

JUN 24 2022

DCF Department Clerk

STATE OF FLORIDA
DEPARTMENT OF CHILDREN AND FAMILIES

In re: BRADFORD PRESCHOOL
& LEARNING CENTER INC.,

CASE NO. 22- 049 CF
RENDITION NO. DCF-22- 105 ESO

EMERGENCY SUSPENSION ORDER

This cause is before me for entry of an Emergency Suspension Order pursuant to Section 120.60(6), Florida Statutes. This Emergency Suspension Order immediately suspends the child care facility license of Bradford Preschool & Learning Center, Inc., as described below, based on the following:

Introduction

1. The Department of Children and Families, (hereinafter, "the Department"), has jurisdiction over the operation of licensed child care facilities pursuant to sections 402.301-402.319, Florida Statutes, and Chapter 65C-22, Florida Administrative Code. Section 402.301, Florida Statutes, provides in part:

It is the legislative intent to protect the health, safety, and well-being of the children of the state and to promote their emotional and intellectual development and care. Toward that end:

(1) It is the purpose of ss. 402.301-402.319 to establish statewide minimum standards for the care and protection of children in child care facilities, to ensure maintenance of these standards, and to approve county administration and enforcement to regulate conditions in such facilities through a program of licensing.

Chapter 65C-22, Florida Administrative Code, was adopted to implement the provisions of Sections 402.301-402.319, Florida Statutes, to protect the health, safety, and well-

being of the children of the State of Florida and to promote their emotional and intellectual development and care. The Department issued the Child Care Facility Handbook (CCF Handbook), which is incorporated by reference in Rule 65C-22.001(6), Florida Administrative Code (effective October 2021), and it defines and explains the licensing standards that must be followed by all licensed facilities. The CF-FSP Form 5316, Child Care Facility Standards Classification Summary, which is incorporated by reference in Rule 65C-22.010(1)(e), F.A.C., identifies each licensing standard as either a Class I, Class II, or Class III violation based upon the severity of the violation. Class I violations being the most serious.

2. The Department issued license number C08BR0001 to Bradford Preschool & Learning Center, Inc., to operate a child care facility located at 407 W Washington St., Starke, FL, 32091. The current license was issued on July 9, 2021 and will expire on July 19, 2022.

Immediate Serious Danger to the Public Health, Safety, or Welfare

3. Bradford Preschool & Learning Center, Inc., has violated Chapter 402, Florida Statutes, and Rule 65C-22, Florida Administrative Code, through a pattern of violations that create a risk of harm to the health, safety, or welfare of children in care and which give rise to the current, immediate serious danger to the health, safety, and welfare of children. The below facts demonstrate that children have been abused and neglected while in the care of and by employees and/or owners and/or directors of Bradford Preschool & Learning Center, Inc., and based on the extensive, continuing incidences of such, children will continue to be at risk of harm while in care of Bradford Preschool & Learning Center, Inc. The pervasive violations are as follows:

(a) On June 10, 2022, at 2:44 p.m., the Department received abuse report number 2022-1791000. The report alleged:

On 06/10/2022 at approximately 03:00pm, the mother and father went to pick up the child, L.H., from daycare. The child, L.H., saw the father walk in and got up to go towards him. The teacher, referred to as "staff A", grabbed the child, L.H., by the neck and pushed his head down towards the ground. The teacher was trying to hold the child down. Staff A also grabbed the child's leg. The father told Staff A to let him go and asked her why she pushed the child's head. Staff A alleges she didn't use much force.

(b) Abuse report number 2022-1791000 was not called in by staff at Bradford Preschool & Learning Center, Inc., and no other abuse report was made by staff at Bradford & Learning Center, Inc., for the incident on June 10, 2022, despite an employee, referred to as "staff B", at Bradford & Learning Center, Inc., being aware of the incident involving the child, L.H., and the teacher, referred to as "staff C", who was determined by the Department to be the actual, alleged perpetrator. The failure of Bradford Preschool & Learning Center, Inc., to call in the abuse report is a violation of the duties of a mandated reporter pursuant to Section 39.201, F.S., and constitutes a violation of the standards in Section 402.301 - 319, F.S. This is a Class I violation of licensing standards. Child Care Facility Handbook 8.2 (b) states, "Failure to perform the duties of a mandatory reporter pursuant to Section 39.201, F.S., constitutes a violation of the standards in Section 402.301-319, F.S."

