Iowa Department of Human Services

CHILD CARE CENTER COMPLAINT

Name of Center: Legacy Littles Christian Early Learning Center **Enrollment:** 24 **License ID:** 50781

Street: 620 W 5th ST **City:** Waterloo **IA** **Zip Code:** 50702 **County:** Black Hawk

Mailing Address: 620 W 5th ST

Mailing City: Waterloo **IA** **Zip Code:** 50702

Director's Name: Chassidi Martin **Center Phone Number:** 319-595-1097

On-Site Supervisors: Ada Watley **E-Mail Address:** chassidi@rlcawaterloo.org

Date of Complaint: 02-27-2024 **Date of Visit:** 03-06-2024

[ ] 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:

On 02/27/24 a concern was reported allegedly the program is frequently out of ratio. The staff members call for help and no one comes. Staff members have not even been able to use the bathroom because no one comes to help them cover rooms. A staff member (Kayla) has placed a child unsupervised in the childcare office to “calm down”.

On 03/05/24 a second concern was received. It is alleged that Ada W. pushed a child, age 2, and this caused the child to fall and get a goose egg on her forehead. It is also alleged Ada grabs children by their ears but she has not left injuries. The parent did not receive an incident report.

Licensing Rules Relevant to the Complaint:

109.8(2) Ratio maintained in center as required by age.

109.8(2)d At least one staff shall be present in every room.Brief absence of staff person permitted for 5 or less minutes when another staff person is present.

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)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 03/05/24 I had a collateral contact with Jill Buhrow from the Department of Health and Human Services (DHHS). Arrangements were made for a joint unannounced visit to the center on 03/06/24.

On 03/06/24 I met Jill Buhrow from the Department of Health and Human Services (DHHS) at Legacy Littles in Waterloo. We met with Chassidi Martin, the director, and Dr. Amber Robinson, the principal of the school. They were informed of the allegations. Ms. Buhrow states she met with the mother and child. The child said friends weren't playing nice and she said Ada pushed her. The child still had a bump and bruise when she met with the family. The child said she had an "owie" and Ada pushed her.

The program had Ada W. prepare a written statement and we were given a copy of it. The statement reads that on 03/04/24 three children were sitting on the floor in the classroom playing. Ada states she was sitting at a table looking at paperwork to decide what activity to do when she heard the child victim crying. Ada immediately went to pick her up and asked her what happened. The child did not answer and Ada continued to pat her back until she calmed down. Ada asked her again what happened and the child pointed at another female child and said, "She hit me". Ada asked the other child if she was hitting friends again and the child looked at her and hid a red block behind her back. She assisted this child to the time-out chair. She asked the child victim if she was okay and she said yes and went back to playing.

The statement states that later after lunch time Ada noticed the child victim had a small bump on her head. Ada asked her what happened to her head and the child shrugged her shoulders and went about her day. The mother was coming out of the program room at nap time and Ada was returning from the office and she told the mother the above account. Ada said she mentioned to the mother that a friend may have pushed her but she was not sure because she did not witness the incident. She told the mother she thought a child hit her with a block, because it happens often to not only the child victim, but also the other children.

Dr. Robinson states they have children in the childcare room with behavior problems and they get physical with the other children and the teachers. They met with the mother and the child's grandmother yesterday and told them the account given by Ada. The mother reported that the child said Ada pushed her. Ms. Martin states she explained to the mother that Ada's account is believable and more in step with Ada's behaviors as a teacher and what happens in the room with the other children.

Dr. Robinson and Ms. Martin state both have children in the childcare center and they both do walk throughs frequently. Ms. Martin states she is in there daily 12:30-1:30 pm. Dr. Robinson states the children call Ada "Ms. Ada" and they would never just call her by her first name. Ms. Martin states they are getting cameras in the room because of this incident.

Dr. Robinson and Ms. Martin states they created a new policy due to this called the Four B's- Policy. Bites, bruise, bumps and blood requires a staff member to stop what they are doing and do an incident report. Currently, staff members typically write incident reports during nap, which is why Ada did not have one completed yet when the parent arrived. They were notified through the Playground communication app right the same day about the bump.

Dr. Robinson and Ms. Martin states Ada is the lead teacher in the room and Kayla is the assistant. They are at odds because of a friendship that went bad outside of work. Kayla did not follow protocol and had a conversation with the mother of the victim on her own. Kayla fueled the mother's feelings and did not go through the right protocol. She made implicant suggestions about what happened and she was not in the room or the building when the child received the injury.

Ms. Martin states Ada has her own child in the childcare and she admitted her own child's ear, but stated she has never grabbed another child's ear. Ada was given a verbal warning and told she cannot do things to her own child that she would do at home.

Dr. Robinson and Ms. Martin state being out of ratio is out of the question. Ms. Martin states she tries to make herself available before lunch. Dr. Robinson states she is outside of the daycare room from 12:00 -1:00 pm. It should be noted that this would not count for being in ratio or for supervision. There are two teachers in the morning but Stephanie must leave at noon to work for the school. They now care for children ages three through five-years-old. The alleged child victim was their only two-year-old and she no longer attends the center. I informed Dr. Robinson and Ms. Martin that a two-year-old child cannot be care for in the same room as four and five-year-old children unless they receive an exception to policy from Des Moines.

It was reported that Ada chooses not to take breaks to accommodate the time she must take off for personal medical appointments. This allows her to leave earlier. They have two-way radios to use if they need to take a bathroom break.

Dr. Robinson states they had a parent say their child needs calm down time and to put him somewhere alone but the father was told they cannot do this. She states the child goes to a room and staff are in the hallway with the door open. This is not allowed. Staff members must maintain visual supervision of the children.

