



North Carolina Department of Health and Human Services  
**Division of Child Development and Early Education**

5-Star Rated License • Prekindergarten • Subsidized Early Education for Kids

Beverly Eaves Perdue, Governor

Albert A. Delia, Acting Secretary

Deborah J. Cassidy, Director

October 5, 2012

**NOTICE OF ADMINISTRATIVE ACTION**

**TYPE OF ACTION:** REVOCATION OF LICENSE  
**ISSUED TO:** US Army Garrison Fort Bragg  
**FACILITY:** Pope Child Development Center  
Bldg# 30-897 Armistead  
Fort Bragg, NC 28310  
ID# 26002012  
Case# 0312-039 and 0312-110

The Division of Child Development and Early Education in the Department of Health and Human Services hereby **REVOKES** the Four Star License issued to **US Army Garrison Fort Bragg** to operate the above named center. Authority to take this action is provided by North Carolina General Statutes 110-88(6a), 110-90(5), and, 110-98, and Child Care Rule 10A NCAC 09 .2206. In accordance with Child Care Rule 10A NCAC 09 .0302(g), prior history of an applicant will be considered before a new child care license is issued.

This Notice shall be immediately posted in a prominent place in the center as required by Child Care Rule 10A NCAC 09 .2206(c). The License previously issued shall be returned to the Division of Child Development and Early Education.

**BASIS FOR ACTION**

**Case# 0312-039**

On March 12, 2012, a Child Abuse/Neglect Consultant of the Division of Child Development and Early Education visited Pope Child Development Center to investigate a report alleging child neglect due to inadequate supervision of children. Based on interviews conducted by the Child Abuse/Neglect Consultant, the Division's investigation of the report determined the following:

On March 9, 2012, at approximately 5:30 a.m., the parent of a [REDACTED] child dropped the child off at the center for care and placed the child in a bouncy seat. The facility's operating

procedures state that a child should not be left in a bouncy seat for longer than 15 minutes; however, staff members allowed the child to remain in the bouncy seat for approximately one and a half hours, a violation of Child Care Rule 10A NCAC 09 .2805(a) regarding program records. Two staff members took the infant and three additional children, ranging in age from infant to one-year-old, from the classroom they were received in that morning into their assigned classroom. A review of the center's surveillance video showed the staff members placed two children on the floor in an inappropriate manner, a violation of General Statute 110-91(10) regarding the care and treatment of children. One staff member left the room and the other staff member, Vera Grant, placed the [REDACTED] infant on the child's stomach on a red vinyl mat at 7:13 a.m., less than one minute after arriving in the classroom. At 7:16 a.m., Ms. Grant placed a soft blanket on top of the vinyl mat and placed the infant back on the child's stomach on the blanket. Ms. Grant then cleaned the classroom and performed non-caregiving duties which included entering the closet and bathroom. During that time, Ms. Grant failed to provide appropriate supervision for the children in the classroom, a violation of Child Care Rule 10A NCAC 09 .0714(f) regarding the supervision of children. The [REDACTED] remained on the blanket and fussed at times; the caregiver did not respond to the child's fussing, a violation of Child Care Rule 10A NCAC 09 .0511(c)(1) regarding age appropriate activities. Based on a review of the surveillance video, the child was face down on the mat and only lifted the head a few times until the child stopped moving at 7:24 a.m. At 7:26 a.m. and 7:30 a.m., two additional staff members briefly entered the room and commented to Ms. Grant that the child's positioning was unusual; Ms. Grant did not immediately respond to the infant. At 7:32 a.m., Ms. Grant picked up the child to place in a crib and realized the child was not breathing. Ms. Grant began Cardio Pulmonary Resuscitation and 911 was called. The child was transported by Emergency Medical Services to the hospital where the child subsequently died. Autopsy results determined the cause of death to be asphyxiation.

Ms. Grant's placement of the child on the blanket on top of the vinyl mat, her failure to provide appropriate supervision of the child, and her failure to respond to the child's needs created an unsafe environment and lead to the death of the child, a violation of Child Care Rule 10A NCAC 09 .0601(a) regarding safe environment.

In response to the incident, the center administrator took disciplinary personnel action against the staff members involved and retrained those staff members on the facility's operating procedures regarding supervision. Ms. Grant was removed from caregiving duties at the facility.

#### CUMBERLAND COUNTY DEPARTMENT OF SOCIAL SERVICES CONCLUSION

On April 13, 2012, the Division of Child Development and Early Education received written notification from Cumberland County Department of Social Services that child neglect was substantiated at the conclusion of that agency's investigation. The substantiation was based on the inadequate supervision of children. A substantiation of child neglect in a child care facility is a violation of North Carolina General Statute 110-105.2(a).

