

CHILD CARE CENTER COMPLAINT

Name of Center: MICA Head Start-FUMC	Enrollment: 60	License ID: 18077
Street: 202 W Main St	City: Marshalltown	IA Zip Code: 50158
County: Marshall		
Mailing Address: 1001 S 18th Ave		
Mailing City: Marshalltown	IA Zip Code: 50158	
Director's Name: Nicole Ramirez	Center Phone Number: 641-485-1896	
On-Site Supervisors: Maira Sharp	E-Mail Address: nicole.ramirez@micaonline.org	

Date of Complaint: 09-30-2024**Date of Visit:** 10-01-2024
☒ Scheduled

 ☐ Unannounced

 ☐ NA

☒ Non-Compliance with Regulations Found

 ☐ Compliance with Regulations Found
RECOMMENDATION FOR LICENSE☒ **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 ☒ NoDid this complaint result in a death to a child? ☐ Yes ☒ No**Summary of Complaint:**

It is alleged that Ali Leavy (HeadStart teacher, MICA-First United Methodist Church) used gorilla duct tape to secure three children (ages 3-4) to their chairs for extended periods of time.

Licensing Rules Relevant to the Complaint:

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)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:

10/1/24

I visited the center and then met with staff at administrative offices along with Child Protection Worker (CPW) Brian Dietrich.

CPW Dietrich and I interviewed Assistant Director Nicole Ramirez and On-Site Supervisor Maira Sharp. Ms Ramirez indicated that video recording takes place in the classrooms and that she had reviewed footage; which revealed that staff Ali Leavy had placed gorilla duct tape around the upper body (chest cavity) and ankles of three children for several minutes (over 30 minutes) while the children were sitting at a desk/chair combination. Video also revealed that one child attempted to walk while taped and fell. Ms Sharp indicated having been in the classroom with Ms. Leavy and observing that Ms. Leavy went to again use the gorilla duct tape to secure a child to a desk/chair combination and did intervene. There was a second staff in the room during these instances whose employment was also ended from this center per Ms. Ramirez.

Ms. Ramirez indicated no concerns of this manner were known of Ms. Leavy.

Ms. Ramirez indicated Ms Leavy is no longer employed by MICA Head Start as a result of these incidents for violation of policy.. Ms Ramirez indicated that staff training covers similar actions and specifically trains staff against the use of tape or restraining a child in this manner. Ms. Ramirez

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indicated re-training of staff would occur.

I reviewed video of an incident of Ms. Leavy having used gorilla duct tape to secure a child to the desk/table combination; time stamping on the video indicates that the child was restrained by the chest and ankles for over 30 minutes. When Ms. Leavy leaves the classroom, the video depicts the child attempting to get up from a seated position but falling as they were still secured to the desk/table combination.

I reviewed with Ms. Ramirez the need to review with staff mandatory reporting responsibilities.

10/3/24

CPW Dietrich interviewed another staff (EL) that was present and stated they witnessed Ms. Leavy use duct tape to secure a child to a desk/table combination.

CPW Dietrich then interviewed Ali Leavy, who is the staff alleged responsible for this concern of child abuse/neglect and licensing violation. The following is provided by CPW Dietrich:

"...Ali reported she worked at MICA for a few years in the 3–5-year-old classroom and enjoyed her job. Ali discussed her history working with children throughout her life, in various roles such as babysitting, daycares, and being a paraeducator...Ali reported she went to the police department on Monday and met with an officer. She was charged with three counts of child endangerment. Ali reported a week prior to the incident, she went to HR and expressed safety concerns she had; there was not enough support in her class. Ali identified other classrooms get two aides, but she only had one aide and more students with IEPs. This worker then asked Ali to discuss the incidents. Ali reported the only times this happened were with [three children]. Ali denied any other incidents occurred. Ali reported one child was always running around and climbing on the sink. Ali reported that on 9/19/24, the child was in a cube chair with a desk that can attach to it. Ali admitted to taping this child to the chair around their chest area. The child [ali stated to CPW Dietrich] kept pushing the chair back with their feet. Due to concerns of the child potentially tipping over, Ali taped their legs to the chair around their ankles. Ali reported the child's hands were free for the entirety of being taped to the chair and believes the child was taped to the chair for approximately 20 minutes. Ali admitted taping the child to their chair the following day

as well. Ali reported none of the children were ever crying or in distress, and they were never isolated or humiliated. Ali denied any other incidents happened that have not been discussed. Ali did acknowledge that she signed a Positive Guidance Policy which talked about the use of corporal punishment or restraint. Ali reported she would never harm a child, and the acts were never malicious or meant harm. She reported she feels this situation is blown out of proportion...."

"CPW Dietrich reached out to families who were identified to attend MICA HeadStart with Ali. There were no concerns voiced

regarding MICA HeadStart. The parents report their child has been happy attending there. Some parents reported they

knew an incident occurred and feel MICA staff handled it appropriately.."

11/18/24

Child Care Licensing unit was notified the outcome of the CPS assessments pertaining to this incident were FOUNDED; Ali Leavy is named responsible and registry placed for denial of critical care/failure to provide proper supervision.

Public records indicated that Ali Leavy was charged with child endangerment x3 as a result of these instances.

Significant evidence exists to conclude licensing violations have occurred. Non-compliance with licensing regulations has occurred as it pertains to 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 and 109.10(16)a Staff shall provide careful supervision.

Special Notes and Action Required:

The center has terminated two employees involved in these incidents; training videos specifically address restraining/taping a child are prohibited from center policy.

The center has begun refresher training regarding mandatory reporter responsibilities placed upon staff; along with guidance of how to report concerns and to whom.

The gorilla tape (use was intended to secure area rugs to the tile floor) was removed from the center.

No further actions required at this time.

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Consultant's Signature:

Maggie Gibson, SWIV

Date:

10-12-2024