MISSOURI DEPARTMENT OF HEALTH & SENIOR SERVICES
SECTION FOR CHILD CARE REGULATION

SUBSTANTIATED COMPLAINT OF STATUTE OR RULE VIOLATIONS

DATE OF REPORT: 9/7/11

FACILITY TYPE
- ☐ HOME
- ☒ GROUP HOME/CENTER
- ☐ INSPECTED
- ☐ UNLICENSED MORE THAN FOUR

FACILITY NAME: Kids Kastle Learning & Activity Center

FACILITY NUMBER: 001689534

STREET ADDRESS: 4710 South Dr.

CITY: St. Louis | ZIP CODE: 63129 | PHONE: (314)892-2004 | FACILITY COUNTY: St. Louis

REPORTER:
- ☒ NAMED
- ☐ WITHHELD BY REQUEST
- ☐ ANONYMOUS

REPORT MADE:
- ☐ IN PERSON
- ☒ PHONE
- ☐ WRITTEN

REPORTER NAME: Kelly Hawkins

REPORTER PHONE: 210-3209

REPORTER ADDRESS (STREET, CITY, STATE, ZIP CODE):

RECEIVED BY: Rhonda Delmain | ASSIGNED TO: Shelley Truesdale | SUPERVISOR: Marcia Walmsley

ALLEGATION(S) OF STATUTE/RULE(S) VIOLATION(S) Attach pages as needed.

See Attached

SUMMARY OF INVESTIGATION Attach pages as needed.

See Attached

DISPOSITION: SUBSTANTIATED List statute number or rule number(s) of substantiated violation(s).

See Attached

REQUIRED CORRECTIONS AND DEADLINES Attach pages as needed.

See Attached

DISPOSITION DATE	CHILD CARE SPECIALIST SIGNATURE	DATE	SUPERVISOR SIGNATURE	DATE
9-20-11	Shelley Truesdale	9-20-11	Marcia Walmsley	9-20-11

(LP/IF 8-9-05) (Rev 10-5-05)

DISTRIBUTION: ORIGINAL - PUBLIC FILE COPY- FACILITY

BCC-50-1

Missouri Department of Health and Senior Services
P.O. Box 570, Jefferson City, MO 65102-0570 Phone: 573-751-6400 FAX: 573-751-6010
RELAY MISSOURI for Hearing and Speech Impaired 1-800-735-2966 VOICE 1-800-735-2466
Margaret T. Donnelly
Director

Jeremiah W. (Jay) Nixon
Governor

September 22, 2011

JEMS I Inc.
4710 South Dr.
St. Louis, MO 63129

SUBJECT: Kids Kastle Learning & Activity Center

Dear Ashley Pedraza,

As you are aware, the Section for Child Care Regulation (SCCR) received a complaint alleging rule violation(s) at your facility on September 7, 2011. The allegation(s), the details of the investigation, the substantiated licensing rule violations(s), and correction(s) for compliance with licensing rules are included on the enclosed Substantiated Complaint BCC-50 form.

Substantiated allegations are placed in the facility's public licensing record retained in the SCCR district office. You may reply to this report in writing. If you choose to reply, your response will be filed with the report in the facility's licensing record. We welcome any questions at (314)877-0219..

Sincerely,

Shelley Truesdale
Child Care Facility Specialist

Enclosure

MISSOURI DEPARTMENT OF HEALTH & SENIOR SERVICES
SECTION FOR CHILD CARE REGULATION

SUBSTANTIATED COMPLAINT OF STATUTE OR RULE VIOLATIONS

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FACILITY NUMBER: 001689534

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CITY	ZIP CODE	PHONE	FACILITY COUNTY
St. Louis	63129	(314)892-2004	St. Louis

REPORTER:
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REPORT MADE:
- ☐ IN PERSON
- ☒ PHONE
- ☐ WRITTEN

REPORTER NAME:

REPORTER PHONE:

REPORTER ADDRESS (STREET, CITY, STATE, ZIP CODE):

RECEIVED BY	ASSIGNED TO	SUPERVISOR
Rhonda Delmain	Shelley Truesdale	Marcia Walmsley

ALLEGATION(S) OF STATUTE/RULE(S) VIOLATION(S) Attach pages as needed.

Children are not served the meals as posted on the facility menu.

