Iowa Department of Human Services

CHILD CARE CENTER COMPLAINT

Name of Center: Tracey's Tots Daycare Co - Fort Dodge **Enrollment:** 35 **License ID:** 7448

Street: 109 S 8th ST **City:** Fort Dodge **IA** **Zip Code:** 50501 **County:** Webster

Mailing Address: PO Box 7

Mailing City: Churdan **IA** **Zip Code:** 50050

Director's Name: Tracey Wilson **Center Phone Number:** 515-576-5437

On-Site Supervisors: **E-Mail Address:** traceystotsdaycare@frontier.com

Date of Complaint: 08-16-2024 **Date of Visit:** 08-20-2024

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

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

RECOMMENDATION FOR LICENSE

[ ] NO CHANGES to licensing status recommended

[X] PROVISIONAL license from 08-23-2024 **to** 06-01-2025

[ ] 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 a child attending Tracey's Tots Daycare in Fort Dodge was assaulted by several other peers and staff did not intervene to stop the attack.

Licensing Rules Relevant to the Complaint:

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

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

109.11(6) Kitchen appliance or microwaves:Gas or electric ovens are not in program area.Area housing kitchen appliances in program area is sectioned off and not counted in useable floor space.Formula or food warmed for infants in microwaves is not served immediately and is shaken or stirred prior to serving.Breast milk is not warmed in the microwave.

109.12(1) Program structure that uses developmentally appropriate practices and written program of activities planned to the developmental needs of children served.Program complements but does not duplicate school curriculum.Schedule of program is posted in a place visible to parents.

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(5)g Infant walkers are not used.

Inspection Findings:

An unannounced visit was made to Tracey's Tots Daycare in Fort Dodge on 08-20-24 where DHHS co-worker, Tina Sells, and I met with Torri Harris who stated she was in charge as the center director and owner, Tracey Wilson, was out for the day. Torri was informed of the complaint and while speaking with Torri she did contact Tracey to inform her of the concerns. I was able to speak to Tracey who was informed of the complaint, and stated she would be unable to return to the center that day due to a personal appointment. Tracey was informed we would speak with the staff at the center while we were there, and a time was set to return the following day to meet with Tracey. Torri was able to provide information about the staff who had been present in the classroom, or were aware of the situation and all but one were available at that time.

Tina did speak with a child who was present at the center and had been in the classroom. The child did confirm that other children were throwing things at the child identified in the complaint, but that child was angry and throwing things too. When asked what the teachers had done the child stated they did try to calm everyone down, and told them to stop. The child said that the teachers tried to stop everyone and put the child identified in the complaint in an area where there were no other children. The child indicated the area that is located in the main programming room directly across from the kitchen and separated by half-wall shelving units. The child stated that it was shortly after that the child's mom arrived and she took the child home. The child was asked what staff normally do when children have problems and the child identified they will give time out, and call the parents. The child denied that any of the staff or anyone have ever hit him. The child did say that one teacher had pushed him and said, "bitch don't push my son" when her son lied and said that he had pushed him.

We were able to speak to the staff who had been identified as being in the classroom, or having knowledge of the situation. We first spoke with an employee, (FS), who confirmed that she primarily works in the school age classroom but also "floats" to other classrooms to provide assistance. FS identified that she had been at the center for approximately 1 year. FS stated that she had been in the restroom and when she came out the child came out of the she had been in and was crying and having behavior issues. FS stated that the child threw a table, hit/kicked peers, hit/kicked/bit staff, and was yelling and swearing. FS stated the children in the classroom began yelling back and at that point they moved the child to the area outside the kitchen where she would be by herself. The other children continued to "badger" the child, hit, and scratch her. FS stated that they did try to separate the children, tried giving time out, and no matter what they did the children would not listen. FS stated that she did physically pick one child up and off the child. FS stated that there are a lot of behavior problems in the center. FS stated that the child identified in the complaint and several of the other children attending the center have a known history of a combination of emotional, behavioral, or developmental issues. FS stated that generally staff will try to separate the children, talk to them, and call their parents. When asked about staff use of various prohibited disciplines the employee did did identify that there have been staff who have dragged children by the hand/arm in an aggressive manner, and slapped the back of children's hands in a "No No" manner demonstrating a light strike to the back of the hand. FS did state that she did have video of the child identified in the complaint and the child's behavior during that incident.

