



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

Nathan Deal
GOVERNOR

Bobby Cagle, MSW
COMMISSIONER

April 5, 2012

CERTIFIED MAIL #7011 1150 0000 4137 7716

Ms. Reather Campbell
Registered Agent
Chief Executive Officer
Eagles Wings Judah Worship Center Church of God, Inc.
d/b/a Upon Eagle's Wings Child Development Center
2915 Southern Avenue
Tifton, Georgia 31794

REGULAR MAIL

Ms. Kendria Hurley
Program Manager
Upon Eagle's Wings Child Development Center
P.O. Box 1503
Tifton, Georgia 31793

RE: Notice of Revocation

Dear Ms. Campbell and Ms. Hurley:

A complaint investigation regarding the sexual abuse of children in care by a staff member was conducted on February 16, 2012, at Upon Eagle's Wings Child Development Center, located at 334 East Golden Road, Tifton, Georgia 31794. It was determined during the investigation that serious rule violations occurred which seriously affected the health and safety of children in care, which is a flagrant abuse that constitutes shocking intentional misconduct in accordance with 591-1-1-.38(c)5. This demonstrated an intentional and/or reckless disregard for the physical and mental health and safety of the children in care. Specifically, from August 2009 through February 2012, nine children, ages 3 years to 10 years, were sexually abused by a male staff member. The staff member was subsequently charged with four counts of child molestation, one count of aggravated sexual battery, and one count of enticing a child for indecent purposes. The rule violations for which Bright from the Start: Georgia Department of Early Care and Learning (Bright from the Start) is revoking the license are attached hereto and are marked as Exhibit "A" and incorporated in this Notice by reference.

Based on the facility's noncompliance with the rules, the licensee is hereby notified that the license to operate Upon Eagle's Wings Child Development Center is revoked. Bright from the Start's legal authority for revoking a license is found in O.C.G.A. Sec 20-1A-12(b)(1), (3) and (5), 20-1A-12(c)(5), and 20-1A-10(r), 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.

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In accordance with O.C.G.A Section 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 your license to operate a child care learning center 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:

Ira Sudman
Chief Legal Officer
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

A hearing request stays or suspends the revocation.

If the licensee does not appeal this action within ten (10) days 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: Ira Sudman
Kay Hellwig
Kristie Lewis
Elisabetta Kasfir
Candy Prince
Vermisha Thompkins
Anisia Clark
Meggan Hemans-Reese
Cynthia Tharpe
Heather Kirkley
Julia Strickland
State File

List of Rule Violations for:

Upon Eagle's Wings Child Development Center
334 East Golden Road
Tifton, Georgia 31794

1. Rule 591-1-1-.11(2)(a) prohibits personnel from physically or sexually abusing a child.

During an investigation, it was determined that between August 2009 and February 2012, a male staff member sexually abused nine children in care. The disclosures of abuse were corroborated by other children in care who witnessed the abuse. The staff member was arrested charged with four counts of child molestation, one count of aggravated sexual battery and one count of enticing a child for indecent purposes.

The failure of center staff to prevent personnel from sexually abusing children placed the children at risk of harm.

2. Rule 591-1-1-.11(2)(d) prohibits personnel from verbally abusing or humiliating a child.

During an investigation, it was determined that in February 2012, the center's van driver was heard calling a six-year-old child on the van "gay" when the girl touched another girl on the van. This comment was said in the presence of other children on the vehicle.

The failure of center staff to refrain from making belittling remarks to a child placed children at risk of harm.

3. Rule 591-1-1-.36(5) requires that for routine transportation, the child's parents must authorize the transportation and specify pick-up location, pick-up time, delivery location, delivery time and the name of any person authorized to receive the child.

During an investigation, it was determined that the staff member responsible for driving the center van for routine transportation was reported to have stopped at unauthorized locations along the transportation route. Children were allowed to exit the vehicle and go into stores without parental authorization. The unauthorized stops were reported to the center director and the staff member was instructed to stop all unauthorized stops. The staff member continued to divert from the authorized transportation route and make unauthorized stops after being instructed to stop.

