**Iowa Department of Human Services**

**CHILD CARE CENTER COMPLAINT**

**Name of Center:** Prince Of Peace Preschool & Childcare **Enrollment:** 33 **License ID:** 18562

**Street:** 245 26th Ave N **City:** Clinton **IA** **Zip Code:** 52732 **County:** Clinton

**Mailing Address:** 245 26th Ave N

**Mailing City:** Clinton **IA** **Zip Code:** 52732

**Director's Name:** Mary Jensen **Center Phone Number:** 563-242-9258

**On-Site Supervisors:** none **E-Mail Address:** mary.jensen@staff.prince.pvt.k12.ia.us

**Date of Complaint:** 11-25-2019 **Date of Visit:** 11-25-2019

**[ ]** 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**

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**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:**

It is alleged that staff Christy K. tied a child who is almost two years old in a chair, that she lifts children up by one arm and sets them down hard on the chairs, and that she yells at children.

**Licensing Rules Relevant to the Complaint:**

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.

109.12(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:**

## CHILD CARE CENTER COMPLAINT

The licensing consultant and DHS worker Amber Broadenaux visited the center on 11/25/19 to discuss the reported concerns with the center director, Mary Jensen, school principal, Nancy Peart , and several of the staff. DHS Broadenaux has had some contact with the child's family and indicates there is no known injury to the child currently.

The evaluation of this concern revealed the following:
1. Mary stated she had become aware of these concerns when she met with staff yesterday (Sunday) on their request. Staff reported the incident of staff Christy tying the child to the chair on Friday 11/22/19. Staff showed Mary a photo taken of the incident on the staff's personal cell phone.
2. Staff stated they had informed the child's parent of the incident on 11/22/19 and had also shown the photo to the parent. Mary stated she called the child's parents after meeting with the staff yesterday.
3. Mary stated staff Christy has not and will not return to work at the center.
4. The child was tied to the chair during lunch time using a receiving blanket from the dramatic play area of the room. Mary stated she has since learned this has happened more than once.
5. Mary stated Christy has worked at the center since 2012. Mary described Christy as more of a floating staff until more recently when she was assigned to the two year old room.
6. Mary stated she has had previous concerns with Christy in regards to voice tone and that she has had to ask Christy if she needed a break from the children. Mary stated that she had very recently recommended that Christy take the Positive Discipline course.
7. Mary stated other staff have expressed concerns to Mary regarding Christy's voice tone and that Christy is rough with the children picking them up by the arms. Mary stated she had called Christy in to speak with her and that Mary thought things were better.
8. Some of the staff stated they had informed Mary of the concerns and other staff stated they had only talked to other staff about their concerns.
9. Staff stated they had observed Christy tie the child to the chair to keep the child seated at lunch.

In regards to the incident where the child suffered an injury
1. Mary and the staff described an incident where the child fell and bumped the child's mouth on crate (containing toys) on the floor causing an injury to the child's lip.
2. Mary stated the child had a pre-existing injury (that happened away from the center) to the area prior to the incident, and the incident caused the child to re-injure the mouth.
3. Staff Sue stated she did not write an incident report for this and she thought staff Christy was writing the incident report. Mary could not locate an incident report.
4. DHS Broadeneaux indicated she did speak with staff Christy who stated she completed an incident report but was unable to make a copy of the report before giving it to the parent. DHS Broadeneaux indicated the parent states the parent never received an incident report.

**Special Notes and Action Required:**

**CHILD CARE CENTER COMPLAINT**

109.10(10) Recording incidents: Parents shall be notified on the day of the incident involving a child that includes. 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. VIOLATED
The center director and staff acknowledge there was an incident that occurred at the center where the child received an injury. There is not evidence to indicate that the incident report was completed and provided to the parent as required. The center shall ensure that they keep a copy of all completed incident reports for the child file.

109.12(2)b Discipline: 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. VIOLATED
There is evidence to indicate that the staff person did "tie" the child to the chair. This incident could be perceived as a relatively minor and definitely a lack of good judgement as exhibited on the part of the staff person (also noting the child was not injured in any way), however, information suggests that there were ongoing concerns with this staff person and her interactions with the children, in general, over a longer period of time. Though the center director indicates she did have some involvement with the staff person in regards to the concerns she observed/overheard as well as those that were reported to her from other staff, it appears more aggressive intervention may have been necessary to ensure that the concerns were resolved rather than being allowed to go on for the extended amount of time.

Subsequent the visit, the center director provided the following correspondence to licensing in response to the complaint:

"To: Heidi Hungate
From Mary Jensen
Director, Prince of Peace Preschool & Childcare
December 3,2019

On Tuesday, November 26th, I met with each staff member to review the use of an "Incident Report". I highlighted the requirements of a report, when to use one, requirement of parental notification, pick-up person's signature, and a signed copy of the report filed with the director and maintained in the child's file. Each program room will have a folder of blank reports. The folder will include Incident reports and sick child reports. Both documents require caregiver and pick-up person's signature.
I added a "report" line to the daily closing duties checklist to help everyone remember the paperwork. If by chance the copier is down another copy will be made by hand.

No personal cell phones will be allowed in program rooms. Each staff member will keep their device in their locker. Cell phones may be used during break times. Pictures of children/students may be taken with a Center device. Communication between the Center and families will be from school devices not personal devices. A no cell phone policy will be formally added to the staff handbook. I am using Applebaum Staff policies as one reference for writing policies.

We are working on the current childcare provider job description and staff evaluation process. An evaluation plan will include formal and informal observations. The Center will implement the Iowa QRS evaluation program. We will define staff discipline procedures and add them to the staff handbook."

The center director will need to ensure these procedures she has outlined are being followed and that there is follow through to staff evaluation/monitoring process to be certain that any concerns with staff are promptly identified and resolved.

It does appear that staff are not always coming to the center director with their concerns and instead are either discussing it among themselves and/or attempting to address concerns themselves that should involve the center director/administration. The center will need to address this concern to ensure staff know their responsibility to inform the director immediately of any and all concerns they may have at the center. It is then up to the director/administration to take appropriate action.

| **Consultant's Signature:** | **Date:** |
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| Heidi Hungate | 12-03-2019 |