- (c) Once receiving abuse report number 2022-1791000, a child protective investigator with the Department commenced an investigation on June 11, 2022. On June 11, 2022, the child protective investigator contacted the parents of the child, L.H. The mother reported, that on June 10, 2022, the teacher, staff C, pushed the child's head down two to three times and then grab the child's leg when the father entered the classroom. Law enforcement was contacted by the father on June 10, 2022, based upon what the father observed. During the child protective investigator's follow up contact with the family on June 12, 2022, the mother reported the child, L.H., flinched when the mother raised her voice on June 11, 2022, which the mother reported that the child, L.H., had never done before. On June 13, 2022, the child protective investigator began a joint investigation with the Department's child care licensing staff.
- (d) On June 17, 2022, the Department's child protective investigation staff and child care licensing staff held a meeting. During the meeting, the Department became aware of video footage demonstrating further evidence of additional, extensive abuse to children occurring over multiple days at the Bradford Preschool & Learning Center, Inc., in Starke, Florida. The video footage was from a two-year-old and three-year-old classroom at Bradford Preschool & Learning Center, Inc.
- (e) Upon review of the video footage by Department representatives, it was discovered that there were numerous incidents over time where an employee of the Bradford Preschool & Learning Center, Inc., was abusing the toddler

children. The abuse to these toddlers at Bradford Preschool & Learning Center, Inc., documented in the video footage included the employee slamming two-year-old and three-year-old children down on mats on the floor; snatching a child off of the ground by only the child's arm as a means of redirecting the child who was hesitant to come into the room with the employee; and slamming a child down on a matt with enough force that caused the child to hit his head on the baseboard of the room. Additionally, the employee on another occasion picked a child up and forcefully placed the child on a desktop causing the child to begin to cry. While this young child was crying, the employee then snatched the child's pacifier out of the child's mouth. The same employee threw a baby bottle at a child during a nap instead of walking the bottle over to the child. When this child became upset, the employee forcefully repositioned the child on a matt, slammed the child down on the matt, and then shoved a bottle into the child's mouth, which caused the child to cry. The same employee was recorded having all the toddler children in the class sit down on the floor of the classroom where the employee then proceeded to throw handfuls of goldfish snack crackers on the floor in front of the two-year-old and three-year-old children and the children began eating off the floor.

- (f) These abusive acts constitute a Class 1 violation of Child Care Facility Handbook 8.2 (a), which states: "[a]cts or omissions that meet the definition of child abuse or neglect provided in Chapter 39, F.S. or Chapter 827, F.S.,

constitute a violation of the standards i[n] section[s] 402.301-.319, F.S., and will support imposition of a sanction, as provided in Section 402.310, F.S.”

- (g) Department staff further observed in the video footage Bradford Preschool & Learning Center, Inc., child care personnel leaving the young children in a classroom alone during active hours and naptime on several occasions. Department staff observed on the video footage that on one occasion, during the absence of child care personnel, a male child hit a female child with a toy making the female child cry. When Bradford Preschool & Learning Center, Inc., child care personnel reappeared, the child care personnel did nothing to address the crying child. These failures to properly supervise children constitute a Class I violation of the Child Care Facility Handbook 2.4.1. (b), which states: “[c]hild care personnel must be assigned to provide direct supervision to a specific group of children and be with that group of children at all times. Children must never be left without child care personnel supervision inside or outside the facility, in a vehicle, or at a field trip location.”
- (h) Department staff further observed video footage of Bradford Preschool & Learning Center, Inc., child care personnel tossing several children down on mats, slamming children down on a desk, having the children sit on the edge of the desks for punishment, and tossing food on the floor for the children to pick up and consume. These acts constitute a Class I violation of Child Care Facility Handbook 2.8. (a), which states: “[t]he child care facility shall adopt a discipline policy consistent with [s]ection 402.305(12), F.S., including standards that prohibit children from being subjected to discipline which is

severe, humiliating, frightening, or associated with food, rest, or toileting. Spanking or any other form of physical punishment is prohibited.”

- (i) During the licensing complaint investigation on June 13, 2022, the Department’s Licensing Counselor determined the following: The employee, staff B, can be seen changing multiple children’s diapers without washing her hands between each change. Staff B also used unwashed hands to distribute food to children in care. The foregoing facts violate CCF Handbook, Section 3.10.1., which states: “[c]hild care personnel and children must wash their hands thoroughly with soap and running water, dry, and follow personal hygiene procedures for themselves and while assisting others. Examples of activities when handwashing is required include but are not limited to before and after eating, immediately following outdoor play, after toileting, following the use of any cleaners or toxic chemicals, before and after administering medication, and during food preparation and snack distribution.” The violation described above is a Class II violation of child care licensing standards.
- (j) During the licensing complaint investigation on June 13, 2022, the Department’s Licensing Counselor determined the following: The employee, staff B, performed diaper changing on multiple children in an adjoining room without any handwashing stations or an adjacent handwashing area. The foregoing facts violate CCF Handbook, Section 3.10.1 (A), which states: “[w]hen children in diapers are in care, a hand-washing station that includes a sink with running water, soap, trash receptacle, and disposable towels or hand drying machines that are properly installed and maintained shall be

provided in the room or in an adjoining area which opens into the room. This is a Class III violation of child care licensing standards.