The failure of center staff to provide transportation only to locations authorized by the children's parents placed children at risk of harm.

4. Rule 591-1-1-.36(2)(f)2. Prohibits the center from exceeding the manufacturer's rated seating capacity for the vehicle and documentation of the seating capacity must be kept on file at the center.

During an investigation, it was determined that the center's vehicle had seating available for fourteen children. Transportation records for the week of December 12, 2011, demonstrated that each day between fifteen and eighteen children were transported on the vehicle during the same route. Additionally, during the week of December 19, 2011, each day between fifteen and sixteen children were transported on the vehicle during the same route.

The failure of center staff to ensure the vehicle seating capacity was not exceeded placed children at risk of harm.

- 5. Rule 591-1-1-.36(2)(f)1. Requires that all children transported in a vehicle shall be secured in a child passenger restraining system or seat safety belt in accordance with state and federal laws and regulations.**

During an investigation, it was determined that while the vehicle was in motion, an eight-year-old child routinely removed her seatbelt and crouched down beneath a seat to watch what was happening at the front of the vehicle without staff prevention or intervention. Additionally, transportation records demonstrated that children were not appropriately restrained the weeks of December 12, 2011, and December 19, 2011, when the vehicle capacity was exceeded each day, and there were more children on the vehicle than there were available seat belts.

The failure of center staff to ensure children were properly secured while on the vehicle placed children at risk of harm.

- 6. Rule 591-1-1-.36(6)(c)3. Requires that the driver or other designated person shall immediately document in writing with a check or other mark/symbol on the passenger transportation checklist, each time a child gets on and off the vehicle so that each child is accounted for every time the vehicle is loaded or unloaded.**

During an investigation, it was determined that on February 15, 2012, three children transported from two different elementary schools, to the center, were not documented on the checklist as required with a mark or symbol as having loaded and unloaded the vehicle. Check boxes by their names were left blank; however times they were picked up and dropped off were documented demonstrating that they did ride on the vehicle that date.

The failure of center staff to document children as having loaded and unloaded the vehicle placed children at risk of harm.

- 7. Rule 591-1-1-.36(6)(f) restricts a child's travel time to forty-five (45) minutes on each trip between the child care learning center and destination unless accompanied by the parent and excluding field trips.**

During an investigation, it was determined that travel time on the vehicle was exceeded for at least one child on the vehicle on thirty-five (35) out of thirty-seven (37) days when routine after school transportation was provided between December 12, 2011, and February 17, 2012. Travel times exceeding the forty-five (45) minute limit ranged between forty-nine minutes and one-hour and twenty-seven minutes.

The failure of center staff to restrict children's travel time on the vehicle, to forty-five minutes or less, placed children at risk of harm.

- 8. Rule 591-1-1-.36(6)(c)4. Requires the staff person completing the checklist shall give the checklist to the Director or the Director's designated staff person at the completion of the trip and after the second check of the vehicle has been conducted.**

During an investigation, transportation documentation obtained from the center for transportation conducted between December 12, 2011, and February 17, 2012, showed that the center routinely did not document to whom the transportation checklist was turned in, after a second check of the center's vehicle was conducted.

The failure of the center staff to properly document transportation placed children at risk of harm.

9. Rule 591-1-1-.36(6)(d)1.c. Requires that the staff person designated to complete the transportation checklist sign their full name, indicating all of the children have exited the vehicle.

During an investigation, review of transportation documentation obtained from the center, for transportation conducted between December 12, 2011, and February 17, 2012, demonstrated that the person completing the transportation checklist routinely signed his initials instead of his full name to indicate all children had exited the vehicle.

The failure of center staff to properly document on the transportation checklist placed children at risk of harm.

10. Rule 591-1-1-.32(6) Requires that children be supervised at all times.

During an investigation, it was determined that children were routinely allowed by the center's van driver to go into stores alone in order to purchase candy and snacks. The van driver remained on the van and did not accompany children into the store.

The failure of center staff to provide adequate supervision placed children at risk of harm.