We next spoke with (EE) who stated she had been working in the classroom where the child had been laying down for nap time. EE stated that the child got upset and left the room, and she did yell out to tell the other staff that the child was coming out. EE stated that she remained in the room with the other children she was responsible for. EE stated that the child did have significant behavioral issues including having pushed a table into EE's own child who is 14 years old and had accompanied her to the center though she is not an employee or enrolled child. When asked about how the center normally deals with behavioral issues EE stated that they will talk to the children, use time out, and call their parents. EE did confirm that there are several children with significant behavioral concerns. EE denied that she had ever seen anyone hit, push, swear at, or use any other form of prohibited discipline.

We next spoke with (TS) who stated she had not been at the center when the incident began but she did return at the end of the incident after it was over. TS did confirm that the child does have outbursts at times and that some staff do not really respond to or deal with those situations well or at all, and that others are more effective. TS stated that she has not observed anyone hit, push, threaten, be aggressive or use any other form of prohibited discipline.

We next spoke with (TH) who stated she had not seen the full incident as she had been working in the kitchen. TH stated she did see the child throwing some books and she did try to help calm the child but returned to the kitchen and washing dishes. TH did state that the child identified in the complaint and several other do have a known history of behavioral concerns. TH stated that she did observe a co-worker (AA) push the child to the ground, but did not hear her call the child a bitch. It was clarified that the manner in which AA pushed the child was done in an angry and aggressive manner and TH confirmed that it was. TH stated that occured on Friday the day of the reported incident, but did not hear AA call the child a "bitch" or any other derogatory name on that or any other day. TH stated that other staff have told her that they have heard AA swear at the children in the past. TH stated that she has never see AA or anyone else hit any children, but that AA does get angry and takes her anger out on the children with yelling a lot.

Following the interviews with staff a tour of the center was made and numerous issues were observed. I did observe to toddlers in the kitchen area which is prohibited. I observed an infant walker in the infant room which is a prohibited piece of equipment. I observed children identified as being 2 years of age co-mingled with school age children. I observed two children in a classroom by themselves with no staff present. While those younger children, and the children that were alone were identified as being the children of staff they were still signed in as children attending the center and would be subject to the same licensing requirements as all children. During the time when interviews were being conducted, and during the time of the walk through the center was observed to be extremely chaotic with children

leaving classrooms and wandering hallways and corridors, yelling, swearing, being physically aggressive with each other, climbing on furniture, and generally being left to engage in their own self-directed activities. During this time much of the supervision and care provided was observational with staff just watching the children and not intervening to redirect or limit the behavior, nor did there appear to be any organized schedule or curriculum being implemented.

