

109.12(1)b. Program provides for a balance of active and quiet, individual and group, indoor and outdoor, and staff-initiated and child-initiated activities.

109.10(10). Policies and procedures for incidents involving minor injuries, minor changes in health status, or behavioral concerns are reported to parent on day of incident.

237A.7. Information regarding a child in a child care center or their relative is confidential. If this information is released by visual, verbal or written means, written consent from the parent or guardian is in the file or a court order allowing the release of the information.

109.10 (16). Supervision. Assigned staff, substitutes and volunteers shall provide careful supervision

109.11(3)a(10). Sanitation and safety procedures are in place to reduce risk of harm to children and the transmission of disease.

Inspection Findings:

On 09/25/13 I met with three individuals in my office to discuss concerns for Waverly Child Care. The parents of the child and the grandmother were present. It was reported that a three-year-old child was discharged from the center. He started in his new room about three weeks prior to being asked to leave and the parents report no problems being reported prior to this. It was reported the child was swearing, did not follow directions and would kick when they attempted to put him in timeout. The parents report they would get phone calls the child was in the office or to come and pick him up and when they arrived at the center the staff members were not there to talk with. They report only receiving four incident reports regarding behaviors.

The parents report that the director, Luann Scallon, asked the mother if she had considered having the child evaluated by a doctor. She reports she did not understand what they wanted him evaluated for and asked for something in writing. She spoke with the teacher, Brittany, and asked for more specific information regarding the child's behaviors. The parents wanted to figure out what triggered the child's behaviors and asked about behavior modifications used in the room. It was reported the teacher could not tell them what behavior modification techniques had been used. The parents asked for more communication so they started sending a journal back and forth. The center would write down how the child's day went and the parents would do the same at night. The parents believe that what they read was not out of the scope for a three-year-old child. They report the journal said the child hit another child. When they asked the child about it he reported the child took his toy.

The child was in the director's office on 09/11/13. They report when he is upset he sticks his tongue out and essentially spits. On 09/12/13 the father dropped the child off and received a call 20-25 minutes later that the child had to be picked up. Parents met with Ms. Scallon and reported they did not understand because he did not have behaviors in his previous room. They wanted to know what triggered it. They reported that Ms. Scallon's reply was that it was a mystery and she thought the child needed to be in a smaller setting. The mother asked about available resources to help the child and she asked about AEA-267. Ms. Scallon told them they would have to go through months of red tape and they did not currently have an AEA-267 consultant available to the center. The mother states she contacted AEA-267 when she left the center and they told her they could make a referral and start the process.

The mother spoke with the child's grandmother, who has been involved in early childhood for 40-48 years in different capacities. The mother asked the grandmother to observe the child's class and they brought her to the center on 09/16/13 to observe. The mother states she wrote Ms. Scallon a letter authorizing the grandmother to observe the class. The mother states she gave the letter to the receptionist because Ms. Scallon was not in the office yet. The grandmother observed the child inside the classroom. The mother states she walked into an observation room and when she walked out two staff members and the cook were talking about the situation in the hallway. The cook was heard making a comment about them needing permission to do this and the mother came up behind the group and told them she is the mother and she gave permission. There are concerns for confidentiality because staff members should not have known about the situation or read the letter. The parents state it was a confidential letter to Ms. Scallon.

The grandmother states at 8:00 am there were eighteen children and two staff members, making them out of ration. She reports between 8:35-11:07 am the only thing the children could do was move between tables. During circle time the teacher asked about the month, how to spell the month, sang the days of the week, discussed patterning and counting. She reports the children were not able to ask the teachers questions. The grandmother states it is a lot of information for three-year-old children to comprehend. The children then went to snack.

The grandmother states Ms. Scallon came in the room and demanded to meet with her right away. They went to the office and Ms. Scallon refused to shut the door so they could confidentially talk. Ms. Scallon asked what she hoped to gain from observation and the grandmother replied she wanted to know what triggered the behaviors in the three weeks. Ms. Scallon states it has not been three weeks it has been since the child was two-years-old. The grandmother said the parents did not receive any documentation. Ms. Scallon said the parents signed the documentation.