SUMMARY OF INVESTIGATION Attach pages as needed.

Completed announced inspection at the facility on September 7, 2011. Observed the facility menu posted at the entrance listed today's lunch as pizza rolls, peas, and grapes. Interviewed facility owner/director Ashley Pedraza and three staff who all stated that the children had corn dogs, apple sauce, peas, and juice to drink. Ms. Pedraza stated that they sometimes serve juice with lunch and then serve milk with afternoon snack.

DISPOSITION: SUBSTANTIATED List statute number or rule number(s) of substantiated violation(s).

19 CSR 30-62.202(1)E - One (1) serving of fluid milk shall be served with each meal.
- Per facility owner/director's statement, juice is sometimes served at lunch instead of milk.

19 CSR 30-62.222(1) - The child care provider shall maintain accurate records to meet administrative requirements and to ensure knowledge of the individual needs of children and their families.
- The posted menu does not reflect what the children are served at lunch, parents do not find out what their children ate until they pick them up.

REQUIRED CORRECTIONS AND DEADLINES Attach pages as needed.

1. Effective immediately - children shall be served fluid milk at breakfast, lunch, and dinner.
2. Effective immediately - posted menus shall reflect food served, substitutions must be posted.

DISPOSITION DATE	CHILD CARE SPECIALIST SIGNATURE	DATE	SUPERVISOR SIGNATURE	DATE
9-20-11	Shelley Truesdale	9-20-11	Marcia Walmsley	9-20-11

Missouri Department of Health and Senior Services
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September 22, 2011

JEMS I Inc.
4710 South Dr.
St. Louis, MO 63129

SUBJECT: Kids Kastle Learning & Activity Center

Dear Ashley Pedraza,

As you are aware, the Section for Child Care Regulation (SCCR) received a complaint alleging rule violation(s) at your facility on September 7, 2011. The allegation(s), the details of the investigation, the substantiated licensing rule violations(s), and correction(s) for compliance with licensing rules are included on the enclosed Substantiated Complaint BCC-50 form.

Substantiated allegations are placed in the facility's public licensing record retained in the SCCR district office. You may reply to this report in writing. If you choose to reply, your response will be filed with the report in the facility's licensing record. We welcome any questions at (314)877-0219..

Sincerely,

Shelley Truesdale

Shelley Truesdale
Child Care Facility Specialist

Enclosure

Kids Kastle Learning & Activity Center
4710 South Dr.
St. Louis, MO 63129
DVN: 001689534

Disposition (Shelley Truesdale, CCFS)

Allegation

Teachers do not supervise the children in the infant/toddler unit properly. Children are bitten repeatedly. Children leave playground area unnoticed by staff. Children are placed in cribs as punishment.

Summary of Investigation:

On September 7, 2011, Kelly Hawkins and I interviewed the facility owner/director, Ashley Pedraza, and three staff persons. They provided the following information:

Ashley Pedraza made the following statements:

- On September 6, 2011, I was present in the room when Child A was bitten.
- At approximately 10:00 am on September 6, 2011, Child A was bitten on her upper arm by Child B. As the teacher went to get ice Child C ran over and bit her other arm.
- Child C has had biting issues since he enrolled in April, Child B just started biting, Child A has bitten as well.
- Incident reports have been completed, but parents have been keeping them.
- Mallory Nelson has put children in cribs for time-out.
- One day last week I was sitting in my office and I heard Pam Meyer say "hey, come back here." I saw Child C walking away with Pam hot on his heels.
- One of the playground gates was easy to open so we installed a padlock so the kids can't open it anymore.

Mallory Nelson made the following statements:

- I work in the infant/toddler room and have been at this facility for over five years.
- There are lots of bites in the i/t room.
- Child B and Child C are the top biters.
- When a child bites we say no, no bite and separate them, or put them in a crib.
- Yesterday (9/6/11) Child B bit Child A then Child C bit the same spot.
- I always complete an incident report when a child is bitten but the parents usually take them home and don't bring them back.
- I usually also talk to the biter's parents but I forgot yesterday.
- I have not shared resources with the parents.
- Yesterday I was in the infant room with two napping children while Pam Meyer was on the playground with the other four toddlers, including Child A. The playground is directly outside the i/t unit. Pam poked her head in and asked if Child A was with me and I told her no. A few moments later I could hear Megan

Zewiski in the two year-olds' room say, "what's Child A doing in here?", Megan then brought her back to the infant room.

