

**Texas Health and Human Services Commission
Child-Care Licensing
Investigation Report**

Operation Information and Allegations:

Operation #: [REDACTED]

Investigation #: [REDACTED]

IMPACT Case Id:

IMPACT Call Id: [REDACTED]

Intake(s):

Intake Number

2641255

Intake Date Received

07/23/2020

Investigator's Name: KEVIN JOHNSON

Extension Granted: No

Allegation Type

- | | |
|--|---|
| <input checked="" type="checkbox"/> Standard/Law Violation | <input type="checkbox"/> Abuse/Neglect Physical Abuse |
| <input type="checkbox"/> Illegal Operations | <input type="checkbox"/> Abuse/Neglect Sexual Abuse |
| <input type="checkbox"/> Suicide Attempt | <input type="checkbox"/> Abuse/Neglect Emotional Abuse |
| <input type="checkbox"/> Child Death | <input type="checkbox"/> Abuse/Neglect Physical Neglect |
| <input type="checkbox"/> Serious Harm/Injury | <input type="checkbox"/> Abuse/Neglect Medical Neglect |
| <input type="checkbox"/> Near Fatal | <input type="checkbox"/> Abuse/Neglect Neglectful Supervision |
| <input type="checkbox"/> Child Arrest | <input type="checkbox"/> Abuse/Neglect Exploitation |
| <input type="checkbox"/> Illness Requiring Hospitalization | |
| <input type="checkbox"/> Child Run Away | |
| <input type="checkbox"/> Caregiver Drug Abuse | |
| <input type="checkbox"/> Endangering Person | |
| <input type="checkbox"/> Child Sexual Aggression | # Children involved: 0 |
| <input type="checkbox"/> Child on Child Physical Abuse | # Children involved: 0 |

Intake Priority: Priority 2 - serious safety or health hazards

Investigation Priority: Priority 2 - serious safety or health hazards

Date Priority Changed:

Reason Priority Changed:

Allegation Description:

It was alleged that a caregiver grabbed a child, the operation did not report a covid-19 case, a caregiver washed a child's mouth out with soap and children were at the operation with flu symptoms.

Investigation Persons:

Reporter:

[REDACTED]

Victim(s):

[REDACTED]
[REDACTED]
[REDACTED]

**Texas Health and Human Services Commission
Child-Care Licensing
Investigation Report**

Perpetrator(s):

Name	Perp Disposition	Admin Review	Release Hearing
------	------------------	--------------	-----------------

Investigation Documentation:

Initiation Information:

Initiation Date: 07/24/2020

Type of Initiation: Face to Face

Information Obtained:

Initiation was conducted with director [REDACTED].

Contact with made with [REDACTED] (designee), [REDACTED]

(caregiver), [REDACTED] (PARENT), [REDACTED] (caregiver, [REDACTED]

(ex-caregiver)and [REDACTED] (ex-caregiver)

Caregiver [REDACTED] chased [REDACTED] around the classroom trying to get a toy away from him by engaging in tug of war multiple times. [REDACTED] fell hurting himself as a result of caregivers engagement. Caregiver [REDACTED] they said that she saw caregiver [REDACTED] grab [REDACTED], causing [REDACTED] to fall and hit his head. [REDACTED] was taking out of the classroom crying. Caregiver [REDACTED] was removed from the classroom. Mom stated that [REDACTED] told her he was choked by caregiver [REDACTED]. Correspondence between mom, [REDACTED] and [REDACTED] through Facebook was conducted. External documentation shows mom's concern, discipline actions towards [REDACTED], and [REDACTED]'s written statement. [REDACTED] acknowledges knowing about the both incidents.

[REDACTED] stated that she new about caregiver [REDACTED]'s threat to wash a child's mouth out with soap.