Copies of the videos taken by the staff of the incident on 08-16-24 were received from DHHS co-worker Tina Sells. The videos do show the child being in an area of the center located in the central main programming area. The child is in an area that separated from the rest of the space but half wall shelving structures that define the space, and access corridors. The area is located directly across from the kitchen area which has an open entry door, and large pass-though window overlooking that space. It is also on the backside of the center office. The video does show the child in that area with no other children present in the area, but with an employee in the area, and others observing the interactions including the staff making the video. The video does show that the staff that had been in the area left, and other staff also walk by and while there are no staff in the immediate area with the child the child is still within direct line of sight of staff. The video does show that as the child continues to act out behaviorally other children wandering the corridors, and leaving their programming areas come to the area where the child is and begin engaging in behaviors such as kicking at, and spitting at the child. Several children are observed to then enter the area and begin hitting and fighting with the child. The staff member making the video is heard to tell the children to leave the child alone and does move into the area but does not otherwise intervene. The other children do then begin to leave the area but one child does throw an object at the child identified in the complaint, the child pushes that peer back, and the peer then pushes the child into the wall in a highly aggressive and physical manner and then leave the area. While other children to re-enter the area and make aggressive movements toward the child they do not engage in contact the teacher does tell them to leave. The child then continues to engage in behavioral outbursts such as sweeping books off shelves, and swearing back and forth with other children, and toward staff who are standing outside the area. The child is then observed to leave the area and walk down a corridor where other children are also present, and additional physical altercation (s) ensue with pushing, hitting, and swearing. There are staff present who continue to observe the interactions and again tell them to stop but do not otherwise intervene. The video then shifts to the employee in the kitchen showing where the child bit that individual, and also the arm of the staff making the video showing where the child bit that teacher. When the video resumes showing the area where the child was a peer is observed standing on top of the half wall shelf and others looking over the shelf while the child throws things at them. The staff is heard to say that at that point she was not doing anything else, that parents would be told, and directing the other children to not throw anything back. The child does throw a last item at a peer and then enters into the preschool room at which point the video ends. The other received videos are audio files only in which the children can be heard yelling, swearing, crying, and staff can be heard giving direction to stop and go to other areas.

A follow-up visit was made to the center 08-21-24 where DHHS co-worker Tina Sells and I met with the center director and owner, Tracey Wilson. Tracey did confirm that she was aware of the incident. Tracey stated she had been at the center that day and had helped to get the child settled down for a nap but then left to engage in center related errands and was not at the center during the incident. Tracey did confirm that the child identified in the video, and several other children do have a significant history of a combination of emotional, behavioral, and developmental concerns. Tracey stated that things do seem to have escalated over the past couple of weeks and thought it may be due to the summer coming to an end and the children getting bored.

Based on the information obtained this complaint is SUBSTANTIATED for violation of Licensing Standard 109.12(2)a-d which requires that the center shall have written policy on discipline of children which provides for positive guidance, with direction for resolving conflict and setting of limits, prohibits the use of corporal punishment, punishment which is humiliating, frightening , punishment or threat of punishment associated with illness, toilet training, food, rest, and no child is subject to verbal abuse, threats, derogatory remarks about child or child’s family. While all parties agree that the center has policy in place that behavioral concerns are to be addressed using a combination of options that include redirection, talking to the children, and time-out those responses were not implemented in practice. Both in speaking with individuals during interviews, and observing the video(s) made by an employee there have been times in which staff have used prohibited forms of discipline, and failed to intervene in behavioral situations at all. It was reported that various staff have used profanity and derogatory comments when speaking to children in response to the children's behavior. It was reported that at least one employee was observed to push a child in what was described as an angry and aggressive manner in response to the child's behavior. In observing the video of the incident reported in the complaint several children were observed to enter the area where the identified child was acting out behaviorally and physically assault that child with the only staff response being to tell the children to "Stop", and continue to video the situation despite several staff being present and observing the interactions. By failing to intervene the behavioral issues of that child, and the other children continued to escalate both in terms of acting out, and risk of injury/harm.

Based on the information obtained this complaint is SUBSTANTIATED for violation of Licensing

Standard 109.12(1) which requires among other things that the center shall have program structure that uses developmentally appropriate practices and written program of activities planned to the developmental needs of children served. All parties provided consistent and credible information that the child identified in the complaint, and several other children attending the center observed to engage in the assaultive behavior do have a significant or known history of emotional, behavioral, and developmental concerns. Despite this the staff did not identify any specific plans regarding providing care to any of the children. In addition during the observations of the center children were observed in various classrooms to engage in activities that were self-directed and included dangerous actions such as climbing on shelving units and staff provided observational supervision only with no attempt to implement any structure either programmatically or in response to the observed behaviors.