Pam Meyer made the following statements:

- On September 6, 2011, I was on the playground with four children including.
- I was helping Child B put her shoes back on when I looked up and saw the playground gate was open and Child C was headed to the front door of the facility.
- I didn't know Child A had already gone in the front door.
- I don't know what Child A did when she went inside, someone brought her back to the baby room.
- Child C opened the gate and got out last week also, he was headed toward the parking lot but I saw him get out and caught him.
- I brought a lock, which is now in place, for the gate that Child C was opening.
- I was not here yesterday morning when Child A was bit.
- Children aren't bit everyday but a couple of children in the room are teething.
- The main biters are Child B, Child C, and Child D.
- I have told children when their children bite but I have not shared resources with the parents.
- When children bite we say, "we don't like biting" and put them in their crib for time-out.

Meghan Zewiski made the following statements:

- On September 6, 2011, I was leaving the infant room when a little girl got bit by a little boy, another boy bit her other arm.
- There are bites all the time in the baby room.
- Parents are told about the biting.
- On September 6, 2011, I was in my classroom, the two year-old room, when I heard the front door open and saw a little girl run in, she was followed by a parent dropping a child off.
- The little girl ran in my room and I took her back to the baby room.

Disposition: Substantiated Rule Violations

Based on the above information, the allegations of this complaint are substantiated and the following rule violations are substantiated:

19 CSR 30-62.182(1)(C)9, which states, "Punishment or threat of punishment shall not be associated with food, rest or toilet training."

The facility owner/director and the infant/toddler room staff all stated on September 7, 2011, that children in the i/t unit are sometimes placed in their cribs as punishment.

19 CSR 30-62.182(1)(D)1, which states, "Infants and toddlers shall have constant care and supervision.

Staff person Pam Meyer stated that on September 6, 2011, Child A was able to exit the playground and enter the facility through the main entrance unobserved.

19 CSR 30-62.182(1)(D)3, which states, "Caregivers shall be alert to various needs of the child such as thirst, hunger, diaper change, fear of or aggression by other children and the need for attention."

Per owner/director and staff statements children are routinely being bitten in the i/t unit.

19 CSR 30-62.192(5)B, which states, "Information regarding the date and circumstance of any accident or injury shall be noted in the child's record."

Per owner/director and staff statements parents routinely take incident reports home and no copy is kept in the child's file.

Required Corrections and Deadlines:

1. Caregivers must supervise children at all times; this includes responsibility for the ongoing activity of each child, appropriate visual and/or auditory awareness, physical proximity, and knowledge of activity requirements and each child's needs.
2. By November 30, 2011, the facility director and i/t unit staff shall complete a course from an approved outside source on appropriate supervision of children. Training may be counted towards annual requirement and certificates shall be filed in staff record.
3. Effective immediately children may not be placed in cribs as punishment.
4. Effective immediately copies of all incident reports must be filed in children's records.

Missouri Department of Health and Senior Services
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Margaret T. Donnelly
Director

Jeremiah W. (Jay) Nixon
Governor

September 23, 2011

Ashley Pedraza
Kids Kastle Learning & Activity Center
4710 South Drive
St. Louis, MO 63129

SUBJECT: 001689534

Dear Ashley Pedraza:

As you are aware, the Section for Child Care Regulation (SCCR) received a complaint alleging rule violation(s) at your facility on August 23, 2011. The allegation(s), the details of the investigation, the substantiated licensing rule violations(s), and correction(s) for compliance with licensing rules are included on the enclosed Substantiated Complaint BCC-50 form.

Substantiated allegations are placed in the facility's public licensing record retained in the SCCR district office. You may reply to this report in writing. If you choose to reply, your response will be filed with the report in the facility's licensing record. We welcome any questions at 314.877.0210.

Sincerely,

Brooke A. Poskin

Brooke Poskin
Child Care Facility Specialist

Enclosure

Kids Kastle Learning & Activity Center
4710 South Drive
St. Louis, MO 63129
001689534

Disposition: (Poskin)

ALLEGATIONS

On August 23, 2011, the Section for Child Care Regulation (SCCR) received a report of rule violations stating that the facility was operating out of ratio on the morning of August 23, 2011 at approximately 9:50 AM.

