Iowa Department of Human Services

CHILD CARE CENTER COMPLAINT

Name of Center: Mahaska County Head Start **Enrollment:** 50 **License ID:** 25019

Street: 1521 Green Street **City:** Oskaloosa **IA** **Zip Code:** 52577 **County:** Mahaska

Mailing Address: 725 W 2nd St

Mailing City: Ottumwa **IA** **Zip Code:** 52501

Director's Name: Elizabeth Fairchild **Center Phone Number:** 641-676-7700

On-Site Supervisors: Kayla Emery **E-Mail Address:** lfairchild@sieda.org

Date of Complaint: 02-15-2023 **Date of Visit:** 02-15-2023

[ ] Scheduled **[ ]** Unannounced **[X]** 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:

Teresa E. (teacher) shoved a table into a 5 year old male and dragged him by his arm to the bathroom. There were no visible injuries.

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.

109.12(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:

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.

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:
The determination of this report was based on staff written and verbal statements, a review of training requirements and criminal background checks and incident reports. Three staff were in the room at the

time the reported incident occurred.

Two staff in the room with Teresa reported she pushed a table at the child and grabbed him by his arm and took him to the restroom.

When Teresa was asked about this specific incident she stated- On 2-14-23 J.C. joined my class at 11:15. We were having a large group activity at the table. We were playing Valentine bingo. After the bingo game was done each child was given a bingo prize which was a small pop it toy. J.C. didn't like the prize he was given and started tossing chairs and spitting on the table and his peers that were in line waiting to go to lunch, He tried spitting on me. He was asked repeatedly to stop spitting, I told him that if didn't like the toy he got he didn't have to keep it but I wasn't going to give him anything else. The other staff in the room stood talking while all of this was going on. I asked them to take the other kids out of the room to lunch for their safety. J.C. continued to move around the room tossing chairs and spitting. I told him firmly he couldn't spit on the other kids. I moved a table out of the way to prevent him from running and tossing more chairs. I was able to walk J.C. into the bathroom area and told him if he needed to spit that he could spit in there. The other staff took the class out of the room then. He sat down on a mat and kept saying how he didn't like his prize, I told him that was fine he didn't have to keep it. He said he was going to stab his friends with a fork at lunch when I asked him if he was ready to eat. I told him that he couldn't stab anyone with a fork. I asked him if he had been sick the day before, he said yes that he had been puking and asked him if he was feeling better today, he said yes. I asked him again if he was ready to go eat and he said yes. We walked down to lunch. He sat beside me and ate his lunch, he asked if he could have my sandwich, I gave it to him. The rest of the afternoon went well, he laid on his mat at rest time, played on a tablet during free choice time and made me a feather with a wiggly eye on it and I hung it up on my board, he played in the gym for gross motor, we played red light green light, he had a snack and went to WRAP after class."

Miranda D., Alexis B., Victoria D, Stacey R., Katie T. (School District employee), also gave statements to DHS. They reported concerns with Teresa's actions the past year including - locking at least two children in a bathroom stall to calm down from 5-15 minutes as a form of discipline, or physically using her body as a barrier so a child could not get off of their mat (at rest). Staff reported this was not the first time a similar incidents of taking a child by the arm has occurred, indicating Teresa could be forceful or "rough". Staff reported she also gets close to the child's face (a few inches away) and talks sternly. Staff further stated J.C. stepped on Teresa's foot in the past and Teresa stepped on his foot to show him how it felt. Staff reported Teresa grabbed the collar of the front of another child's shirt in the lunch room, yelling and he was trying to pull away. As he was trying to pull away the child fell backwards and landed on the ground. This incident was reported to OSS Emery at that time. OSS Emery passed this information on to her superiors. Program administrators staffed these concerns with Regional staff with Head Start and all Head Start processes were followed per Director Fairchild.

YMCA staff who share the building with the program were asked if they had any concerns with Head Start staff and they reported they had not witnessed concerning incidents.

Dana B. Assistant Director indicated she has met with Teresa in team meetings discussing challenging behaviors and mitigation strategies. Head Start held team meetings with staff including a Mental Health Coordinator, On Site Supervisors, Assistant Director and Coaching Coordinators, Family Service Workers, Teachers, and Teacher Assistants. AEA also assists with children with special needs. Incident reports have been reviewed.