The grandmother asked if there was a behavior modification plan for the child and Ms. Scallon told her they had funding cuts and people were laid off and they do not currently have an AEA consultant available. The grandmother said Ms. Scallon also said they do not have a DHS consultant.

The grandmother returned to the room for observation. She reports the teacher told the children to get a book and when it was time to put them away the teacher signaled the child out several times specifically to put his book away, but never gave him a chance to do so. During music the children sang, "Going on a Bear Hunt". The grandmother reports the entire song the teacher told the children they had to be quiet and stay in their spot. The children then moved to centers. The grandmother states during the course of her observation the word "no" was used multiple times and teachers did not use redirection. One child was picked up and moved to the window because he was lying down instead of sitting down. The child was in timeout for 7 ½ minutes. The father states he has witnessed a child in timeout for fifteen minutes in the past.

The grandmother states she witnessed an incident where a child was throwing blocks across the room and he was not addressed. One child kicked the teacher and all she said was, "Hey". The inconsistency of discipline was obvious. She reports observing a teacher grab a child by the arm and telling him he had to be last in line. She reports she witnessed an incident involving her grandchild and another child. She reports the children were playing with the waffle blocks and a child made boxing gloves. The teacher told the child to dismantle them, but she did not supervise him to make sure he followed through. He kept the boxing gloves and built a building and knocked it down. The teacher witnessed this and walked away. The child then knocked over her grandchild's blocks and her grandchild threw a block at the child and it hit the child's mouth. Not one staff member witnessed the incident, but they wrote up an incident report saying that her grandchild kicked the child in the mouth and that is not true.

The mother states she refused to sign the incident report because it was a lie. The grandmother states she is angry a teacher would lie on an incident report. She states she told Ms. Scallon it was a blatant lie and that the teacher and Ms. Scallon were lying. She informed them they had no communication in the center. The mother asked for a copy of the current board members and she replied she would get it to them tomorrow. They demanded to have it that day. They were given an old list.

They report Ms. Scallon called the board president and when she hung up the phone she informed them this is the child's last day at the center. The grandmother states she pointed out to Ms. Scallon that she did not have the authority to do that because the handbook states it required the discussion of the board of directors. The parents asked for this in writing and had not received any documentation as of 09/25/13.

The mother states she also told Ms. Scallon that she had spoken with AEA-267 and she was told they could come to the center and do observation. The mother told Ms. Scallon she did not appreciate her lying about AEA not being able to come in for months.

As mentioned earlier, there were other concerns mentioned, but the purpose of this report is to determine whether or not there have been licensing violations. I will not be addressing issues that do not fall under this category.

On 09/30/13 I made an unannounced visit to Waverly Child Care. I met with the director, Luann Scallon. I informed Ms. Scallon that I would be doing observation of the three-year-old classroom (red room) through the observation window and also in the classroom. She agreed this would be fine.

I observed behind the observation window for approximately one and one-half hours. There were fourteen children and three staff members. The room was in ratio and remained in ratio. When I arrived in the room the children were preparing for snack. Two children were in timeout. They were in timeout for four minutes, but I do not know how long they were in timeout prior to my arrival in the room. Please have staff members be mindful of how long they keep children in timeout. It should be one minute for every year of the child's age. The children were also in timeout while the other children were allowed to eat their snack. Please try to avoid timeout during snack time. Children should not have to watch other children eat. The children were allowed to eat their snack when they were released from timeout, but then they were hurried from staff members and expected to end when snack time was over. If you keep children away from snack time they should be provided the full opportunity to finish their snack.

I observed a staff member spray a table with the soap and water while a child was sitting at the snack table. This cannot occur. Please allow children to finish their snack and leave the table prior to cleaning them. Also, please allow the bleach and water to air dry so that tables are properly sanitized.

After snack the children were asked to look at books. They were then assigned centers in groups of three. The children rotated to new centers after a period of time.

There is a bathroom attached to the room with four toilets and three sinks. I observed several children go in the bathroom. Staff members were unable to supervise the children from where they were located in the room. Staff members must move over toward the bathroom when children use the bathroom so they can be supervised. Children should not shut the bathroom door.

