



makes him sad when his mom gets kicked.

I informed Ms. Burke that I was not working tomorrow, but that I would likely visit the program on Monday to interview the teachers.

On 12/18/14 at 1:50 pm I made a collateral phone contact with James Curley from the Department of Human Services. Mr. Curley states he is going to interview the child today. Law enforcement is involved with the case and the child was seen at the emergency room. The child reportedly said that Ms. Amanda caused the injuries and that the teacher is mean to him all the time and that she picked him up and slammed him to the ground. I informed Mr. Curley that I was not in work status tomorrow, but that I would plan to visit the Waukon Head Start on Monday.

On 12/22/14 I made a collateral phone contact with James Curley from the Department of Human Services (DHS). I made arrangements to meet with him on this date at the Department of Human Services in West Union

On 12/22/14 I met with James Curley from DHS at the West Union DHS office. Mr. Curley showed me pictures of the injuries taken by law enforcement at the emergency room. There were red marks on his upper left arm that appear to be fingerprints and a red mark on his left side torso that appear to be fingerprints. The injuries on both locations appear to line up. There is also a darker red line as part of the injury on the torso. Additional lighter injuries were difficult to see in pictures. Mr. Curley states the injuries appear to be from being grabbed, rather than being hit. The doctor in the emergency room said the injuries were less than twelve hours old when the child was seen in the emergency room Wednesday night. Mr. Curley states he spoke with the father on Friday and the marks were fading away. They never turned to bruises, but remained red and then started to fade.

Mr. Curley states that he and law enforcement went to the Waukon Head Start last Friday and they interviewed the three teachers in the room as well as two family workers. Mr. Curley states the child originally said Amanda caused the injuries. Amanda has a note from her doctor that she cannot lift or carry children so it could not have been her. The mother later said she pulled a picture of the teachers up on the computer and the child pointed to the teacher, Karissa. Mr. Curley states the child was with his father Tuesday night and was given a bath. He did not have injuries at that time. An aunt picked the child up from Head Start and then the child was at his grandmother's house and then went to the church program. The child did not see his mom until approximately 8:00 pm Wednesday night. She gave him a hug when she saw him and he said, "Ouch". That is when the mother took the child's shirt off and saw the marks.

Mr. Curley states this child has some severe behavior problems and has been removed from the classroom numerous times. Mr. Curley states he is not sure the child would be able to identify who cause the injuries because he is picked up by staff members several times a day. Mr. Curley states the child is kicking and hitting staff members when they take him out of the room so they are going to have to hold him firmly so they do not drop him. Mr. Curley was also told by the child's father that the child was at a church program Wednesday night and he had to be removed from that program also because of behaviors. Mr. Curley states he has not spoken with anyone from the church yet regarding that situation.

Mr. Curley states he spoke with the child on Thursday with the mother. The child showed him the injuries. Mr. Curley states the child said the teacher was mean to him. He then started moving around the room and Mr. Curley could not keep his attention. He answered additional questions by saying he did not know or he would shrug his shoulders.

On 12/22/14 I made an announced visit to NEICAC-Waukon Head Start. I interviewed Amanda first. Amanda has been with the program for four years. She is the lead teacher in the room. Amanda states the child has been in her class since early November. He came from the Postville Head Start program. Amanda states he is a smart child and can be very sweet, but he has major behavioral issues. The program has been working with AEA to help get ideas on how to work with the child. The child becomes angry quickly and he has problems calming down. He swears and becomes physically violent. He kicks, hits, scratches, bites and throw items. When he becomes physical he has to be removed from the classroom for the safety of the other children.

Amanda states the mother called Thursday morning and said the child would not be coming to the program any longer and that the cops would be contacting them. Amanda states the center manager, Kim Jasper, called the father because the mother said they were pulling the child from the program, but the father is who the program has been working with. The father said he want the child to continue with the program because he has seen the child make progress since starting here.

The center keeps a worksheet on the child because of his behaviors. The worksheet splits the day in to half hour periods and the staff members use a tally mark each time the child requires a verbal redirection and an "X" each time the child does something physically violent or swears. On Wednesday 12/17/14, the child had 110 tally marks and 185 "X's". He was removed from the room three times. He was removed the first time at 9:50 am and was away from the room for seventeen minutes. He was removed

the second time at 11:55 am for thirty-three minutes. He was removed the third time at 2:30 pm and remained away until he was picked up by his aunt at 2:45 pm.

When the child is removed he is taken to the laundry room. Everything has been removed from this room. There is a washer and dryer and a counter space. The child is taken to the room and a staff member stands in the doorway. Amanda showed me the room. They take a notebook while the child is in the laundry room for a time out and they keep track in the notebook of what he says and how he acts. Amanda states there was one time when the child crawled on the dryer and he fell off. Amanda was not the teacher with him. She states they completed an incident report and called the father. He had a red mark on his lower back, but it went away.