Ada W. was interviewed. Ada states what she wrote in her statement was accurate. She states she did not have time to do an incident report before the parent came to pick the child up because they typically do them during nap time. She told the mother she would put the incident report in the Playground app they use to communicate with parents and she did that the same day. She states Kayla was not present when it happened but communicated with the mother about it and continued to communicate with her. She told Kayla the mother could contact her (Ada) with questions.

Ada states they have a couple children with behaviors and nine out of ten times if a child cries it is because one of those two children did something to them. When they do something to hurt another child or teacher they typically hide, run or hide the “weapon”. In this case Ada believes it was the red block the child hid behind her back to hit the child victim, but she did not witness it. She states or the child was pushed by another child. Ada states she was caring for five children the day it happened.

Regarding the ratio, Ada states Stephanie has a room and Ada has a room and Stephanie leaves at noon even if it leaves Ada out of ratio. Ada states she has called for help on the two-way radios and no one has responded. They just hired a new worker so she hopes that will help. Ada states she could not tell me how many times she was out of ratio, but it happened frequently. She could be out of ratio for 15 -30 minutes. She states Ms. Martin is not always available. She states she has twelve or thirteen children alone, but has had up to fifteen, although that is not normal. The current ratio is 1:12 children with the children they have. When the two-year-old was present the ratio would have been 1:10. She states she spoke with Dr. Robinson and Ms. Martin about needing help in the rooms. Ada states Stephanie has been staying with her for the last two weeks.

Ada states they have a child with behaviors and he cries until he gets his way. The parent said not to give into him. Dad jokingly said to put the child in the closet and he was told they cannot do that. Kayla spoke with the father alone and the father told her to give the child space to calm his body down by putting him in a room alone. Kayla was putting the child in the childcare office alone and she shut the door. The child would be in there for five or six minutes. Ada states the child has access to things in the office he should not have access to and he was helping himself to snacks while he was in there. It became a daily thing. Ada states she told Kayla it was not allowed and it was not safe but she did it seven or eight times with the door shut. She states Kayla also put another child in the coat closet and shut the door. Ada states she would open the door and tell her it was not allowed. She states Kayla did not care.

On 03/26/24 I made a phone contact with Kayla. Kayla states she is no longer employed by the center. She states they were out of ratio every single morning for 30-60 minutes when she was opening. Most days she would have thirteen children ages two to four-years-old. Most kids arrive between 8:00-8:30 am and she would open at 6:30 am. The second staff member was supposed to arrive at 8:30 but was always late. They move it up to her arriving at 8:00 but was still late. She states Ada was often out of ratio too. Kayla states they would both let administration know they were out of ratio but no one would come to help.

Kayla states she was let go because she reported to the principal that a parent telling her that her child was pushed by Ada. The parent contacted her to make the report. The parent said the child said that Ada pushed her and the child had a bump on her head. Kayla states that Ada has pulled children’s ears and “dragged” them around room. She never saw any injuries.

Kayla states they had a child who was terrible at nap time. The child would tell staff that he needed a minute. The dad said to yell at him but she told him they could not do that. The dad said the child needs alone time and to put him in a closet for all he cares. Kayla states she would put the child in the office with the door cracked and she would stand in the hallway. She states she only did it two or three times and then Kayla told her it was not allowed so she stopped. Kayla states she was helping the child. She would not do anything to hurt a child. Kayla states she had never worked in childcare and she would ask for clarification but it was never given.

Kayla states administration would never give them breaks even when they tried to radio them. Kayla states when she had to use the bathroom, she would put the gate up and hurry up and use the bathroom around the corner from the room. The children were alone in the room briefly. She states this happens at their House of Hope site also because there is no one there to give breaks.

Kayla reported that Ada would withhold snacks for discipline at one time. She was aware that Ada emailed me about rules for providing snack in the past.

Kayla states she started with the program in August 2023. She took trainings but no one trained her.

Special Notes and Action Required:

109.8(2)-Ratio maintained in center as required by age. VIOLATED. The staff members that were interviewed admitted they had been out of ratio on multiple occasions. They state when they call for assistance no one replies. Rooms cannot be left out of ratio. If you do not have enough staff members to meet ratio you will have to send children home.

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. NOT VIOLATED. It is reported that the two-year-old child made the comment that Ada pushed her and she fell. Ada denies this to be true. There are children in the room with aggressive behaviors who hit children and staff. Ada believes one of these children hit the child victim with a block or that possibly she was pushed by a child. Ada states she was looking down at paperwork and did not witness what happened. There is no evidence to clearly indicate how the child received the injury.

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. VIOLATED. It was confirmed that a child was put in the office on more than one occasion without adult supervision. It was also reported that a staff member leaves the childcare room to use the bathroom and the children are without any adult supervision briefly.

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. NOT VIOLATED. The staff member did not have an opportunity to complete the incident report prior to the parent picking the child up but the staff member did communicate with the parent at pick-up and recorded the incident in the Playground communication app.

109.8(2)d. Every child-occupied program room has adult supervision in the room. VIOLATED. It was confirmed that a child was put in the office on more than one occasion without adult supervision. It was also reported that a staff member leaves the childcare room to use the bathroom and the children are without any adult supervision briefly.

It is my expectation that administration and staff members know licensing standards and follows them. If you do not have a current copy of licensing standards let me know and I will email you a copy. All staff members must take the time to read them. Rooms cannot be out of ratio. Children cannot be left alone in rooms so that staff members can use the bathroom or so the child can calm down. You must start scheduling breaks for your staff members so that they can use the bathroom or have staff members available to provide assistance when they call for help. If licensing violations continue you may be placed on a provisional license.

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:

04-01-2024