Staff members had great interaction with the children. They interacted with the children at their level and maintained good conversation. I would like to see more positive redirection used and less use of the words “no” and “stop”. Please try to redirect the children’s behaviors. During my time in the room the children were allowed to ask questions and were not told to be quiet. They were allowed to play and the children appeared to enjoy themselves.

I then entered the room and observed for approximately thirty minutes. I spoke with the lead teacher, Brittany H. She reports the child in question would lash out when he was upset by hitting, kicking and cussing. She reports she would try to talk to the child and he would stick out his tongue and spit. She reports when children were supposed to be sitting on the carpet he would run around the room or roll around on the carpet and kick his friends. The child was in the room from August 19th through September 16th. She reports the child would have good days and bad days. She reports they started sending home notes through a notebook because the parents wanted more communication. She reports she tried to report positives and the behavior problems they witnessed.

Brittany H. states they use a green light system with cards in the room. They have green, yellow and red cards to track behavior and give children warnings. She reports the children are also given golden tickets as a reward system. She said they would try to have the child calm down before talking to him, but he would not calm down. Brittany H. states she is aware the family told Ms. Scallon they had too much carpet time. She states they base the length of the behavior time on how the children are behaving and change activities when children get restless. She reports there is no set period of time. Brittany H. states she has a BA in early childhood. She reports for discipline they use time away from the group

I asked Brittany H. if they were out of ratio the child’s last day at the program. She reports they may have been when a staff member went to the kitchen. Brittany H. states the grandmother asked her about the children ages. She states they go by the three-year-old ratio. Brittany H. states the mother would talk with another staff member. She told the staff member she felt attacked by Brittany H. Brittany H. states the mother would make comments in front of the child about things written in the notebook they were sharing. Brittany H. said AEA does not come in to work with children unless it is requested and with parental permission. It was her understanding the parents did not want this.

I asked Brittany H. about the letter books and worksheets she does with the children. She reports she does not expect the children to learn the alphabet. She uses the worksheets so the children learn how to hold a pencil and they become familiar with the letters. This is appropriate and this is what I observe in other preschools.

I met with Ms. Scallon. Ms. Scallon states the day the grandmother came to do observation no one knew who she was. She states her staff members opened the letter because they cannot just allow anyone to go in and observe a room Ms. Scallon states when she arrived she asked the grandmother for an ID and her credentials or verification of her experiences. She reports she still had no idea she was related to the child. Ms. Scallon states they were only told she was a consultant there to observe, so Ms. Scallon wanted to know her credentials. Ms. Scallon provided me a copy of the letter prepared by the parents. The letter identified her as a “long time experienced early childhood professional”. She was not identified as the child’s grandmother.

Ms. Scallon states her office door was partly closed, but not latched. She reports they were not discussing the child at that time. She states they were discussing the grandmother’s credentials. Ms. Scallon states she was not comfortable being alone in the room with her. Ms. Scallon states they made arrangements to meet again and discuss her observations at nap time, but she decided to leave with the child at lunch and she did not return to the office. Ms. Scallon states the grandmother never identified herself as the child’s grandmother. One of the teachers heard the child call her “grandma”. Ms. Scallon states she would never have allowed her to go back without the proper credentials, but she was on the pick-up list.

Ms. Scallon states she has concerns that the parents did not identify the visitor as the grandmother. They could have been given prior notice and made arrangements. She reports the cook just wanted to make sure Ms. Scallon was aware there was an unknown observer in the room. Ms. Scallon states she does not know whether or not it is true that the mother heard staff members discussing the situation in the hallway. Ms. Scallon states the mother had made other misleading statements, such as the grandmother was a consultant and the child care center “singles out” her child.

Ms. Scallon showed me the handbooks discharge policy. The policy states if they believe the behavior of a child is either dangerous to the other children in the class or is taking away from the quality of the program, they will ask the family to withdraw the child for a determined length of time.

Special Notes and Action Required:

INSPECTION FINDINGS CONT.

The policy states, "If, in the reasonable judgment of the Director, your child presents a threat to the safety or security of the other children, or it has been determined that your child's needs are not best met in a group setting, the center reserves the right to take action up to and including suspension or expulsion. Each case will be handled individually. The parents will be consulted and notified."