SUMMARY OF INVESTIGATION

On August 24, 2011, CCFS Brooke Poskin made an unannounced inspection to the facility. During the inspection, CCFS Poskin observed the following:

Ms. Meghan with 6 two and three-year old children
Ms. Dorothy with 17 two to four-year old children
Ms. Pam and Ms. Mallor with 7 infants and toddlers

There were no other staff present on the premises when CCFS Poskin arrived. According to Ms. Meghan Zewiski, who was designated in charge in the absence of the director, Mr. Antonio had been present but left the premises approximately 15 minutes prior to CCFS Poskin's arrival. Mr. Antonio returned to the premises about 10 minutes after CCFS Poskin arrived.

CCFS Poskin spoke to the director, Ashley Pedraza on the telephone. Ms. Pedraza informed CCFS Poskin that she was not out of ratio the day prior nor was she out of ratio today. She stated that she is generally present "every day, all day." Ms. Pedraza arrived at the facility during the inspection.

CCFS Poskin asked for and reviewed the attendance records for both children and staff for August 23, 2011. Ms. Pedraza stated that not all staff sign in because they are salaried. She could only show me sign in sheets for two staff. One of these staff, Meghan, was signed in from 8 to 3 on August 23rd. The other staff, Pam, was not signed-in, however, Ms. Pam stated that she worked 10:15-6 on August 23rd. Mr. Antonio stated that he worked 6:30 AM to 6 PM on August 23rd. Ms. Pedraza stated that she worked 6 AM to 6 PM. She also stated that Ms. Amanda came in at 12:30 or 1 PM on the 23rd and Ms. Ashley came in from 12 to 5 PM.

Upon review of the child sign-in sheets at the facility was out of ratio at approximately 9 AM for about 10-15 minutes while Ms. Pedraza transports children to Trautwein Elementary (a nearby school). When Ms. Pedraza left the facility on August 23rd, there were 15 preschool children (ages 2 through 4) with Mr. Antonio and there were 7 infant/toddler children with Ms. Meghan and Ms. Mallory. Ms. Pedraza states

that she was at the facility all day on the 23rd with the exception of the times she was walking the children to the school bus and the short time she was gone to transport the children to school.

CCFS Poskin asked to see the file of a temp employee, Ms. Dorothy. Ms. Meghan Zewiski informed me she was unaware of where the staff files were kept. When the director, Ms. Pedraza arrived and I mentioned that Ms. Zewiski was not aware of where the staff files were located, Ms. Pedraza informed me that she was told that staff files were confidential and staff should not have access to them.

STATUTE/RULE(S) VIOLATED

Based on the observations by CCFS Poskin as well as the review of attendance records for August 23, 2011, the following rule violations were cited:

19 CSR 30-62.112(1)(E) Mixed Age Groups Two (2) Years and Up. Groups composed of mixed ages of children two (2)-year of age and older shall have no less than one (1) adult to ten (10) children with a maximum of four (4) two (2)-year olds. When there are more than four (4) two (2) year olds in a mixed group, the staff/child ratio shall be no less than one (1) adult to eight (8) children.

- CCFS Poskin observed the facility out of ratio during the inspection on 08.24.11. There were 17 preschool children present with one staff
- CCFS Poskin reviewed child and staff records which showed that the facility was out of ratio on 08.23.11 for the 10-15 minutes that the director transported children to a nearby school. There was one staff left with 15 preschool children.

In addition to the above rule violations, CCFS Poskin cited the following additional rule violations during her inspection.

19 CSR 30-62.092(1)(B)1. D. Sleeping equipment shall be arranged to provide at least a two foot (2') aisle on one (1) long side of the equipment.

- CCFS Poskin observed, during her inspection on 08.24.11, that 4 cots and 2 cribs were observed without a 2 foot aisle.

19 CSR 30-62.087(1)(M) Means of egress is a continuous and unobstructed way of travel from any point in a building or structure to a public way. A means of egress consists of three (3) distinct parts: the exit access, the exit, and the exit discharge.

- CCFS Poskin observed, during her inspection on 08.24.11, one cot placed in front of an exterior exit door obstructing the means of egress.

19 CSR 30-62.222(8) All enrollment records, medical examination records and attendance records shall be filed in a place known to caregivers and shall be accessible at all times. Records shall not be in a locked area or removed from the facility during the hours the facility is open and operating.