- (k) During the licensing complaint investigation on June 13, 2022, the Department's Licensing Counselor determined the following: The employee, staff B, can be seen changing children's diapers on a combo desk without sanitizing it in between diaper changes. The foregoing facts violate CCF Handbook, Section 3.10.1 (F) which states: "[w]hen children in diapers are in care, there must be a diaper changing area with an impermeable surface that is cleaned and sanitized or disinfected after each use." This is a Class III violation of child care licensing standards.

Necessity of Suspension/Restriction of License/Registration

4. The foregoing facts demonstrate an immediate and serious danger to the public health, safety and welfare that requires emergency suspension of Bradford Preschool & Learning Center, Inc.'s, license. The Department cannot allow Bradford Preschool & Learning Center, Inc., to continue to operate in this unsafe manner as continued operation will place children at further risk of harm. Bradford Preschool & Learning Center, Inc.'s, deficient practices exist presently and will more than likely continue to exist if the Department does not act promptly. The facility has demonstrated pervasive gross negligence and/or abuse in its day-to-day operations, especially regarding discipline, and failure to protect children from being abused that, due to the repeated incidences documented in video footage, shows that such acts can reasonably be expected to continue. The owner's and staff members' willingness to create and allow such an atmosphere, as seen in the video of children being extensively mistreated

on repeated occasions during different days, makes it impossible for the Department to expect that such behaviors will not continue in the future. There is no less restrictive alternative in this circumstance. Less restrictive actions, such as the assessment of administrative fines or the implementation of corrective action or probation will not ensure that the children cared for by Bradford Preschool & Learning Center, Inc., receive appropriate and safe care as directed by Florida law.

Fairness of Procedure

5. The Department's actions are only those necessary to protect the public interest. As described below, the Department will promptly issue an administrative complaint to Bradford Preschool & Learning Center, Inc., pursuant to sections 120.60(5) and 410.310(2), Florida Statutes, to revoke its license and/or deny any applications for renewal. The administrative complaint will afford Bradford Preschool & Learning Center, Inc., a point of entry into an administrative proceeding as required by section 120.60(6)(c), Florida Statutes. The procedure used by the Department in this instance is fair under the circumstances of this case and a narrowly tailored remedy to protect the public and to address the specific harm while providing for a fair and expeditious corrective mechanism to Bradford Preschool & Learning Center, Inc.

Issuance of Administrative Complaint

6. The Department will promptly issue an administrative complaint to Bradford Preschool & Learning Center, Inc., pursuant to sections 120.60(5) and 410.310(2), Florida Statutes, to revoke its license and/or deny its application for re-licensure.

IT IS THEREFORE ORDERED THAT:

7. The license number C08BR0001 issued to Bradford Preschool & Learning Center, Inc., to operate a childcare facility is suspended effective June 24, 2022, at 6:00 p.m. The Department shall hand-deliver this order to Bradford Preschool & Learning Center, Inc., and document such delivery.

8. Upon receipt of this order, Bradford Preschool & Learning, Inc., shall post this Order on its premises in a place that is conspicuous and visible to the public.

9. The Department shall promptly file an administrative action against Bradford Preschool & Learning Center, Inc., based upon the facts set out in this Emergency Suspension Order and provide notice to Bradford Preschool & Learning Center, Inc., of the right to a hearing under section 120.57, Florida Statutes, at the time that such action is taken.

DONE AND ORDERED at Tallahassee, Leon County, Florida, this 24 day of June, 2022.



Molly McKinstry, Chief of Staff, for
Shevaun Harris, Secretary
The Department of Children and Families

NOTICE OF RIGHT TO APPEAL

THIS ORDER CONSTITUTES FINAL AGENCY ACTION AND MAY BE APPEALED BY A PARTY PURSUANT TO SECTION 120.68, FLORIDA STATUTES, AND RULES 9.110 AND 9.190, FLORIDA RULES OF APPELLATE PROCEDURE. SUCH APPEAL IS INSTITUTED BY FILING ONE COPY OF A NOTICE OF APPEAL WITH THE AGENCY CLERK OF THE DEPARTMENT OF CHILDREN AND FAMILIES, AND A SECOND COPY ALONG WITH FILING FEE AS PRESCRIBED BY LAW, IN THE DISTRICT COURT OF APPEAL WHERE THE PARTY RESIDES OR IN THE FIRST DISTRICT COURT OF APPEAL. THE NOTICE OF APPEAL MUST BE FILED (RECEIVED) WITHIN 30 DAYS OF RENDITION OF THIS ORDER.¹

Copies furnished to the following via U.S. Mail on date of Rendition of this Order.¹

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Danielle Thompson
Agency Clerk

¹The date of the "rendition" of this Order is the date that is stamped on its first page.