Observations Made During Inspection:

Inspection(s):

3788655

Texas Health and Human Services Commission

Child-Care Licensing

Investigation Report

A complete walkthrough with conducted for a 6 month inspection. The operation was inspected inside and outside. Infant room at 6 children and to caregivers; average age was one year. Feeding schedule was up-to-date, cribs were in good condition, mattress and mattress covers were appropriate. 1 year old room had six children and one caregiver children were having free play. 2 year old room had 13 children and 2 caregivers. 2 year olds were observed having Circle time. 3 year old room had 13 children to caregivers. Four-year-old room had 20 children and two caregivers and they were observed having a dance game. 5 year old schoolers had 24 children and to caregivers in the room they were observed in the classroom and heading outside on the playground. Playground was compliant with loose fill standards and children were being monitored appropriately by two staff members. Extra rooms were observed however they are still not being used by the operation. Discipline was discussed while conducting an interview for a p2. Caregivers stated that inappropriate contact with a child was not appropriate and that if they were witnessed harming a child they would report it to the director. Caregivers stated that time out for the child age would be appropriate, however redirection is encouraged. No field trips or transportation are being conducted due to covid-19. Physical facility was in good condition no obvious hazards were seen. Health and safety audit was conducted.

Contact List:

Type	Date	To:/With
<i>Other</i>	<i>08/07/2020</i>	<i>External documentation</i>

External documentation

Incident report was provided by the operation signed by directors [REDACTED]y and [REDACTED]. Incident report stated that parent informed operation that [REDACTED] was "hurt by teacher". Incident report stated that injury occurred during play time by a teacher grabbing [REDACTED] by the shirt making him fall to the ground hurting his head.

Facebook posting provided by Mom which includes conversation between director [REDACTED] and caregiver [REDACTED].

Postings from director [REDACTED] stated that [REDACTED] would be nowhere near [REDACTED] again and that [REDACTED]'s actions were unacceptable and not appropriate.

Facebook posting from [REDACTED] stated that she did not see it personally, however she heard he was upset, asked what happened and removed him from the classroom.

A written statement from [REDACTED] was provided. It stated that [REDACTED] had a hard plastic object of which [REDACTED] tried to removed from his hands by engaging in a tug-of-war multiple times. He stated that after a few times of tugging he believed that the momentum caused [REDACTED] to fall to the floor.

Phone Call *07/28/2020* ([REDACTED] director)

Director was asked about a video the owner stated would be sent to me by Monday the 27th. Director stated that they did not have a video and that [REDACTED] was mistaken. Director was asked if they do not have a video then how did they come up with the conclusion that it was not necessary to inform

Texas Health and Human Services Commission

Child-Care Licensing

Investigation Report

licensing. Directly stated that they interviewed employees including [REDACTED] and came up with the conclusion that [REDACTED] just needed counseling and removal from the classroom. Again I asked the director how they could be sure that the child wasn't in danger or being improperly disciplined by caregiver [REDACTED] if they did not have any video in the classroom. Director stated that they interview [REDACTED] and felt that it did not warrant notifying licensing. Director was reminded that mother stated that she had a concern and it was written on the incident report. Incident report statements were read to director stating "parent informed us that [REDACTED] was hurt by teacher" and "during playtime a teacher grabbed [REDACTED] by the shirt making him fall to the ground hurting/ hitting his head". Caregiver stated that she did not understand and stated that she counseled with [REDACTED] and she told her it was not necessary. An example of a child accusing a caregiver of grabbing them inappropriately was used as an example. Director was informed that allegations of this nature towards caregivers must be reported.

Phone Call 07/28/2020 [REDACTED] (designee)

[REDACTED] e said that [REDACTED] called her upset. [REDACTED] said that she misunderstood what [REDACTED] said regarding having a video. She said that they had a video however it was not able to be recorded so she advised her director to record the video with her phone. Director stated that she must not have done that and that they told her what was happening on the video. [REDACTED] was asked to repeat what they told her was going on in the video regarding [REDACTED] and [REDACTED]. She stated that [REDACTED] had a toy that he was not supposed to be playing with and was throwing the toy around the classroom at some point he had a ball and [REDACTED] try to get the ball away from him. She stated that [REDACTED] was running around a bench and [REDACTED] grabbed the ball while [REDACTED] was holding it, commence to a tug-of-war like pull and [REDACTED] fell back hitting his head on a bench or chair of some sort. She stated that they never had a clear understanding were [REDACTED] hit his head but confirmed at [REDACTED] did hit his head on something. [REDACTED] again said that she was not there and [REDACTED] called her and gave her the details. [REDACTED] said that she called Mom and talked to Mom and at the time she had no concerns. [REDACTED] stated that she was advised not to call intake by other licensing reps. She stated that she did not feel that it required reporting due to the child not seeking medical help.

