Iowa Department of Human Services

CHILD CARE CENTER COMPLAINT

Name of Center: Happy Time Preschool & Daycare **Enrollment:** 125 **License ID:** 22653

Street: 3520 Ansborough AVE **City:** Waterloo **IA** **Zip Code:** 50701 **County:** Black Hawk

Mailing Address: 3520 Ansborough AVE

Mailing City: Waterloo **IA** **Zip Code:** 50701

Director's Name: Britany Barthel **Center Phone Number:** 319-235-6783

On-Site Supervisors: Jessica Benter & Judy Acfalle **E-Mail Address:** htdirector@cedarvalleychurch.net

Date of Complaint: 11-17-2023 **Date of Visit:** 11-20-2023

[ ] Scheduled **[X]** Unannounced **[ ]** NA

[X] Non-Compliance with Regulations Found **[ ]** Compliance with Regulations Found

RECOMMENDATION FOR LICENSE

[X] NO CHANGES to licensing status recommended

[ ] PROVISIONAL license from **to**

[ ] SUSPENSION of License

[ ] REVOCATION of License

Complaint Details:

Did this complaint result in a serious injury? ☐ Yes ☒ No

Did this complaint result in a death to a child? ☐ Yes ☒ No

Summary of Complaint:

On 11/17/23 I received a reported concern regarding Happy Time Preschool and Daycare in Waterloo. It was reported that on 11/08/23 a staff member, Ruthie W., grabbed a child by the arm and pulled him 20-30 feet across the floor. She swung him around and forcefully released him. There were no known injuries. The director was notified. The parents were not notified.

It is also alleged that about one year ago Ruthie W. smoked marijuana in the closet of her classroom while children were napping. She was not the sole caretaker.

Licensing Rules Relevant to the Complaint:

109.10(10) Recording incidents: Parents shall be notified on the day of the incident involving a child that includes:Minor injuries.Minor changes in health status.Minor behavioral concerns.Incidents resulting in injury to a child.Shall be verbally notified immediately when there is:A serious injury to a child.An incident resulting in significant change in health status.An incident includes child being involved in inappropriate, sexually acting out behavior.A WRITTEN report, fully documenting every incident, shall be provided to the parent or authorized person. This should be completed by staff that witnessed the incident and retained in child file.Serious injuries and deaths must be reported to the Department within 24 hours.

109.10(16)a The center and supervisor shall ensure that staff knows names and number of children assigned. Staff shall provide careful supervision.

109.12(2) Center shall have written policy on discipline of children which provides for positive guidance, with direction for resolving conflict and setting of limits.

109.12(2)a Center does not use corporal punishment including spanking, shaking, or slapping.

109.12(2)b Punishment which is humiliating or frightening or causes pain or discomfort is not allowed. Mechanical restrains shall never be used. If part of a treatment plan for a child with a disability, staff shall receive training.

Inspection Findings:

On 11/20/23 I made an unannounced visit to Happy Time Preschool and Daycare in Waterloo. I met with Kathy White, the director. Ms. White was made aware of the reported concerns prior to my visit.

Ms. White states there was a report of marijuana use in the classroom by Ruthie W. about one year ago. She did an investigation into the allegations with the HR person from the church, Jessica Benter. Ms. White states they spoke with the staff member who made the report and they had heard the allegations from someone that thought they smelled marijuana. Ruthie W. and her assistant were interviewed and both denied the allegations. The assistant no longer works for the center. They were told in “no uncertain terms” that it could never happen or they would be fired.

Ms. White states a staff member did report the incident on 11/08/23. Ms. White was in a room at the time but is in her office at 1:30 pm and she would deal with it. She text Ruthie right away and asked how she was doing and did not mention the specific concerns. Ruthie said she was stressed and tired and not feeling well. Ms. White told her they received a complaint and talked with her face to face at 1:30 pm. Ruthie said she was stressed and lost her temper and it was wrong. They discussed how it should have been handled and techniques to properly move a child. They also discussed having her assistant deal with it if she is overly stressed. She gave Ruthie the following morning off to rest. They also cut back her hours because she had been working over 40 hours. The person who reported this said she would quit if this was not dealt with.

Ms. White the incident happened in the cafeteria/gym. Ms. White was not in the cafeteria when it happened, but a cafeteria staff person informed her about it. The program has video cameras, but she did not review the footage when it was reported. Ms. White states the video footage only lasts for a period of time so she did not know if it was still available.

Ruthie W. was interviewed. Ruthie state the child was probably finished eating and looking for something to do. She asked him to sit in his chair. She grabbed him by the arm above the elbow because she is aware of nurse maid elbow. Ruthie states it could have been rough. She said she moved him a couple feet. She did this for discipline and to calm down the table where he was sitting. Ruthie states she has had a lot of change in her classroom and she has been overwhelmed. She states she is not making an excuse.

Ruthe states the child likes to go limp. She does not consider what she did dragging the child. She states she moved him. Ruthie said he probably cried but did not fight her moving him.

Ruthie states there were probably a couple previous time she was emotional for a shirt period of time but she caught herself and stopped. She said she immediately apologized to the child.

Ruthie states she did not do an incident report because they only do incident reports when there is an injury or behaviors. I explained according to her there were behaviors that required discipline. Ruthie states she never had a conversation with the parents about what specifically happened in the gym.