I spoke with Director Liz Fairchild regarding the incident. We discussed incident reports on child behaviors in the program. Incident reports were not submitted on this latest incident. We discussed child behaviors in general and the concerns staff voiced indicating more staff are needed in the room to assist with special needs. This child has displayed similar behaviors the past two school years. The Director agreed with this assessment indicating the program has been searching for other staff, but has been unable to find qualified applicants. She referred me to the following Head Start policy,

Prohibition on expulsion. (1) A program cannot expel or unenroll a child from Head Start because of a child’s behavior.

(2) When a child exhibits persistent and serious challenging behaviors, a program must explore all possible steps and document all steps taken to address such problems, and facilitate the child’s safe participation in the program. Such steps must include, at a minimum, engaging a mental health consultant, considering the appropriateness of providing appropriate services and supports under section 504 of the Rehabilitation Act to ensure that the child who satisfies the definition of disability in 29 U.S.C. §705(9)(b) of the Rehabilitation Act is not excluded from the program on the basis of disability, and consulting with the parents and the child’s teacher, and:
(i) If the child has an individualized family service plan (IFSP) or individualized education program (IEP), the program must consult with the agency responsible for the IFSP or IEP to ensure the child receives the needed support services; or,
(ii) If the child does not have an IFSP or IEP, the program must collaborate, with parental consent, with

the local agency responsible for implementing IDEA to determine the child's eligibility for services.
(3) If, after a program has explored all possible steps and documented all steps taken as described in paragraph (b)(2) of this section, a program, in consultation with the parents, the child's teacher, the agency responsible for implementing IDEA (if applicable), and the mental health consultant, determines that the child's continued enrollment presents a continued serious safety threat to the child or other enrolled children and determines the program is not the most appropriate placement for the child, the program must work with such entities to directly facilitate the transition of the child to a more appropriate placement."

A veteran staff of the program (Teresa E.) as well as other staff have reported to Head Start administration that further assistance was needed in this classroom due to special health care needs of one student and significant behaviors from another student in the room. During my visit to the center earlier in the same month staff in the room and other rooms reported several Head Start students were displaying significant behaviors that were at times challenging to redirect. This student has a one on one aide during his time in the SWVPP in the same building. Head Start followed their protocol relating to a child displaying behaviors.

1. 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. Concerns were reported by staff regarding Teresa E on more than one child since the beginning of the school year. Numerous staff reported incidents such as stepping on a child's foot, shoving a table in his direction and physically directing him by the arm, holding a child in place during nap, and grabbing a child by the collar. These acts are not appropriate discipline and could cause pain and/ or humiliation. For these reasons the center is in VIOLATION of this rule. However, it is important to note multiple staff have reported the past two school years additional help is needed in this classroom so that child health and safety can be maintained throughout the day. Staff further reported these incidents have been reported to Head Start management the past year. The staff has double the required training hours needed and current criminal background checks. She is currently on leave.

2. 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.

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. Incident reports were not written on this incident and several other times this child or other children displayed minor behavioral concerns. Administration should also have a copy of these reports so they have documentation of specific behaviors and how behaviors were addressed by staff.
VIOLATION

Special Notes and Action Required:

A technical referral was made to Child Care Resource & Referral on 2/16/23. It is recommended additional staff be hired to assist in the classrooms with additional special needs beyond what can be consistently and appropriately addressed. Head Start is addressing personnel issues and will continue to assess needs and strategies. DHS recommends Consultant Lauer conduct classroom observations and make recommendations. DHS recommends Head Start have an internal meeting with all staff in the program to address concerns and further develop plans to assist staff and children throughout the program day.

In summary, the following concerning staff behaviors have been identified none of which are acceptable.
1. Locking children in a bathroom
2. Restraining children to their mat
3. Taking a child by the arm in a forceful or "rough" manner.
4. Getting in children's faces (a few inches away) to talk sternly.
5. Stepping on a child's foot to show him how it felt.
6. Grabbing the collar of a child's shirt while yelling.

It is concerning that these behaviors have been known and that Teresa continued in her current capacity without effective resolution. It is also concerning that this program continues to enroll / maintain children that pose a threat to the safety of others. The administration must take meaningful corrective action.

Consultant's Signature:

Jill Seibert

Date:

02-22-2023