- During CCFS Poskin's 08.24.11 inspection, the designated staff person in charge, Meghan Zewiski, was not aware of where the staff records were located.

19 CSR 30-62.222(7) Daily staff and volunteer attendance records shall be maintained and kept on file a minimum of one (1) year.

- Staff attendance records were not maintained for all staff.
- Ms. Pedraza informed CCFS Poskin that she did not keep attendance on all staff because they were salaried.

19 CSR 30-62.222(16) All records shall be available in the facility for inspection by the department upon request.

- The file for the temp employee, Ms. Dorothy was not accessible without pulling up Ms. Pedraza's e-mail account. The required documents, therefore, were only available when Ms. Pedraza was present and if there was internet access to pull up the e-mail attachment.

19 CSR 30-62.212(3)(B) Identifying information regarding the name of the provider, the names of the children and the names, address and telephone numbers of each child's parent(s) shall be carried in the vehicle.

- When asked about transportation procedures by CCFS Poskin, Ms. Pedraza noted that she did not carry identifying information for the children and the facility in the vehicle during transport.

19 CSR 3062.212(2)(A) The driver of any vehicle used to transport children shall be no less than eighteen (18) years of age and shall have a valid driver's license as required by Missouri law.

- When asked if Ms. Pedraza, the person responsible for driving the children to school, had a Class E drivers' license, which is required by state law to transport for business purposes, Ms. Pedraza stated that she did not have a Class E drivers' license.

CORRECTIONS

- Facility must maintain proper staff to child ratios at ALL times. Staff must be on the premises to count in ratio on the premises.
- Anyone transporting children for the daycare must have a Class E drivers' license – a copy must be in their file on site.
- Staff records must be accessible at all times during operating hours – if the director is not present then the staff person designated in charge must have knowledge of and access to the staff files.
- All staff, including the director and all salaried employees, must document their attendance at the facility and this documentation must be available a minimum of one year.
- Staff files must be available to review at all times and must not be dependent upon e-mail accessibility.
- Facility and child information must be available and easily accessible in the vehicle during all times that children are transported.
- A return visit(s) will be made to verify compliance with the above violations.

Missouri Department of Health and Senior Services
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RELAY MISSOURI for Hearing and Speech Impaired 1-800-735-2966 VOICE 1-800-735-2466

Margaret T. Donnelly
Director

Jeremiah W. (Jay) Nixon
Governor

September 30, 2011

Ashley Pedraza, Director
Kids Kastle Learning and Activity Center
4710 South Drive
St. Louis, MO 63129

SUBJECT: 001689534

Dear Ashley Pedraza:

As you are aware, the Section for Child Care Regulation (SCCR) received a complaint alleging rule violation(s) at your facility on September 13, 2011. The allegation(s), the details of the investigation, the substantiated licensing rule violations(s), and correction(s) for compliance with licensing rules are included on the enclosed Substantiated Complaint BCC-50 form.

Substantiated allegations are placed in the facility's public licensing record retained in the SCCR district office. You may reply to this report in writing. If you choose to reply, your response will be filed with the report in the facility's licensing record. We welcome any questions at 314.877.0210.

Sincerely,

Brooke A. Poskin

Brooke Poskin
Child Care Facility Specialist

Enclosure

MISSOURI DEPARTMENT OF HEALTH & SENIOR SERVICES
BUREAU OF CHILD CARE

SUBSTANTIATED COMPLAINT OF STATUTE OR RULE VIOLATIONS

DATE OF REPORT
09.13.11

FACILITY TYPE
- ☐ HOME
- ☒ GROUP HOME/CENTER
- ☐ INSPECTED
- ☐ UNLICENSED MORE THAN FOUR

FACILITY NAME
Kids Kastle Learning & Activity Center

FACILITY NUMBER
001689534

STREET ADDRESS
4710 South Drive

CITY	ZIP CODE	PHONE	FACILITY COUNTY
St. Louis	63129	314.892.2004	St. Louis County

REPORTER:
- ☐ NAMED
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REPORT MADE:
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- ☐ WRITTEN

REPORTER NAME

REPORTER PHONE

REPORTER ADDRESS (STREET, CITY, STATE, ZIP CODE)

RECEIVED BY	ASSIGNED TO	SUPERVISOR
Caron Ahlemeyer	Brooke Poskin	Marcia Walmsley

ALLEGATION(S) OF STATUTE/RULE(S) VIOLATION(S) Attach pages as needed.

