Iowa Department of Human Services

CHILD CARE CENTER COMPLAINT

Name of Center: Kids Spot Daycare **Enrollment:** 66 **License ID:** 16081

Street: 114 N Michigan ST **City:** Lake City **IA** **Zip Code:** 51449 **County:** Calhoun

Mailing Address: 114 N Michigan ST

Mailing City: Lake City **IA** **Zip Code:** 51449

Director's Name: Allison Mernka, Rebecca Smith **Center Phone Number:** 712-464-3053

On-Site Supervisors: **E-Mail Address:** kidsspot@wccta.net

Date of Complaint: 08-16-2024 **Date of Visit:** 08-13-2024

[ ] 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:

A complaint was received that an employee of Kids Spot Daycare used corporal punishment with a child.

Licensing Rules Relevant to the Complaint:

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

Inspection Findings:

It is noted that Allison had contacted this worker on 08-14-24 to report the incident, action taken by the center, and to seek guidance on any additional steps that needed to be completed. Allison did confirm that the center did have video surveillance of the incident.

An unannounced visit was made to the center on 08-13-24 where I met with co-director, Rebecca Smith. Rebecca was aware of the concern and was able to show the video of the incident. The video did show the children in the "school age" room playing and preparing for lunch by washing their hands, and sitting down to the tables. The video did show 2 staff present with 9 children. After plates had been provided for the children one teacher leave and it was reported that it was to prepare her own lunch, leaving the other children in the room with the children. At approximately 11:41 the child identified in the complaint was sitting at a table and moved his chair back and next to the teacher sitting at another table. The video does not have audio and so it is unknown what if anything was said but the teacher did respond in a manner as if reacting to an inappropriate comment or behavior by moving the child and chair back to the table where the child had been sitting. The child responded by picking up an eating utensil hitting it on the table, and chair, and stomping his feet. The teacher was observed to respond by hitting the child on the right arm bicep, and again on the right front shoulder using the back of her hand. It is noted that the observed action and apparent force used was not such that the child appeared to be in pain, or would likely have suffered any kind of injury. The child did however appear upset, got up from his chair, and left the room.

Rebecca stated that the employee identified in the incident was no longer working at the center and was not available for interview.

Based on the information obtained this complaint is SUBSTANTIATED for violation of Licensing Standard 109.12(2)a which prohibits the use of corporal punishment including spanking, shaking, or slapping. The center does have a video monitoring system and footage of the incident was reviewed. The video clearly shows the teacher strike the child twice, once on the right bicep and once on the right front shoulder, using a backhand action in response to the child's behavior. While the observed action and force was such that the child did not appear to be in pain, or was likely to suffer any kind of injury the action would still be considered a form of corporal punishment which is prohibited by both licensing standards, and the center's policies.

Special Notes and Action Required:

This complaint is SUBSTANTIATED for violation of the cited licensing standard. The center did take appropriate action with notifying the department and licensing consultant of the incident, actions taken, and seeking additional guidance. No further action is required or requested. A full license wil remain in effect at this time.

Consultant's Signature:

Ray Salsbury

Date:

08-22-2024