#### **Case# 0312-110**

On March 21, 2012, a Child Abuse/Neglect Consultant of the Division of Child Development and Early Education visited Pope Child Development Center to investigate a report alleging

child neglect due to inadequate supervision of children. Based on interviews conducted by the Child Abuse/Neglect Consultant, the Division's investigation of the report determined the following:

On March 15, 2012, three staff members were in a classroom with eight or nine children ranging in age from infant to one-years-old. A review of the center's surveillance video showed that a [REDACTED] child exited the classroom through the door that leads to the playground. The staff members were unaware the child left the classroom and was unattended on the playground, a violation of Child Care Rule 10A NCAC 09 .0714(f) regarding the supervision of children. The entire door could not be seen in the surveillance video, but it appeared the [REDACTED] exited the classroom at approximately 4:21 p.m. The [REDACTED] child could not be seen on the video until 4:23 p.m., when the child walked further away from the building. One of the staff members in the classroom observed the child on the playground and returned the child to the classroom at 4:24 p.m.

In addition, the Child/Abuse Neglect Consultant received information that earlier in the day on March 25, 2012, there had been fifteen children ranging in age from [REDACTED] to [REDACTED] present in the room, a violation of Child Care Rule 10A NCAC 09 .2818(c) regarding enhanced staff/child ratios.

In response to the incident, the center administrator took disciplinary personnel action against the staff members and retrained the staff members involved on the facility's operating procedures regarding supervision. The administration also installed alarms on all exit doors to alert staff members if children exit the building.

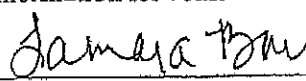
#### CUMBERLAND COUNTY DEPARTMENT OF SOCIAL SERVICES CONCLUSION

On May 2, 2012, the Division of Child Development and Early Education received written notification from Cumberland County Department of Social Services that child neglect was substantiated at the conclusion of that agency's investigation. The substantiation was based on the inadequate supervision of children. A substantiation of child neglect in a child care facility is a violation of North Carolina General Statute 110-105.2(a).

A complete list of violations of child care requirements, including repeated violations, is attached and incorporated by reference in this Notice.

#### PRIOR NOTICE

In accordance with North Carolina General Statute 150B-3(b), the Division of Child Development and Early Education notified Karen L. Miller by certified letter dated July 23, 2012, that Revocation of License was being considered. Ms. Miller was given the opportunity to provide information about why the action should not be taken. Ms. Miller did not provide any information for consideration by the required deadline.

  
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Tamara Barnes, Chief  
Regulatory Services Section

October 5, 2012  
Date

**VIOLATIONS LISTING**

Visit Date :Mar 12 2012

Complaint :Complaint A/N

Requirement Not Met	Violation Text
10A NCAC 09 .0714(f)	Children were not adequately supervised at all times. On March 9, 2012, a [redacted] child was not adequately supervised while placed on [redacted] stomach for "tummy time." The staff member also failed to adequately supervise the other children in the classroom while she performed non-caregiving duties which included entering the closet/bathroom.
GS 110-91(7), 10A NCAC 09 .0712(a-b); 09 .0713(a), 09 .2902(d)	Staff/child ratios and group sizes for the number and ages of children in care were not met. There was one caregiver responsible for supervising ten one-year-old and two-year-old children during naptime. The ratio when one-year-old children are present is 1/6. The ratio for infants and one-year-old children does not change while children are napping.
10A NCAC 09 .0511(c)(1)	Caregiver did not respond promptly to an infant or toddler's physical and emotional needs. A caregiver stated that a child was "fussy" yet the caregiver did not attempt to comfort the child.
10A NCAC 09 .0601(a)	A safe indoor and outdoor environment was not provided for the children. An infant was left on [redacted] stomach for "tummy time" without adequate supervision, resulting in the child's death.
10A NCAC 09 .2805(a)	Facility did not follow written operational policies. The facility's operating procedures state that a child should not be left in a bouncy seat for longer than 15 minutes; however, staff members allowed the child to remain in the bouncy seat for approximately one and a half hours.
GS 110-105.2(a)	There was a substantiation of abuse or neglect. There was a substantiation of neglect by Cumberland County Department of Social Services.

Visit Date :Mar 21 2012

Visit Type :Complaint A/N

Requirement Not Met	Violation Text
10A NCAC 09 .0714(f)	Children were not adequately supervised at all times. On March 15, 2012, a [redacted] child exited the building alone and was unsupervised on the playground for approximately three minutes. Repeated from March 12, 2012.
GS 110-91(7), 10A	Staff/child ratios and group sizes for the number and ages of children

NCAC 09 .0712(a-b); .09 .0713(a), .09 .2902(d)	in care were not met. On March 15, 2012, there were nine infants and six one-year-old children in one group. The maximum group size for infants is ten. Repeated from March 12, 2012.
10A NCAC 09 .2702(j)&(k)	A modified criminal record check was not conducted every three years. A staff member did not have a current criminal record check. Repeated from March 12, 2012.
GS 110-105.2(a)	There was a substantiation of abuse or neglect. There was a substantiation of neglect by Cumberland County Department of Social Services. Repeated from March 12, 2012.