



BRIGHT FROM THE START

Georgia Department of Early Care and Learning
2 Martin Luther King Jr. Drive, SE, Suite 754, East Tower, Atlanta, Georgia 30334
(404) 656-5957

Nathan Deal
GOVERNOR

Bobby Cagle, MSW
COMMISSIONER

July 22, 2011

CERTIFIED MAIL#7007 1490 0002 3524 1726

REGULAR MAIL AND HAND DELIVERY

Ms. Marlo Fallings
Registered Agent
Chief Executive Officer
Director
Marlo's Magnificent Early Learning Center, Inc.
d/b/a Marlo's Magnificent Early Learning Center
7237 Harvest Lane
Riverdale, Georgia 30274

RE: Notice of Revocation

Dear Ms. Fallings:

Bright from the Start: Georgia Department of Early Care and Learning (Bright from the Start) has concluded an investigation regarding the death of a two-year-old child while in care at Marlo's Magnificent Early Learning Center, located at 1688 Thrasher Court, Jonesboro, Georgia 30238. It was determined that serious rule violations occurred which seriously affected the health and safety of the children in care and demonstrated reckless disregard for the physical and mental health and safety of the children in care. Specifically, on June 20, 2011, a two-year-old child was left in the center vehicle following a field trip for an undetermined amount of time between two and three hours. It was determined that the child died as a result of this incident. The rule violations for which Bright from the Start is basing the revocation are marked as Exhibit "A", which shows a flagrant deficiency that constitutes shocking intentional misconduct. On March 1, 2011, the facility was cited for a similar violation, as noted in Exhibit "A", and on March 16, 2011, facility staff attended a training session conducted by Bright from the Start staff that included review of requirements for transportation and supervision of children and taking children on field trips. Marked as Exhibit "B" are three letters, dated June 22, 2011, rescinding the director and two employees' satisfactory criminal record determination.

Based on the facility's noncompliance with Rules and Regulations for Child Care Learning Centers, the licensee is hereby notified that the license to operate the Child Care Learning Center is revoked. Bright from the Start's legal authority for revoking the license is found in O.C.G.A. Sec. 20-1A-12(b)(3)(5), 20-1A-12(c)(5), and 20-1A-10(q), and Bright from the Start's Rules for Child Care Learning Centers, Chapter 591-1-1 of the Official Compilation of the Rules and Regulation of the State of Georgia.

In accordance with O.C.G.A. Sec. 20-1A-10(o), this revocation becomes effective thirty (30) days from receipt of this Notice. You have the right to appeal the decision to revoke the license by filing a written request for an administrative hearing before an Administrative Law Judge with the Office of State Administrative Hearings. The request must be made in writing within ten (10) days of receipt of this Notice and addressed to:

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Ms. Fallings
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**J. Ashley Peacock
Chief Legal Officer
Bright from the Start
Georgia Department of Early Care and Learning
2 Martin Luther King Jr. Drive, SE
754 East Tower
Atlanta, Georgia 30334**

Please be advised that, if a hearing request is submitted, the program shall remain closed until the appeal decision is issued by the Office of State Administrative Hearings, since an Order of Intended Emergency Closure was issued by Bright from the Start on July 1, 2011, pursuant to O.C.G.A. Sec. 20-1A-13(c)(3).

If the licensee does not appeal this action within ten (10) days of receipt of this Notice, the decision to revoke the license will be final. Licensure staff will conduct a follow-up visit to verify closure.

Sincerely,



Brenda Haynesworth
Child Care Services Director

Attachments

cc: Kay Hellwig
J. Ashley Peacock
Kristie Lewis
Ira Sudman
Elisabetta Kasfir
Candy Prince
Vermisha Thompson
Mireille Emanuels
Cathy Ratti
Monica Warren
Meggan Hemans-Reese
Cynthia Tharp
Grayon Stingger-Butler
Shenetta McNair
State File

List of Rule Violations for:

Marlo's Magnificent Early Learning Center
1688 Thrasher Court
Jonesboro, Georgia 30238

1. Rule 591-1-1-.32(6) requires center staff to properly supervise children at all times.

And

2. Rule 591-1-1-.36(6)(g) requires center staff to never leave a child unattended on the center vehicle.

During the investigation, it was determined that on June 20, 2011, a two-year-old child was left on the center vehicle by the staff person responsible for supervising her following returning from a field trip. The investigation revealed that the vehicle arrived at the center between 12:22 p.m. and 12:30 p.m. The vehicle was then parked in the center's parking lot. The temperature outside between 12:30 p.m. and 3:30 p.m. ranged between 89 and 91 degrees. The driver was not aware that a child remained on board, and no check of the vehicle was conducted. The child had fallen asleep on the vehicle during the trip back from the field trip. When the staff members noticed the child was missing, between 2:30 p.m. and 3:30 p.m., a staff member went to the vehicle and found the child unresponsive. The staff member took the child into the building and emergency services were called at 3:42 p.m. The child was left unsupervised for an undetermined amount of time between two and three hours. The child died as a result of being left on the vehicle.

The failure of the center staff to properly supervise and provide watchful oversight placed children at serious risk of harm.