[REDACTED] was asked how did they decide the situation did not require notify licensing, if she claimed that to caregivers in the classroom did not see it and [REDACTED], who was involved was the only one to give her an account of what happened. She stated that she felt that enough information was given to her to handle it in house. [REDACTED] was informed that without the video showing just how [REDACTED] handled [REDACTED], and the incident report stating that the child was hurt by a teacher, she should have reported due to not knowing if the actions were malicious.

[REDACTED] was asked on why she felt the director did not comply with her request to record the incident on her phone. [REDACTED] was ask how does she know what happened really happened without proof of a video. [REDACTED] stated that she believed her directors and she had no reason to doubt their honesty.

Phone Call 07/28/2020 [REDACTED] (caregiver)

Calls were attempted on 7/28/20

Phone Call 07/28/2020 [REDACTED] (caregiver)

Caregiver was trying to rush off the phone. She asked why I called her and did not talk to her at the operation; even how I obtained her phone number. She was informed that all information is obtainable through the operation. Caregiver was asked if she saw [REDACTED] fall. She stated that she did not see

Texas Health and Human Services Commission
Child-Care Licensing
Investigation Report

anything, because she was playing with other children in the classroom on the other side of the room. She was asked if she saw anybody getting off the ground. She said she only saw [REDACTED] crying and was told by [REDACTED] to take him to another room.

Face to Face **07/24/2020** [REDACTED] [REDACTED] (**PARENT**)

Mom stated that her daughter brought [REDACTED] home and told mom that she heard that [REDACTED] hurt [REDACTED]. Mom stated that she talked to [REDACTED] and [REDACTED] and was given an incident report regarding [REDACTED] hurting [REDACTED]. She stated that [REDACTED] told her "we all have bad days" but there was no excuse. Mom said that she had concerns and all she knew was that an incident report was made. Mom was asked if [REDACTED] was taken to the doctor for injuries and she stated no she did not take him. Mom was asked if she was told when she picked up [REDACTED] and she stated that her daughter worked at the operation and took him home when she got off work. Mom was asked how did the director or owner say [REDACTED] was injured. Mom said that owner told her it was a video and that on the video it look as if he was just trying to intervene in [REDACTED] fell backwards. However mom stated that [REDACTED] told her that [REDACTED] grabbed his shirt and Mom noticed [REDACTED] shirt with pulled in the front when he got home. Mom stated that [REDACTED] told her that [REDACTED] choked him with his shirt. Mom was asked if the incident report stated what they should. Mom said that she would send me the report as soon as she got home. She said that the report read that [REDACTED] was "hurt by a teacher" Mom stated that [REDACTED] was moved to another class and not allowed to be around [REDACTED].

Mom was asked if she ever saw the video. She said no she was not allowed to see the video. Mom was asked if she was told that caregiver [REDACTED] fell on the ground as well. Mom said that when they told her about the video both [REDACTED] and [REDACTED] fell on the ground. Mom said that caregiver [REDACTED] did not know that it happened and communicate through Facebook. Mom said that she would send up any information she could find. Mom sent Facebook conversation between her and director [REDACTED] Mom sent incident report.

Mom was asked if operation told her about [REDACTED] using profanity in caregiver [REDACTED] classroom. She stated yes, she was aware of an incident, where [REDACTED] threatened to wash her son's mouth out with soap. Mother stated that her daughter told her that she informed her that she heard people talking about the threat [REDACTED] made. According to Mom, she informed [REDACTED] of the incident. She stated that [REDACTED] said that she had no knowledge of this and if it happened they would terminate caregiver immediately. Mom said that [REDACTED] told her that she would get back to her and never did.

Face to Face **07/24/2020** [REDACTED] (**caregiver**)

Caregiver with asked if she was in the room when [REDACTED] grabbed [REDACTED]. She stated that she was in the room when the incident occurred. [REDACTED] stated that [REDACTED] and [REDACTED] "did not have a good relationship". Caregiver stated that [REDACTED] was chasing [REDACTED] trying to prevent [REDACTED] from crawling on a bench when he grabbed his shoulders. She stated that [REDACTED] fell and hit his head on the ground. She stated that she help the child up and took him to another play area, while she looked at his head to see if he was injured. Caregiver was asked if she talk to any of management, and she said that she talked to [REDACTED] and [REDACTED]. Caregiver was asked if she felt that anything changed and she stated that [REDACTED] e was moved very soon afterwards to another classroom.

