

JUL 20 2022

**STATE OF FLORIDA
DEPARTMENT OF CHILDREN AND FAMILIES**

DCF Department Clerk

**In re: CHILDREN OF LIGHT
ACADEMY, INC.**

**CASE NO. 22-057CF
RENDITION NO. DCF-22-121-ESO**

EMERGENCY SUSPENSION ORDER

This cause is before me for entry of an Emergency Order pursuant to section 120.60(6), Florida Statutes. This order immediately suspends the transportation portion of the license of Children of Light Academy, 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 under 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 and to promote their emotional and intellectual development and care.

2. The Department issued license number C06PA0264 to Children of Light Academy, Inc., to operate a child care facility located at: 6140 Perrine Ranch Rd., New Port Richey, FL 34655. The current license was issued on August 14, 2014, and the license has been renewed annually. Children of Light Academy, Inc., has continued to operate under this license since its issuance.

Immediate Serious Danger to the Public Health, Safety or Welfare

3. Children of Light Academy, Inc., has violated important safety provisions in Chapter 402, Florida Statutes, and Rule 65C-22, Florida Administrative Code, as follows:

(a) On July 12, 2022, at 4:21 p.m., the Department's Child Care Regulation Counselor received a telephone call from the Operations Manager of Children of Light Academy, Inc., and she stated the following:

On this date a child, R.Y., was left on the bus for several hours. At approximately 3 p.m. the bus aide saw the child's teacher and asked where R.Y. was. The teacher replied the child was absent today. The aide advised the teacher that R.Y. was on the bus this morning. They immediately checked the bus and R.Y. was there. They gave him water and juice and he asked for food. They called the parents immediately. The bus driver did not check the bus properly and the child was left on the bus all day.

(b) On July 12, 2022, the Department received an abuse report/formal complaint containing the following allegations:

On July 12, 2022, around 10:30 a.m., the bus arrived at the school around with R.Y. The aid who was on the bus saw R.Y.'s teacher walking by and asked her where R.Y. was. The teacher stated that R.Y. did not come. The bus aid stated that R.Y. was on the bus today. Around 3 p.m., they went and checked the bus, and R.Y. was there. They gave R.Y. water, juice and he asked for food, and they called the parents right away. Everything seems to be fine. The bus driver did not check the bus and R.Y. was on the bus all day.

(c) A Child Protective Investigator (“CPI”) contacted the facility’s Operations Manager telephonically in the morning on July 13, 2022, to initiate investigating the allegations. The Operations Manager was aware of the incident but was speaking with the child’s parents when the CPI called yesterday and left a voicemail. The parents opted to take the child to the hospital to be checked out. The child is not expected at the facility today. This is the first time something like this has happened. The Operations Manager is unsure of protocols but contacted the Department’s Child Care Regulation Counselor. The CPI inquired what immediate actions had been taken by the facility. The Operations Manager advised the facility’s driver was fired and the facility’s aide was suspended pending the outcome of the investigation.

(d) Later in the day, the CPI, an employee of the Department, and a law enforcement officer met with the Operations Manager to obtain more detailed information. The Operations Manager advised that the van arrived at approximately 8:45 a.m. The child, R.Y., rides daily with the facility’s driver and facility’s aide. The facility’s driver and facility’s aide unloaded the van and brought the children into the school. The facility’s driver then went for gas and arrived back at the school at 9:30 a.m. The facility’s driver then went home, as usual. The Operations Manager further advised around 3 p.m. the child’s teacher and the facility’s aide informed the Operations Manager that the child had not been to class at all but was on the bus in the morning. The Operations Manager ran to the bus and could hear the child screaming the Operations Manager’s name. When the Operations Manager was able to

unlock the door, the Operations Manager observed the child still strapped into his car seat. His clothes were soaking wet from sweat and he was red in the face and body. He had taken off his shoes and socks but was unable to unbuckle himself. The Operations Manager carried him inside where he was given water and juice. He asked for food. The Operations Manager called the parents, Director, and the Department's licensing counselor. The Operations Manager did not call 911 and/or provide immediate medical treatment.