On March 16, 2011, facility staff attended core rule training conducted by Bright from the Start staff that included review of requirements for transportation, field trips, and supervision.

3. Rule 591-1-1-.36(6)(c) requires the center to maintain a signed checklist to account for the loading and unloading of children.

During the investigation, it was determined that the center staff did not complete the passenger checklist properly when a two-year-old child was left on the center vehicle on June 20, 2011. According to staff statements and a review of the field trip participant checklist, staff inaccurately documented on the checklist that all children had been unloaded at the center, although a two-year-old child remained asleep on one of the seats. The child died as a result of being left on the vehicle.

The failure of center staff to properly complete the field trip participant list placed children at serious risk of harm.

On March 16, 2011, facility staff attended core rule training conducted by Bright from the Start staff that included review of requirements for transportation and for field trips.

List of Rule Violations Continued:

- 4. Rule 591-1-1-.36(6)(d) requires center staff to check to ensure that no child is left unattended on the vehicle.**

During the investigation, it was determined that on June 20, 2011, no staff person checked the vehicle upon returning to the center from a field trip to ensure no child remained on the vehicle. Based on staff interviews and review of the field trip participant list no check of the vehicle was completed or documented on the day of the incident. As a result of the lack of a check of the vehicle, a two-year-old child was left asleep and alone on the vehicle for an undetermined amount of time between two and three hours resulting in the death of the child.

The failure of center staff to check the transportation vehicle to ensure that no child remained placed children at serious risk of harm.

This rule was previously cited on March 1, 2011. On March 16, 2011, facility staff attended core rule training conducted by Bright from the Start staff that included review of requirements for transportation and for field trips.

- 5. Rule 591-1-1-.36(2)(f)(1) requires all children transported in a vehicle used by the center to be secured in a child passenger restraining system or seat safety belt in accordance with state and federal laws and regulations.**

During the investigation, it was determined that on June 20, 2011, four children were transported without proper vehicle restraints. While center staff transported children to the field trip location two children were improperly restrained when they were double belted in one seat belt and were not secured in an appropriate child passenger restraining system. While center staff transported children back to the center, four children were improperly restrained when two children were double belted on the middle row, and two children were double belted on the back row, and none of the four children were secured in an appropriate child passenger restraining system.

The failure of the center staff to properly restrain children in the vehicle placed children at risk of harm.

On March 16, 2011, facility staff attended core rule training conducted by Bright from the Start staff that included review of requirements for transportation and for field trips.

- 6. Rule 591-1-1-.36(2)(f)(2) requires center to follow the manufacturer's rated seating capacity for the vehicles used to transport children.**

During the investigation, it was determined that on June 20, 2011, while transporting seven children and two adults to a field trip, the center used a vehicle with a total capacity for eight people. This exceeded the maximum seating capacity. While returning from the field trip, the center transported eight children and two staff members in the vehicle, exceeding the maximum seating capacity of eight.

The failure of the center staff to follow the manufacturer's rated seating capacity placed children at risk of harm.

On March 16, 2011, facility staff attended core rule training conducted by Bright from the Start staff that included review of requirements for transportation and for field trips.

List of Rule Violations Continued:

7. **Rule 591-1-1-.36(3)(b) requires the center to have a driver and one additional staff member who is at least 18 years of age, when transporting seven or more children under the age of five.**

During the investigation, it was determined that on June 20, 2011, the center transported seven children, ages two to four years old, to a field trip, and then returned with eight children, ages two to four years old, to the center. The driver was over 18 years old. The additional staff member present was 16 years old.

The failure of the center to provide two staff members for supervision, 18 years old or older, placed children at risk of harm.

On March 16, 2011, facility staff attended core rule training conducted by Bright from the Start staff that included review of requirements for transportation and for field trips.

8. **Rule 591-1-1-.13(1) requires the center to provide notice to the parents of field trips that includes the name and address of the field trip, date of the trip, time of departure, and estimated arrival time back at the center.**

During the investigation, it was determined that the notice for the field trip taken on June 20, 2011, did not include the location address.

The failure of the center to provide proper notice to the parents for the field trip placed children at risk of harm.

On March 16, 2011, facility staff attended core rule training conducted by Bright from the Start staff that included review of requirements for transportation and for field trips.

9. **Rule 591-1-1-.13(2) requires the center to obtain written parental permission prior to children attending field trips.**

During the investigation, it was determined that on June 20, 2011, one of the eight children attending the field trip did not have written parental permission to attend.

The failure of the center to obtain parental permission placed children at risk of potential harm.

On March 16, 2011, facility staff attended core rule training conducted by Bright from the Start staff that included review of requirements for transportation and for field trips.

10. **Rule 591-1-1-.13(4) requires the center to maintain a list of field trip participants in the possession of the adult in charge of the trip.**

During the investigation, it was determined that on June 20, 2011, the participant list was not in the possession of the adult in charge of the trip. The list was in the possession of a 16-year-old staff member.

The failure of the adult center staff member to maintain the participant list placed children at risk of potential harm.

On March 16, 2011, facility staff attended core rule training conducted by Bright from the Start staff that included review of requirements for transportation and for field trips.