The policy does not say anything about needing the Board's approval. The Director has the authority to make the decision, thus the policy was followed. Ms. Scallon did make a phone contact with the Board president and they agreed the child should be discharged. They later held a board meeting on 09/19/13, and discussed the situation and the board supported the decision. Ms. Scallon states she felt under duress when the mother and grandmother demanded a copy of the Board members. She grabbed the first one she could find. Ms. Scallon states the sheet may have been outdated, but the Board members have not changed so it was accurate.

Ms. Scallon states the center does not have an AEA-267 consultant assigned to their center at this time. She reports she spoke with Jay Colsch, the director of AEA and he confirmed this. Ms. Scallon states her past experience with previous consultants has been that they need time and a lot of documentation from the program to build up a case. Ms. Scallon states the parent told her that she spoke with AEA and she could get someone in to work with the child. Ms. Scallon states she does not know whether or not this is true. Ms. Scallon states she recommended the child be tested by a doctor or that he may benefit from a smaller setting. She provided the mother with a letter to give to the doctor documenting their concerns.

I asked Ms. Scallon about being out of ratio. She confirmed the room may have been out of ratio when a staff member went to get the snack from the kitchen at 8:50 am. Ms. Scallon states most children in the room are three-years-old and the use the one to eight ratio in the room. Ms. Scallon states the room is supposed to call down to the reception desk to ask for assistance and they have people available to cover the room. They are going to have a staff meeting on 10/15/13 and they will inform staff of this again.

Ms. Scallon states the center started seeing problems with the child in the two-year-old room. He was swearing in the room. She reports the mother asked for all the incident reports and they provided her with a stack of incident reports. Ms. Scallon provided me with the same packet. There were 58 incident/injury reports. Fourteen were related specifically to behavior, twenty-seven were regarding accidents or injuries, eleven were regarding fighting over toys causing accidents, and six were for not following directions or listening causing injuries. Ms. Scallon states they also did not complete as many incident reports once they started using the notebook because they were notifying the parents of the child's behaviors in the notebook.

Ms. Scallon states Brittany H. was being creative to adjust the classroom environment and have the child more involved with his peers. They tried to eliminate some of the free choice because this is when the child displayed most of the problem behaviors. She said the child was more successful in table or directed activities.

Ms. Scallon states it is at the discretion of the teachers whether or not to prepare an incident report and she trusts her staff member's judgment.

I asked Ms. Scallon about the last incident report that the mother refused to sign. Ms. Scallon states she believes her teachers and that Brittany H. would not lie on an incident report. She states if Brittany H. wrote it on an incident report then she believes it to be true. I informed Ms. Scallon there was a concern that the two children involved in the incident were given incident reports with conflicting information. I reviewed the incident reports for both children and the incident was described in the same manner on both reports.

Ms. Scallon states when the mother and grandmother arrived back at the center later in the afternoon they were angry. They requested a copy of all the child's records and the notebook. The secretary was making the copies. When they arrived they said they were making up lies about the child. The secretary gave copies to the family and they did not leave because they wanted a notebook. The notebook was not in the classroom and they could not contact the teacher. They were told they could pick it up in the morning.

Ms. Scallon states she met with them in the office. Ms. Scallon states they were making a personal attack against her. Ms. Scallon states while in the office the grandmother asked her if she felt threatened. Ms. Scallon states her staff members were also concerned with how they were behaving. She called the Board president and this is when the parents were told the child could not return.

Ms. Scallon states the center is consistent with how children are treated and they are inclusive with families. They have busy and active children, but they cannot allow hitting, kicking, swearing and spitting. Ms. Scallon states they want what is best for the

children and very few have ever been asked to leave the program. Ms. Scallon states the grandmother was there under false pretenses. She was not there to observe the child's behaviors, she was there to judge them and she should have introduced herself as the child's grandmother. Ms. Scallon states the teacher said the grandmother would prompt the child to do things in the classroom and he listened. Ms. Scallon states if she truly wanted to observe his behaviors she should have gone into the observation room and watched how he acts he reacts.