- (e) The Operations Manager indicated normal protocol is that there is always a driver and an aide on the bus. There is a button at the back of the vehicle that would sound an alarm if not shut off within a minute of the vehicle being shut off. The purpose is for personnel to do a walk through and sweep of the vehicle so that no child is left behind. The driver and aide were aware of the proper procedure as they had completed transportation training. This protocol went into effect in January 2022. The Operations Manager thought the correct protocol was being followed. The Operations Manager denied witnessing them cheating the system. However, the Operations Manager also advised she is not always up front where she could observe children being transported but travels throughout the child care facility. The facility's driver arrived back at the school at 4:30 p.m. and was advised that R.Y. had been left in the van. The Operations Manager fired the facility's driver. The facility's driver indicated an understanding for the firing.
- (f) CPI, an employee of the Department, and law enforcement observed the van. There are four rows of seats behind the driver. R.Y.'s seat was in the last row under the alarm button. The van was parked partially under a tree but the rear

end of the van (where the child was strapped into his car seat) was in direct sunlight. The bus log for that day shows R.Y. signed in at 8:00 a.m. and signed off the bus at 8:30 a.m. The form was signed by the facility's driver and the facility's aide. Per an internet search for July 12, 2022, in New Port Richey, Florida, the temperature ranged from 77 degrees in the morning to 90 degrees by afternoon with a Real Feel temperature of 106 degrees due to the heat index.

(g) The priest associated with the facility was interviewed. He provided access to Nest camera video. R.Y. is not brought in at 8:42 a.m. by the facility's driver or the facility's aide. At 3:03 p.m., the Operations Manager carries in the child, R.Y. The school is not currently running the vans/busses as they are waiting to hear from law enforcement and licensing.

(h) The Department employee contacted the mother to inform her of the investigation. The mother advised the child was admitted to a local hospital on July 12, 2022, for concerns of severe dehydration. The family was still awaiting clearance for discharge.

(i) The Department employee then went to the local hospital to interview the young child, R.Y. The child was only able to say he was left on the bus for a long time, that he fell asleep, and then the Director found him.

(j) Two Department employees and law enforcement interviewed the facility's driver at the employee's home. The facility's driver stated she could not believe what she did and that it was an accident. She has worked at the facility as a bus driver since June 1, 2020. She has been on the same route with the facility's aide for a while. R.Y is one of the last children picked up.

She arrived at the school around 8:30 a.m. It was busy so she just parked out front. The baby was crying so the facility's aide took the baby and four other children into the building. When the facility's aide did not return, she took, what she thought, were the last children inside. She then advised she opened the back door to turn off the alarm from there. She did not walk through the van. After she took the children's backpacks inside, she then took the van to get gas. She denied hearing any child's voice or movement. At the gas station she again opened the back van doors to shut off the alarm. She then drove back to the school and parked the van in the grass and under a tree. For the third time, she opened the back door to shut off the alarm. She then went home. When she returned to the school at 4:30 p.m. she saw the child, R.Y., sitting behind the counter with the Operations Manager. When she asked if the child was sick, she was informed he had been left in the van. She wanted to speak with the parents, but the priest pulled her aside to inquire as to the van checks. She told him she did not walk through the van but shut off the alarm by opening the back door. She was fired immediately.

(k) Regarding the safety protocols, the facility's driver advised she was taught how to do it. The correct way is that once you shut the van off, you have a minute to walk through and hit the button to shut off the alarm. She reported she would not get out of the van but walk down the aisle to hit the button from within the van. She always used to do it this way. More recently, she has been opening the back doors of the van to hit the alarm. She knows the purpose of the button is to check the bus for any child left behind. Regarding the transportation log, they sometimes sign off on it if they get stuck at the

light on East Lake ahead of time because it can be chaotic at the school. Yesterday, they did sign it at the school but before any children departed the bus. She knows this is wrong as they are supposed to sign as the children are getting off the bus.

(l) CPI and a law enforcement officer interviewed the bus aide at her home. She indicated that she has been working at the child care facility since 2019 as a teacher and a bus aide. R.Y. is one of the last pickups. She sits in the front row near the 3-month-old baby. The baby was very fussy that morning and they did not follow their normal routine. When they arrived at the school, she took the baby and three other children into the school. They were short on ratio in a classroom, so she never went back out to the bus. Their normal routine is that they get all the children out together then take them into the school. She then goes back for their backpacks and bags. The driver does the safety check. There is a transportation log that they sometimes fill out earlier due to chaos upon arrival. She puts 8:30 a.m. on the log because that is her routine. She does know the proper way is to document after all the children are out of the van.