Face to Face **07/24/2020** [REDACTED] (**designee**)

Texas Health and Human Services Commission
Child-Care Licensing
Investigation Report

█████ said that she talked with █████ regarding █████ grabbing █████. She said that the mom explain to her that she understood that her son can be difficult sometimes. █████ said that the mother had no problems after they talked and that she explained to the mom that █████ would be removed from any classroom that █████ was in.

█████ was asked if there was a video. She stated that there was a video however she's not sure if it still exists and would send it to licensing if it does. █████ was asked what was on the video. She stated that she did not see the video, however she was told that on the video █████ had a ball that █████ told █████ he could not have. She said that █████ was trying to get the ball away from █████ and both of them were holding on to the ball when █████ let go or lost grip and fell on the ground. █████ was asked did █████ hit his head. She stated that she believed he hit his head possibly on the bench. █████ was asked did she have an incident report and she said they do have an incident report, however █████ did not know where it was a time. █████e was asked if █████ grabbed the █████'s shirt, shoulders or arms, or a ball. █████ stated that she was told it was the ball he was grabbing. Stated that █████ has always been a good caregiver.

█████e was asked about █████ threatening to wash a child's mouth out with soap. She stated the caregiver did not say she would wash the child's mouth out with soap. █████e said that █████ said she would tell the █████'s mother to wash his mouth out with soap for using the word "bitch". █████ said that she's had numerous issues with children using profanity in the classroom. She said that she talked to the mother about it multiple times however it was no excuse.

█████ was asked if she counseled █████. She stated yes, she did counsel her and explained that she could not say those types of remarks to children in a daycare. She stated that she did not make a written documentation of the counseling and it was only verbal. █████ stated that she felt she handled the situation correctly and there was no need to report the incident.

█████ was informed that it was a violation of the MSD and that it could be consider cruel, or unusual treatment to a child to conduct such threat. She was asked how did she know the caregiver had never executed such methods. █████ stated that it was merely a threat and that both █████ and █████ were raised in a different time were those actions were acceptable.

Face to Face **07/24/2020** █████ (Vicky director)

Director was asked if she had heard any allegations of █████ caregiver grabbing a child in the classroom. █████ stated she had heard of a incident where █████ grabs child and try to keep child from going over the cubby, which resulted in █████ falling. She stated that Mom complained and said that █████ grabbed █████ shirt and made him fall. █████ said that mom had concerns. █████ was asked when did this occur and she said before the covid-19 pandemic which was place this incident before March 2020.

Owner/ designee █████ spoke with Mom alone. █████ was asked if █████ discuss the conversation with her and she stated that she was told to remove █████ from having any contact with █████. █████ was never allowed to supervise █████ and he was always with another caregiver after incident.

Texas Health and Human Services Commission
Child-Care Licensing
Investigation Report

█████ was asked if she was told about a caregiver threatening to wash a kid's mouth with soap. She stated that he heard about the rumor, however █████ spoke with the caregiver █████. █████ stated that she was told by █████ that █████ was counseled and it was explained that she could not use those terms or threats. █████ stated that █████ told them that she did not say she would do it, however she would tell the child's mom to do it.

█████ was asked if there was any write-up or documentation that they counseled █████. There were no documents found in his folder. █████ was asked why █████ and █████ is no longer part of the operation. She stated that both individuals were older and had health concerns and decided to retire given the recent covid pandemic.

█████ was asked if there were any children that had been sick at the operation and she stated that all children that did not pass the screening were sent home and we're told that if they had a fever they could not come back until they had a doctor's note.

Other 07/23/2020 █████ (ex-caregiver)

Caregiver said that his last day at the operation was June 4th. He was asked why he was terminated or decide to quit. █████ stated that due to his hearts and other complications it was wise for him to retire, given the current covid-19 pandemic. █████ was asked if he had ever grab a child or had he ever been accused of grabbing a child since he was employed with operation. He stated that he was never accused, however he heard rumors indirectly. He was asked again if did the director or owner ever confronted him about inappropriately grabbing a child and Mr █████ replied no. He stated that there was a child by the name of █████ that he had to pull off of a chair the child was climbing on. He said that the child would throw balls and would not listen anything he said. He stated that no one has ever mentioned it to him, nor has he ever been written up for it.

