Iowa Department of Human Services

CHILD CARE CENTER COMPLAINT

Name of Center: Precious Beginnings Children's Center **Enrollment:** 50 **License ID:** 51603

Street: 4101 Amherst St **City:** Des Moines **IA** **Zip Code:** 50313 **County:** Polk

Mailing Address: HPCDA Inc4101 Amherst ST

Mailing City: Des Moines **IA** **Zip Code:** 50313

Director's Name: Philip Herman **Center Phone Number:** 515-422-4386

On-Site Supervisors: N/A **E-Mail Address:** philip@hpccdsm.org

Date of Complaint: 03-06-2023 **Date of Visit:** 03-16-2023

[ ] 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:

A concern was received that a staff at the center has been physical with more than one child by pulling their hair, and that this staff person has slapped a child in the face and shook a child; no injuries. Further concerns were that the center is out of ratio and that the children are not getting much food for lunch and that there is not a daily menu, the center uses the food bank and serves what is available at the food bank.

Licensing Rules Relevant to the Complaint:

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

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

109.15(2) Center shall follow minimum CACFP menu patterns for meals and snacks.Menus planned one week in advance, made available to parents, and kept on file with substitutions noted.Avoid foods with high incident rate of causing choking.

109.15(3)b Children under six months held or fed in sitting-up position.Bottles not propped for any child, given to a child in a crib or left sleeping with a bottle.Spoon feeding is adapted to developmental capabilities of child.

Inspection Findings:

On 3/16/23 an unscheduled visit was conducted at the center. The director was not present, staff JO was at the front desk and helps out administratively when the director is not present. JO said she was aware of the reported concerns with a staff pulling hair and slapping a child, JO said the child happens to be her granddaughter. JO said her granddaughter recently told her that she came up to her while JO was at the front desk and said staff KD slapped her, however JO said that her granddaughter never came to her to tell her this. Her granddaughter said KD is mean and has pinched and pulled hair. JO said KD works in the school age classroom and comes in at 3 pm. JO said that on this past Sunday, they were at Bible Study here at the church and that is when her granddaughter said to her that KD slapped her and said that JO told her to wipe away her tears, but JO said her granddaughter never came to her and she never told her to wipe away her tear. KD over heard this conversation as she was at bible study as well and said she did not slap the child. Another person then said they were calling in a report to DHS. JO said that her granddaughter told her KD made at fist at her at bible study, but JO

did not see this. JO said her daughter used to work here, but quit because of how the center was being run.

JO said that they no longer have a set menu. This consultant noted that a menu was not posted. The director, Philip, recently told the cook not to make fancy meals or use a lot of ingredients, he told the cook to just use what they have. The cook is VT. This consultant went into the kitchen and VT was in the kitchen getting lunch ready. When asked about lunch today, she said they were having Jack's pizza, which she knows is not creditable. VT said they do not have a whole grain to serve today. VT said she has been the cook for about a month and is told to just use what they have in the food bank or what director Philip brings in for the day, today he brought in Jack's pizza. VT said there is not a menu that they follow. She was told not to make anything fancy or with a lot of ingredients.

This consultant walked through the center. The rooms were in ratio. In the infant room a baby age 5 months was placed in a bouncy seat with a blanket and a bottle propped on the blanket. This consultant had a conversation with staff that bottles cannot be propped. They took the baby out of the bouncy seat after the discussion.

Director Philip called while this consultant was at the center, at the beginning of the visit, this consultant spoke with him briefly about the reported concerns, he said they had a staff person who was fired recently who still has a child at the center and this staff person was disgruntled.

On the morning of 3/17/23 this consultant sent the director an email inquiring if he would be available this afternoon for a visit. The director replied back to the email on the 18th, this is the email (with confidential information removed):

"Sorry I am just opening up my emails. It really is the worst way to get ahold of me. Obviously, we missed each other yesterday. KD is on vacation and started this last Wednesday (she was not going to be working when you stopped in) and I believe will not be returning to work until Wednesday at 3 PM (I need to double check that she doesn't start back on Thursday). Please let me know if you want to adjust our Thursday visit schedule to have you visit KD while you are here. I have a regularly scheduled training I do from 4:15-5:30 every Thursday at the church and would need to work around that. Please let me know. Thanks.