Amanda showed me the note from her doctor dated 12/05/14. The note states it is recommended that she not carry or lift any child until the end of her pregnancy. Amanda states even prior to receiving the note she was trying not to be the one to physically remove the child. She states she has not removed him once since receiving the note. She states she tries to talk with him in the room to calm him down, work on breathing, etc. If he starts becoming physical one of the other staff members step in. Amanda states the other children have learned to move away from the child when he is angry. Amanda states when she had to remove the child in the past, she would scoop him up so one arm was under his legs and the other arm was under his neck and she would hold him tight enough so he would not fall. She reports the child urinated on her on one occasion.

Amanda states the child did not make any comments on Wednesday about being injured. She states Ms. Jasper was in the room quite a bit this day also because Amanda had two IEP meetings with parents. Amanda was out of the classroom for a majority of the time between noon and 2:00 pm and she left for the day at 2:00 pm. She did not physically handle the child on this date and does not know how he would have received the injuries.

Amanda's typed statement from the day's events is in the file.

I interviewed Karissa, a teacher's assistant in the classroom. Karissa has been with the program for three years. She states the child has major behavior and aggression issues. Karissa states she previously worked at the Postville Child Care center and the child was in her class, so she knows the child and mother.

Karissa states she arrived to work on Wednesday at 1:00 pm and the children were lying down to nap. She states she sat by the child and was rubbing his back. Karissa states the child has to lie down for twenty minutes and then he is allowed to play with the iPad the rest of the nap time. He did not have any issues at this time. They then took bathroom breaks. Karissa states they sat down for snack and the child started kicking his own chair. He then started kicking the table. Each time she would redirect him and he would kick harder. She was concerned he was going to kick the child across the table from him. Karissa states she removed the child's chair and the child started slapping her and yelling at her. She went to put the chair in the hallway and the child was hitting her back and yelling at her. She asked him to calm down and to take some breaths. He started kicking her and stepping on her feet. He then started kicking her shins harder. She then removed the child from the room and took him to the laundry room for him to cool down.

Karissa states she picked the child up so that his feet were on her right side and he was curled around her body. His head was off to the left side of her torso. She uses her right hand on hand to hold his legs so he cannot kick and her left arm is around his torso. Karissa states the child was yelling, swearing, and kicking. Karissa states that Amanda has not removed the child since receiving a doctor's note. She states she was not present when the child was removed two times earlier that same day.

Karissa states this is the first time she has had to pick the child up to remove him. She can usually lead him out of the room by his hand and walk down to the laundry room.

Karissa states the child was still in the laundry room when the aunt arrived to pick him up. She was in the dryer and the child got on the washer. She states he opens the dryer door and steps up. She states she only closes the laundry room door when she has to take the child off the washer and dryer. She states he had taken off his shoes and threw them at her so they were sitting outside of the door. The aunt came to the laundry room door and looked at the child and he immediately calmed down. She walked to the classroom to get his belongings and Karissa had a talk with the child in the hallway about how he needs to behave in class and good choices. Karissa states when the child is calm he knows how he acts is wrong and he knows how he needs to act. The child then gave her a hug and left with the aunt.

Karissa states she does not believe there is anything she would have done to leave the injuries on the child. She states she was not holding him too tight when she carried him out of the room and she was not wearing anything that would have left a mark on him. Karissa states the child did not complain of injuries to her and she did not see any injuries on him. Karissa states she thinks the

child was wearing sweat pants and a long sleeve shirt.

Karissa states she was told the child originally accused Amanda and that later he pointed at a picture of her. Karissa states she has not spoken with the parents since the incident was reported.

Karissa's typed statement from the events of the day is in the file.

I interviewed Patty. Patty has been with the program for fourteen years. Patty described the child as a lot of dynamite in a little package. She states when the child calms down he can tell you that how he is acting is not right. He can talk about red choices and green choices and how green choices make people happy. She states the simplest things make the child angry. On Wednesday the first incident happened because he could not put a word on the "word wall". Patty states the child is very verbal and uses a lot of nasty words. He swears a lot, he kicks, yells and screams, tries to hit and throws items. The day in question the child yelled at her that he was going to "whoop ass" on her because that is what she deserves and maybe that would straighten her up. Patty states typically one staff member tries to calm the child down and the other staff member is keeping the other children away from him and safe.