Mr █████ was asked if he is ever heard or seen any caregiver washing a child's mouth out with soap and he stated no he had not seen such things at the operation.

Other 07/23/2020 █████ ex-caregiver)

Caregiver was terminated February 10th 2020. She stated that she is merely a median and was told of the allegations. She stated that multiple caregivers who wished to remain nameless in fear of retaliation, saw a caregiver wash a child's mouth out with soap. Child's first name is █████ and is assumed that he is 3 years old. █████ stated that a parent from a old report made allegations that █████ grab a child and was terminated. █████ was asked if anytime while she was employed with the operation did she see █████ grab a child or a caregiver wash a child's mouth out with soap and she stated no. █████ was asked if the caregiver she's referring washed a child's mouth out with soap was in a classroom that was down the hall to the right and she stated yes. █████ stated that there caregivers that told her the director █████ was sick with covid-19 and no one reported it. █████ was informed that it was reported to licensing. █████ was asked if there was any concern with children being sick at the operation and she stated that she was told the children were having flu-like symptoms at the operation.

█████ was asked to give me contact information for █████'s parents. █████ informed me that the family of two children we're leaving operation. She stated that the family was involved with a prior

Texas Health and Human Services Commission

Child-Care Licensing

Investigation Report

investigation a few months back.

Investigation Findings:

Disposition (if A/N):

Explanation of Disposition:

Based on the preponderance of evidence the information gathered from the operation during the investigation there were **3 deficiencies cited**. It was alleged a caregiver grab a child and the operation did not report it to licensing, caregiver threaten to wash a child's mouth out with soap and children were at the operation with flu symptoms.

Operation was cited for 746.2805 stating there must be no harsh, cruel, or unusual treatment of any child in the form of discipline and guidance or punishment.

Based on the information gathered by [REDACTED] (designee) who stated that she counseled caregiver [REDACTED], when it was brought to her attention that she threatened to have a child mouth washed out with soap. [REDACTED] (director) collaborated the story stating that she heard about the caregiver saying threats and was informed of the consultation between [REDACTED] and [REDACTED]

Operation was cited 746.1201 for a lack of good judgment and a lack of self-control while opting to engage in a tug-of-war situation that resulted in a child hitting their head.

It was said by multiple caregivers that [REDACTED] was running around the classroom and [REDACTED] was chasing him trying to get a toy from [REDACTED]. In the statement that [REDACTED] wrote he grabbed the toy and commenced in a tug-of-war multiple times as the child continues to pull away. This action causes [REDACTED] to either slip or lose grasp of the toy falling backwards hurting himself by either hitting the floor or another object, which could have been avoided after the first attempt to tug the toy away. It is the belief that there were other appropriate ways, other than force to prevent the child from having or keeping the toy. Other caregivers were in the room and did not intervene when [REDACTED]'s engagement lingered, until child was hurt.

Operation was cited 746.305 (a)(5) for not reporting a situation that place is a child at risk.

Operation should have reported [REDACTED] being hurt by caregiver [REDACTED]. External documents are on record showing that parent has a concern that their child was hurt by caregiver. It is stated on the incident report " parent informed us that [REDACTED] was hurt by teacher" and that caregiver grab child by shirt causing him to fall and hit his head. Operation reacted as if there was a major concern by removing child from classroom immediately according to Facebook post between director and mom. Operation reacted if it was a major concern by permanently removing [REDACTED] from any classroom that [REDACTED] would be present. [REDACTED] stated on the Facebook post that the owner will be involved in the situation, she guaranteed [REDACTED] would be "no where near him again", and stated that actions of [REDACTED] were "unacceptable and not appropriate whatsoever". Parent stated that [REDACTED] had an outcry of being choked by [REDACTED]. Given the concerns of the parent, the actions taken by the operation, and verbiage used to describe [REDACTED]'s action on the incident report and by the director [REDACTED] implied the need to report to licensing.

Recommended Action: Routine monitoring

Texas Health and Human Services Commission
Child-Care Licensing
Investigation Report

Action Dates:

Notification to Provider: 08/07/2020

Investigation Complete: 08/07/2020

Investigation Closed: 08/24/2020