All of these complaints come from a woman who was hired and fired three times by us. Her child was about to be removed from our program for repeated behavior problems when this accusation came forward. Our investigation turned up nobody (no staff member or other student) seeing any of this occurring. It comes down to a child's word, who we don't trust and her mothers, and a staff person that we have had a long-standing relationship with. We take these matters very seriously, but also have to consider the source and have verifiable witnesses that can confirm that this really happened. In this case we don't."

Through continued email messages, we scheduled a follow up visit for Tuesday the 28th at 2:30 pm.

On 3/28/23 this consultant arrived at the center for the scheduled visit. The director was present and we discussed menu planning. Of note, a menu is still not posted at the center. Philip advised they have a newer cook, and at times they are short staffed so they have the cook go in for ratio. Philip said he could not give her more time for prep work and meal planning as he needed her in the classroom for ratio for part of the day. He is hopeful to hire more staff to allow the cook to be out of the classroom to do prep and meal planning. Discussion took place regarding serving creditable foods and that a menu is required to be posted for families.

Philip advised that the child who was alleged to have been slapped is the daughter of the staff who was fired and this staff is disgruntled. The child is in the school age program. The child has behavioral issues and they were discussing having the child removed from their program. Philip advised he talked to the other staff in the school age classroom and they denied that KD has slapped a child. On that Sunday at bible study after church services, the mom/staff who was fired, approached Philip and said KD slapped her child and that KD just threatened the child with her fist. KD told Philip that she did not make a fist at the child, she only motioned for the child to come over to talk to her. Philip said it has not been proven through interviews that KD slapped a child or pinched them. KD started at the center in September of 2022 and only works in the school age classroom.

This consultant interviewed KD at this time. KD said she works the 3-6 pm shift M-F. She is aware of a child saying that she slapped her, and said this child lies and this did not happen. KD said that at after church bible study on a Sunday, the child was whispering to her mom and talking about KD slapping her. KD said she did motion with her finger to the child to come over to her to talk, but the child did not come over to her. The child's uncle was there and he kept telling KD in an aggressive manner that KD shook her fist at the child. KD said she became upset and scared over the reactions of the family. KD said she has never slapped this child, or any child. KD said she has never grabbed a child by their hair or pulled a child's hair. KD said she has never pinched a child. KD said she would never even think to

slap or hurt a child. KD said she does not have any concerns for ratio at the center.

Staff member AH was interviewed at this time. AH works in the school age classroom with KD. AH said she has never observed KD slap a child or do anything to hurt a child. The child who said KD slapped her is a very active child and does not always follow the rules. There have been instances where this child has not told the truth. AH said she has never observed KD pull a child by their hair or pinch a child. AH said she has observed KD pat children on the back or place her hand on their shoulder or back while talking to them, in a nurturing way. AH said she does not have any concerns about ratio at the center and they stay in ratio.

Of note, the center had a yearly visit in February where concerns were noted and further discussed on this date. The center was placed on a provisional license in March with a corrective action plan in place and a referral made to CCR&R.

The center is found to be in violation for 109.15(3)b: Children under six months held or fed in sitting-up position. Bottles not propped for any child, given to a child in a crib or left sleeping with a bottle.
A five month old child was in a bouncy seat with a bottle propped up with a blanket.

The center is found to be in violation for 109.15(2): Center shall follow minimum CACFP menu patterns for meals and snacks.
Menus planned one week in advance, made available to parents, and kept on file with substitutions noted.
The center is not following minimum CACFP meal patterns for meals, serving food that is not creditable and not serving all required components. Menus are not planned or made available to parents.

The center is not found to be in violation for 109.12(2)a: Center does not use corporal punishment including spanking, shaking, or slapping.
There is not a preponderance of the evidence to state a staff member has used corporal punishment with children.

The center is not found to be in violation for 109.8(2): Ratio maintained in center as required by age.
The center has been found to be in ratio during unscheduled visits.

Special Notes and Action Required:

This center was placed on a provisional license in March of 2023. The corrective action plan included steps to address menu planning and following CACFP guidelines. As of the typing of this report, the director has not sent a menu to the consultant or updated this consultant on menu planning.

Consultant's Signature:

Debbie Hammer

Date:

03-30-2023