On 09/30/13 I emailed Jay Colsch from AEA to ask if they were contacted by the mother and would be working with the family. Jay Colsch replied by email on 09/30/13 at 4:31 pm. It reads as follows:

1. We had an Early Childhood Special Education Teacher/Consultant who resigned suddenly in Mid-August. We are in the process of filling this vacancy. In the meantime, we have a retired school psychologist who will be available to support teachers at Waverly Child Care and Preschool beginning Wednesday, October 2.

2. We did accept a referral on this child on 9/16/2013. The referral was assigned to an Early Childhood Special Education Teacher/Consultant and a School Social Worker. I spoke to our AEA 267 Early Childhood Special Education Teacher/Consultant this afternoon. She will be visiting the Grant family tonight.

3. Once we receive a referral on a child (ages 3-5), it generally takes no more than a couple of weeks. The services we provide include support for developing General Education Interventions. In this case, we would facilitate a functional behavioral assessment that leads to a Behavior Intervention Plan.

SPECIAL NOTES & ACTIONS REQUIRED:

109.4(2)b. Written policies for enrollment and discharge. NOT VIOLATED. I reviewed the center's discharge policy and procedures were followed.

109.8(2)-Ratio maintained in center as required by age. VIOLATED. The room was out of ratio for a period of time when a staff member left the room to get snack from the kitchen. A room cannot be out of ratio for any period of time. Please review this with staff members.

109.12(2)a-d. Discipline does not allow for corporal punishment; punishment that causes humiliation, fear, pain or discomfort NOT VIOLATED. I did observe two children in timeout for longer than three minutes, but corporal punishment was not used and the children were not humiliated, fearful, in pain or uncomfortable. Using a minute per year of age is best practice and leaving a young child in a long timeout is counterproductive. I recommend teachers setting a timer so they are more aware of how long they have children in timeout. I would also like to see redirection used more often. In the center's written policy it states this is what is used, but I did not observe this to be the case. I observed staff members say "no" and "stop" several times. I would recommend staff members taking the Positive Behavior Intervention Supports (PBIS) training.

109.12(1). Program complements but does not duplicate school curriculum. NOT VIOLATED. Brittany H. does not expect the children to learn the alphabet. She uses the worksheets so the children learn how to hold a pencil and they become familiar with the letters. This is appropriate and this is what I observe in other preschools.

109.12(1)b. Program provides for a balance of active and quiet, individual and group, indoor and outdoor, and staff-initiated and child-initiated activities. NOT VIOLATED. I did not observe to be violated during my visit. Children were assigned centers, but a timer was set and they moved around to different centers after a period of time. Children were free to use their time in each center how they chose.

109.10(10). Policies and procedures for incidents involving minor injuries, minor changes in health status, or behavioral concerns are reported to parent on day of incident. NOT VIOLATED. I was provided a packet of 58 incident/injury reports regarding this child that date back 2011. Behaviors were also documented in a notebook used by parents and the teacher.

237A.7. Information regarding a child in a child care center or their relative is confidential. If this information is released by visual, verbal or written means, written consent from the parent or guardian is in the file or a court order allowing the release of the information. NOT VIOLATED. This is a situation of one person's word against another's and I have no evidence to support the allegation one way or the other. Please remind staff members that information regarding children is confidential. Information should be shared throughout the center.

109.10 (16). Supervision. Assigned staff, substitutes and volunteers shall provide careful supervision. VIOLATED. While I was

present, I observed several children go in the bathroom. Staff members were unable to supervise the children from where they were located in the room. Staff members must move over toward the bathroom when children use the bathroom so they can be supervised. Children should not shut the bathroom door.

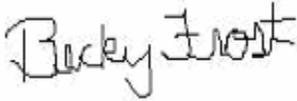
109.11(3)a(10). Sanitation and safety procedures are in place to reduce risk of harm to children and the transmission of disease. VIOLATED. I observed a staff member spray a table with the soap and water while a child was sitting at the snack table. This cannot occur. Please allow children to finish their snack and leave the table prior to cleaning them. Also, please allow the bleach and water to air dry so that tables are properly sanitized.

At this time, the status of the center's license is unchanged. Please thoroughly review the report and correct the violated licensing standards. Please respond to this report in writing as to how the center plans to correct the violations. Thank you.

Consultant's Signature:

Date:

10/14/2013

A handwritten signature in cursive script that reads "Bucky Frost".