognize lower and upper case letters", "learn to write upper case letters", learn to recognize numbers 1-31....."
  - c. "Skip nap for [Child K, 10 months old] if possible, do not skip nap for [Child G, 13 months old]."
  - d. "Before [Staff C] leaves children should be set at the table with a quiet activity to do before parents arrive."

**He-C 4002.14(b)(16)**

PROGRAMS SHALL MAINTAIN THE CHILD CARE ENVIRONMENT FREE OF CONDITIONS HAZARDOUS TO CHILDREN, INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING: STAIRWAYS WHICH ARE ACCESSIBLE TO CHILDREN YOUNGER THAN 3 YEARS AND ARE NOT EQUIPPED WITH FUNCTIONAL, PROPERLY LATCHED SAFETY GATES;

**THIS STATUTE AND/OR RULE WAS NOT MET AS EVIDENCED BY THE FOLLOWING:**

The stairway located in the back room, currently used for napping two children, ages 12 months and 19 months, is not equipped with a safety gate.

**He-C 4002.14(j)(2)**

ALL ITEMS LISTED IN He-C 4002.14(i) SHALL BE IN CABINETS WHICH ARE LOCKED OR SECURED WITH CHILD PROOF LATCHES OR OTHERWISE OUT OF REACH OF CHILDREN.

**THIS STATUTE AND/OR RULE WAS NOT MET AS EVIDENCED BY THE FOLLOWING:**

Two licensing coordinators observed toxic items labeled keep out of reach of children, accessible to children, including the following:

- a) a bottle of Windex and a bottle of Lysol spray, stored on the counter of the hand washing sink in the infant/toddler room at a height of 27inches,
- b) Lysol spray on the kitchen counter in the Preschool room.

**He-C 4002.14(aa)(2)(a)**

ALL FENCING REQUIRED BY THE DEPARTMENT OR OTHERWISE INTENDED TO LIMIT CHILDREN'S ACCESS TO A DEFINED AREA SHALL BE EQUIPPED WITH A CHILD PROOF SELF-LATCHING DEVICE ON ANY GATES LEADING TO AN ENTRANCE OR EGRESS.

**THIS STATUTE AND/OR RULE WAS NOT MET AS EVIDENCED BY THE FOLLOWING:**

Two licensing coordinators observed that the self-latching gate on the playground was not functioning properly. The latch did not line up to the post to engage the latch; there was a gap of approximately 3 inches.

**He-C 4002.32(i)(1)**

THE CENTER DIRECTOR, SITE DIRECTOR OR HIS/HER DESIGNEE SHALL HAVE ON FILE AT THE PROGRAM FOR ALL CHILD CARE PERSONNEL, DOCUMENTATION OF: ALL REQUIRED PRE-SERVICE TRAINING AND EDUCATION AND IN-SERVICE PROFESSIONAL DEVELOPMENT INCLUDING BUT NOT LIMITED TO A HIGH SCHOOL DIPLOMA OR GENERAL EQUIVALENCY DIPLOMA, TRANSCRIPTS, CERTIFICATES OR DEGREES;

**THIS STATUTE AND/OR RULE WAS NOT MET AS EVIDENCED BY THE FOLLOWING:**

A review of staff files showed that there was no documentation of education or experience for one staff member.

**He-C 4002.27(j)(10)**

CHILD CARE PERSONNEL SHALL NOT SERVE FOODS WHICH CAN CAUSE A CHOKING HAZARD TO CHILDREN YOUNGER THAN 3 YEARS OF AGE OR TO CHILDREN WHO HAVE BEEN IDENTIFIED AS HAVING CHEWING AND SWALLOWING DIFFICULTIES, INCLUDING, BUT NOT LIMITED TO OTHER FOODS THAT MAY POSE A CHOKING HAZARD.

**THIS STATUTE AND/OR RULE WAS NOT MET AS EVIDENCED BY THE FOLLOWING:**

The licensing coordinators observed a staff member serving fruit snacks to an infant, 15 months old. The fruit snacks are gummy and sticky and present a choking hazard for young children.

**The following Non-Critical Violations were also found:****He-C 4002.15(i)(2)**

The staff did not have access to individual cloth or paper towels for hand washing. There was one cloth towel next to the hand washing sink that all staff were sharing.

**He-C 4002.23(e)**

Children are not provided the opportunity for a quiet activity who have not fallen asleep after 30 minutes.

**He-C 4002.23(f)**

Children are required to stay on their mats, sleeping bags and cribs after being awake for more than 60 minutes.

**He-C 4002.26(a)(1) and (6)**

Children and infants' hands were not washed after diaper changes and before eating.

**He-C 4002.22(a)(6)****He-C 4002.22(b)**

Toys are not cleaned and sanitized on a regular basis or after being in a child's mouth.

**He-C 4002.20(b)**

Out of nineteen children's records, four registration and emergency forms were not updated within the last twelve months.

**He-C 4002.15(h)(2)**

Children do not have access to toilet paper without the assistance of staff as it is kept on a high shelf. Staff reports that they are instructed to limit the children to 3-4 squares of toilet paper at a time.

**He-C 4002.26(d)**

Water from the diaper changing sink is used to thaw breast milk.

**He-C 4002.23(j)**

Staff to child ratio is reduced during naptime in the infant and toddler classroom where the average age of the children is less than 24 months when the rule does not allow a decrease unless the average age is 24 months and older.

**He-C 4002.13(b)(5)(b)**

Child attendance did not include date of birth as required by the rules.

**He-C 4002.13(c)(5)(e)**

Staff attendance did not identify the age group or classroom of children with whom the individual is primarily assigned to work.

**He-C 4002.19(ae) and (af)**

Statements by two staff indicated that fire drills are not conducted using the actual alarm or smoke detector. Children and staff are not routinely evacuating during fire drill as fire drills are taking place once children are already outside on the playground.

**He-C 4002.19(ag)**

Fire drill log did not accurately reflect number of staff and children present as indicated on the attendance record. On 2/20/14 the fire drill log showed 15 children and 4 staff while attendance records showed 16 children and 3 staff present. On 10/31/13, the fire drill log showed 14 children and 3 staff while the attendance records showed 17 children and 3 staff. On 9/30/13, the fire drill log showed 8 children and 2 staff while attendance records showed that nine children were actually present at the time of the fire drill.

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