Patty states they remove the child and take him to the laundry room when he acts this way and becomes dangerous to others. Patty states she picks the child up by scooping him up. She has one arm under his knees and one arm under his neck. She states similar to how one would carry a baby. She holds him next to her body so he cannot hit, kick or bite her. Patty states she stands in the doorway to watch the child. She tries not to look directly at him or interact with him because that makes him act worse. She states the child has never climbed on the appliances with her. He does open and slam the dryer door. He had climbed on the dryer with another staff and fallen on a different occasion, but he was not hurt.

Patty states they keep a notebook of his behaviors while in the room to document what he says and how he acts. They mark an "X" when he does a violent act and swears. On the Wednesday in question she removed the child twice. The first time was at 9:50 and she had to carry him out of the room. He was in the room for seventeen minutes and calmed down. The second time she was able to hold his hand and walk him down the hallway. Kim Jasper came to the laundry room to stay with the child the second time. He was in the room for 33 minutes the second time. Patty states she was keeping the children safe and did not see how Karissa removed the child from the room the third time.

Patty states the child was wearing a long sleeve shirt that day and both she and Ms. Jasper observed him lift his shirt up several times after he had already been removed from the room twice. Neither one of them observed any injuries on the child's torso. They did not observe his arms. Patty states she does not believe there is anything she did to cause the injuries to the child.

**Special Notes and Action Required:**

**INSPECTION FINDINGS CONTINUED:**

On 12/30/14 I made a collateral phone contact with Kim Jasper, the program manager for the Waukon Head Start site. Ms. Jasper states she was present in Waukon on the Wednesday in question. She spent most of the day in classroom A because they were working on strategies on how to deal with the child victim's behaviors. Ms. Jasper states Amanda, the lead teacher, had two IEP meetings that day so she wanted to be available to help if there were problems with the child. Ms. Jasper states the child has displayed extreme behaviors in the classroom. He throws things, hits, kicks, scratches, screams and swears. He threw a butter knife during a meal one time because the teacher did not pass him the oranges quick enough and has also thrown chairs. There have been many occasions when he has been removed from the room to keep the other children safe. They take him to the laundry room because it is the emptiest room they have. While in the room he has hit, kicked, scratched, pinched and swore at teachers. Ms. Jasper states she has the teacher stand in the doorway so she is mostly protected by the door from the child, but so she can observe the child.

Ms. Jasper states the child was in the laundry room with Patty when she arrived at the center. She states she took over for Patty so she could go back to the classroom. She allowed the child time to calm down and then they put his shoes on him and went back to class. His shoes were not on because he took them off and threw them at Patty. Ms. Jasper states the child was in the classroom a majority of the day. When they returned to the room she picked the child up by his sides to set him on her lap and he did not complain of pain. During that time she did have the opportunity to observe his arms and torso area on more than one occasion. She states the child has a habit of taking his arms out of his sleeves and lifting his shirt over his head. Ms. Jasper states she did not observe any injuries on the child. If she had they would have been reported. Ms. Jasper states she did not witness the afternoon incident with Karissa.

Ms. Jasper states when they returned to the room Patty was reading a book to the children from their PBIS series, "Words are Not for Hurting". The child was listening to the story and made the comment to Patty that it makes him sad when someone kicks his mom's face. He also said it makes him sad when someone beats up his mom and says bad things to her.

Ms. Jasper states she has video on her phone of the child's behaviors because they recorded them to share with AEA to get assistance on to deal with him. She does not have video from the day in question.

Ms. Jasper states the injuries did not occur while the child was at Head Start. She reports the aunt picked the child up and he was with his mother and grandmother all day and then he also attended Awana, a church group. The father had reported the child had been removed at the church group as well for his behaviors.

On 12/20/14 I made a collateral contact with James Curley from the Department of Human Services. He did not have any new information to report to me.

On 01/22/15 I made a collateral phone contact with James Curley from the Department of Human Services. He updated me on information he had received.

**SPECIAL NOTES AND ACTIONS REQUIRED:**

109.12(2)a-d. Discipline does not allow for corporal punishment; punishment that causes humiliation, fear, pain or discomfort NOT VIOLATED. There is no evidence to support the allegations that the child received the injuries while at Head Start. Multiple people had access to the child on the date he received the injuries.

109.10 (16). Supervision. Assigned staff, substitutes and volunteers shall provide careful supervision. NOT VIOLATED. There is no evidence to indicate that the Head Start staff members did not provide careful supervision to the child. Due to the child's sever disruptive and aggressive behaviors, there are times when he has to be removed from the classroom for his safety as well as the safety of other children in the classroom.

I recommend that Head Start staff members participate in a formal training on how to properly restrain children if they are going to continue to physically remove children from the classroom. This is important for the safety of the child and the staff member.

At this time, 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:**

**Date:**

01/23/2015

A handwritten signature in cursive script that reads "Becky Frost". The signature is written in black ink on a white background.