(m) A Department employee contacted the nurse at the local hospital. She advised R.Y. was cleared for discharge, but his lab levels are still off, and he has to follow up with his pediatrician. His lab levels are off from dehydration. She also stated that **“it was a miracle the child was still alive and breathing.”**

(n) On July 18, 2022, the Child Care Regulation Counselor followed up with the child’s mother to ascertain his condition. According to the mother, the child is

being followed closely by his pediatrician who has concerns for long-term damage. The child is not afraid to get into his mother's vehicle but is afraid of vans and buses. As of July 18, 2022, the child's lab level is still abnormal, and he is undergoing routine labs. The child is afraid of the labs, and it is causing him a lot of stress. The pediatrician is referring the child and his mother to behavioral counseling for Post-Traumatic Stress Disorder.

- (o) Based upon the investigation, the Department has determined that the driver of the van and bus aide failed to conduct a physical inspection and visual sweep of the vehicle interior three (3) times that morning to ensure that no child is left in the vehicle. This is a Class I violation of the Child Care Facility Handbook, Section 2.5.2, F and G, which is incorporated by reference in Rule 65C-22.001(6), Fla. Admin. Code.
- (p) Also, on July 12, 2022, the facility staff failed to adequately supervise R.Y., and he was left by himself in the facility van as a result. This is a Class I violation of the Child Care Facility Handbook, Section 2.4.1, B.
- (q) Law enforcement arrested and charged the bus driver with felony child neglect as a result of her neglectful actions. This is a Class I violation of the Child Care Facility Handbook, Section 8.2, A.
- (r) In addition to the violations described above, the bus driver and bus aide provided false and misleading statements to the Department employees, as evidenced by their statements and the transportation log. These statements constitute a Class I violation of section 402.319(1)(f), Florida Statutes.

Necessity of Suspension/Restriction of License/Registration

4. The foregoing facts show an immediate serious danger to the public health, safety, and welfare that requires emergency suspension of Children of Light Academy, Inc.'s, transportation portion of their license. There is no less restrictive alternative in this circumstance. The facility has demonstrated gross negligence in its day-to-day operations, especially regarding transportation of children in the facility vans that cannot reasonably be expected to continue. The Department obtained a copy of the transportation log for a year and found 12 different weeks where there was no second signature for December 2021 through April 2022. This was cited but the sheer number of times is concerning. The staff members' willingness to ignore and/or shortcut protocols raises serious concerns about child safety. The staff members' willingness to provide false information to the Department also makes it impossible for the Department to expect that correct and accurate information will be provided in the future. The summer heat presents serious, potentially life-threatening dangers to children left behind in vehicles. The Department does not have the staff or resources available to monitor the facility's transportation issues on a daily basis.

Fairness of Procedure

5. The procedure used by the Department in this instance is fair under the circumstances of this case. The actions of, documentation of, and statements made by the bus driver and bus aide of Children of Light demonstrate their willfulness to disregard the safety protocols put in place to prevent these serious violations of licensing standards, which present an immediate serious danger to the health, safety and welfare of the children in the care of Children of Light. The Department's actions are only those necessary to protect the public interest. In the event on-going investigations establish that the operation of the licensed child care facility would not

place children served by the facility at risk of harm, the Department may rescind this Emergency Order.

Issuance of Administrative Complaint

6. The Department will promptly issue an administrative complaint to Children of Light Academy, Inc., pursuant to sections 120.60(5) and 410.310(2), Florida Statutes, to suspend the transportation portion of its license and/or modify its application for re-licensure. The administrative complaint will afford Children of Light Academy, Inc., a point of entry into an administrative proceeding as required under section 120.60(6)(c), Florida Statutes.

IT IS THEREFORE ORDERED THAT:

7. The transportation portion of the license number C06PA0264 issued to Children of Light Academy, Inc., to operate a child care facility is suspended effective July 20, 2022, pursuant to Section 120.60(6), Florida Statutes. The Department shall hand-deliver this order to Children of Light Academy, Inc., and document such delivery.

8. Upon receipt of this order, Children of Light Academy, 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 complaint against Children of Light Academy, Inc., based upon the facts set out in this Emergency Suspension Order and provide notice to Children of Light Academy, 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 20 day of

July, 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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Agency Clerk

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