See Attached

SUMMARY OF INVESTIGATION Attach pages as needed.

See Attached

DISPOSITION: SUBSTANTIATED List statute number or rule number(s) of substantiated violation(s).

See Attached

REQUIRED CORRECTIONS AND DEADLINES Attach pages as needed.

See Attached

DISPOSITION DATE	CHILD CARE FACILITY SPECIALIST SIGNATURE	DATE	CHILD CARE SUPERVISOR SIGNATURE	DATE
9-29-11	Brooke A. Poskin	09.29.11	Marcia Walmsley	9-29-11

(LP/IF 8-9-05) (Rev 10-5-05) DISTRIBUTION: ORIGINAL - PUBLIC FILE COPY- FACILITY BCC-50-1

Kids Kastle Learning & Activity Center
4710 South Drive
St. Louis, MO 63129
000168534

Disposition: (Poskin)

ALLEGATIONS

On September 13, 2011, the Section for Child Care Regulation (SCCR) received a report of rule violations stating that the facility was out of ratio around 5 o'clock when one staff is left to watch all the children while the other staff cleans and that the facility is not meeting the special needs of a child that is lactose intolerant.

SUMMARY OF INVESTIGATION

On September 23, 2011, CCFS Brooke Poskin made an unannounced inspection to the facility. During the inspection, CCFS Poskin observed the following:

Ms. Pam and Mr. Tonio with 14 children ages 1 – 6 years (including one child under 2 years)
Ms. Mallory with 2 children under the age of 2 years

The director, Ashley Pedraza was present at the facility. She was speaking to a parent in the parking lot upon CCFS Poskin's arrival.

CCFS Poskin explained to Ms. Pedraza that the facility had violated several rules by having the toddler in the preschool classroom. Ms. Pedraza stated that they had brought the child out of the I/T unit to soothe him as his brother is in the preschool classroom. CCFS Poskin advised Ms. Pedraza that children enrolled in the infant/toddler room cannot be cared for in the preschool classroom and the preschool children cannot go into or be cared for in the I/T classroom.

CCFS Poskin requested to review the file for Child A. Ms. Pedraza provided the file for review. Child A's parent noted on the enrollment form about an allergy to milk but the child's doctor completed the child's medical exam within a week of the parent completing the enrollment form and under the area of the medical exam where is asks about any allergies or special conditions, the doctor noted that there were none.

CCFS Poskin also requested to review the file of the one year old child observed in the preschool classroom. Ms. Pedraza looked for the file for several minutes and was not able to locate the file.

STATUTE/RULE(S) VIOLATED

Based on the observations by CCFS Poskin as well as the review of child files, the following rule violations were cited:

19 CSR 30-62.112(1)(A) Birth Through Two (2) Years. Groups composed of mixed ages through two (2)-years shall have no less than one (1) adult to four (4) children, with no more than eight (8) children in a group.

- CCFS observed a 1-year old child mixed with the preschool children. There were 14 children with only 2 staff and there were 14 children in the group.

19 CSR 30-62.082(1)(C) Children shall have no access to areas not approved for child care.

- CCFS Poskin observed a 1-year old child in the preschool classroom. This classroom is not approved child care space for children under 2 years of age.

19 CSR 30-62.222(2) An individual file shall be kept to identify each child and enable the provider to communicate with the parent(s), guardian or legal custodian of the child in an emergency.

- CCFS Poskin requested to review the file for the 1-year old child present in the preschool classroom. Ms. Pedraza was not able to locate the file during the inspection.

CORRECTIONS

- Facility must maintain proper staff to child ratios at ALL times.
- Facility must not exceed maximum group sizes.
- Facility must not care for infant/toddler children outside of their approved classroom.
- Director must maintain children's files and ensure that each child has a file that is easily accessible for review. Ms. Pedraza did locate the child's file and faxed a copy of the child's enrollment form to CCFS Poskin. CCFS Poskin received it by fax on 09.26.11.
- A return visit(s) will be made to verify compliance with the above violations.
- SCCR is requesting a Facility Review Conference . We will be in contact to schedule this meeting