Ruthie states about a year ago she was accused of smoking marijuana in the room but that never happened. Ruthie states it is frustrating because that is not something she would ever do. She would never watch children under the influence. She admits to a history of marijuana use but has never used before or during work and she is not currently using.

On 11/28/23 I had a collateral contact with Jessica Benter, the HR person for the church where the daycare is located. Ms. Benter states there were “here say” reports of marijuana in the classroom brought to her and she brought them to the pastor. She states she did not see it or smell it. It was reported Ruthie W. was using a vape with marijuana in it. The pastor spoke with Ms. White and Ms. White laid down the law regarding marijuana use. There were no other concerns and no way to prove the allegations.

Ms. Benter states there was video footage of the incident in the gym/cafeteria, but it is only good for 12-14 days so it has expired. Ms. Benter did watch the video. Ms. Benter states the child was sitting at the table and there was nothing in front of him. He was pounding his fist and being loud. Ruthie picked the child up by one arm and his feet dangled the whole way to the line where the tile meets the carpet and she plopped him down. It was not a long drop to the floor and she could not tell if he was crying in the video. Ms. Benter states Ms. White never asked to see the video. The parents were upset when they found out and they had a meeting with the board. They were upset they were never notified and an incident report was not completed.

On 11/28/23 I had a phone contact with the parents. They expressed their concerns for how the situation was hired. They question how the center would know if there was an injury if no one looked.

On 11/29/23 I had a collateral phone contact with Carrie L. Carrie states she witnessed the incident in the cafeteria/gym. Carrie states the child was at the table and making noise. Ruthie W. grabbed the child by the arm. She thinks she grabbed him up by the armpit. Carrie states Ruthie dragged the child

across the room and his feet were dragging across the floor. She put him on the ground where the carpet meets the tile. The child was crying. Carrie states she text Britany B. right away about the incident. Britttany works in the office. She then spoke with Kathy White the director about what she witnessed and told her it was not acceptable.

Carrie states two or three months ago Ruthie grabbed another child by the arm and slammed him on the floor. She states Britany tried to review the footage of that incident but another staff member blocked the view of the camera. Carrie states she told Ms. White about that incident as well but she said without it being on video there was nothing they could do. She does not believe the child would have had injuries from either incident.

Carrie states she tries to keep an eye on Ruthie's children when they are in the cafeteria because she is always grabbing them and yelling at them. Carrie states she told Ms. White something better get done about this or she would quit or call DHH.

Carrie states she knows there was a marijuana incident but she did not know if it was true or not.

On 11/29/23 I had a collateral phone contact with Britany Barthel. Ms. Barthel informed me that Kathy White was no longer employed by the program so Ms. Barthel would be taking over as the interim director. Ms. Barthel and I discussed her qualifications. She has been employed by the center for eleven years and has several hours of training so she is qualified to be the director. Ruthie W. is also no longer employed by the center.

Ms. Bathel states she reviewed the video footage of the incident in the cafeteria a couple days after the incident. She states she does not believe that Ms. White ever asked to review the video footage. Ms. Barthel states typically Ms. White does ask to review footage if other staff members are involved. The video footage is no longer available because it is overridden after two weeks.

Ms. Barthel states what she observed on the video was the child sitting at the table in the lunch room and he was wiggling his tray. Ruthie was frustrated and grabbed the wrist of the arm and pulled the child up from a sitting position. She bounced him a couple times while he was in the air. There was no part of his body on the ground. She swung him around and tossed him to the ground. He was facing the ground crying and she did not offer him any comfort. Carrie L. was right beside the table where it happened and she went to Ms. White right away.

Ms. Barthel states Ms. White called Ruthie into the office that day. Ruthie made the comment that she thought they were over-reacting and she did not know why they were doing this.

Ms. Barthel states the parents were upset they were not told right away and Ruthie continued to care for their child.

Special Notes and Action Required:

109.12(2)a-d. Discipline does not allow for corporal punishment; punishment that causes humiliation, fear, pain or discomfort. Discipline does not allow for punishment or threat of punishment associated with a child's illness, lack of progress in toilet training, or in connection with food or rest. Punishment which is humiliating or frightening or causes pain or discomfort is not allowed. VIOLATION. There are consistent reports that Ruthie W. grabbed a child out of frustration and dragged him across the floor for discipline. His legs were dangling. The child should have been observed to see if there were any injuries.

109.10(10). Policies and procedures for incidents involving minor injuries, minor changes in health status, or behavioral concerns are reported to parent on day of incident. A written report, fully documenting every incident, shall be provided to the parent or person authorized to remove the child from the center. The written report shall be prepared by the staff member who observed the incident and a copy shall be retained in the child's file. VIOLATION. The parents should have been notified with an incident report for what happened to their son. Incident reports are mandated for behavioral concerns.

109.10 (16)a. Supervision. The center director and on-site supervisor shall ensure that each staff member, substitute, or volunteer knows the number and names of children assigned to that staff member, substitute, or volunteer for care. Assigned staff, substitutes, and volunteers shall provide careful supervision. NOT VIOLATED. There is no supporting evidence to show Ruthie W. smoked marijuana in the classroom.

Currently, the status of the center's license is unchanged. If you would like to respond to this report, please do so in writing and I will include the information in the licensing file.

Consultant's Signature:

Rebecca Frost

Date:

12-28-2023