Based on the information obtained this complaint is SUBSTANTIATED for violation of Licensing Standard 109.10(16)a which requires that the center and supervisor shall ensure that staff knows names and number of children assigned, and staff shall provide careful supervision. During the visit children were observed to leave their assigned classrooms wandering through the building in corridors. This included children attempting to enter the office where interviews were being conducted with no staff present to redirect the child back to the programming area. This a significant concern given that there are several direct exits from the building off those corridor spaces which a child that is upset and wanting to leave the center could readily use to elope from the program.

Based on the information obtained this complaint is SUBSTANTIATED for violation of Licensing Standard 109.11(6) which among other things requires that the area housing kitchen appliances in program area is sectioned off and not counted in useable floor space where children are allowed. During the visit children were observed to be in the kitchen area. This is prohibited regardless of if the appliances are in use or not.

Based on the information obtained this complaint is SUBSTANTIATED for violation of Licensing Standard 109.8(2) which requires that ratio maintained in center as required by age. During the visit co-mingling of children was observed that included toddlers and school age children. IIT was reported that the toddlers observed were the children of staff working at the center. One was reported to be waiting for parent to be ready to leave, the other reported to be an enrolled child that frequently wanders out of his assigned classroom. This did result in concerns of the toddlers engaging in behavior such as going into the diapering room located off the school age space and which a school age child then went in to retrieve the toddler picking that child up and returning the child to the school age room. As noted previously there was no programing activity being provided such that the children were engaged in self-directed play that included inappropriate and highly active play. This does create an increased level of risk for younger children who do not have the developmental ability to observe and respond to situations which could result in injury due to the play of older children. In addition two children were observed to be in a classroom by themselves with no staff present. Those children were identified as belonging to a current staff member, and had identified developmental delays such that being in the room alone was meant to keep them and the other children safe. It was confirmed that the children were present as enrolled children attending the program. The employee/parent of the children did go into the room once it was identified that the children could not be left unsupervised.

Based on the information obtained this complaint is SUBSTANTIATED for violation of Licensing Standard 109.12(5)g which prohibits the use of infant walkers. During the visit an infant walker unit was observed in the infant room. That unit was removed once it was identified that it was a prohibited piece of equipment.

Special Notes and Action Required:

CHILD CARE CENTER COMPLAINT

This complaint was SUBSTANTIATED for violation of a number of licensing standards including those related to identified complaint, and those observed during a visit of the center. Given the serious nature of a number of the violations the center license status is changed to a PROVISIONAL license. A referral has been made to Child Care Resource & Referral (CCR&R) to assist the program with implementing the following required and/or recommended actions.

REQUIRED:
1. The center shall develop training plans that focus on behavior management, and/or curriculum development implementation which shall be provided to all staff. Documentation of the training plan(s) shall be provided to the Licensing Consultant which includes either the date training was provided, or date of scheduled training to be held by 09-30-24.

2. The center shall review requirements regarding the supervision of children that includes ensuring all children are within direct line of sight and sound, and maintained in assigned programming areas with staff at all times. This shall include a review that children belonging to staff who are signed in as enrolled children attending the program are also subject to those same care requirements. The center shall create and maintain documentation that includes signed acknowledgement that staff received that instruction.

RECOMMENDED:
1. While the center does have polices regarding the enrollment and discharge of children it is recommended that these be reviewed with specific focus on addressing issues related to children with known or identified behavioral/emotional/developmental issues. Considerations to include in the policy review/revisions would be requirements regarding parents providing contacts and releases for any service providers or treatment plans currently in place for the children. Development of plans of action that will be used by the center to support the children with documentation that will be maintained in the children's files. Consideration of the development of a graduated discharge plan that can allow for immediate dismissal of children if situations arise that the center is unable to provide care that maintains the safety and well being of either the individual child or other children attending the center.

Consultant's Signature:

Ray Salsbury

Date:

08-23-2024