



109.12(2). Discipline does not allow - corporal punishment; punishment that causes humiliation, fear, pain, or discomfort; locking children in an area or using mechanical restraints; associating with illness, toilet training, food, or rest; or the use of verbal abuse, threats, or derogatory remarks about a child's family. COMPLAINT IS VALID. Brittley D was observed in the video grabbing a child by the arm. Brittley D reported a 2-year-old child was refusing to share toys (cars and trains) with another child. Brittley D stated the 2-year-old child got mad and went "noodle" on her. Brittley defined "noodle" as limp. Brittley D stated she did want the child to hit his/her head. Brittley D stated she then picked the child up by one arm in an effort to get him/her to go to time out. Brittley D reported the whole incident took place approximately 2 minutes before the 2-year-old child's parent arrived for pick-up.

The Licensing Standards and Procedures (Comm. 204, page 15) states "...Under state law, information about a person in a child care center or the relative of a person in a child care center is confidential. Anyone who acquires such information through the operation of a child care center may not disclose it, directly or indirectly, except upon inquiry before a court of law or with the written consent of the person. In the case of a child, written consent must be obtained from the parent or guardian or as otherwise specifically required or allowed by law..." COMPLAINT IS VALID. Stacia W did record a video of the incident on her personal cell phone. Stacia W then downloaded the video to a social media website. Stacia W did not have parental permission to do this.

109.8(1)b. Persons counted as part of the staff ratio shall be involved with children in programming activities COMPLAINT IS VALID. Staff reported Stacia W had a camera out in an attempt to take a photo of staff Whitney O. Whitney O reported Stacia W kept saying she looked like someone and she wanted to compare them. Whitney O stated she did not want her photo taken so she moved out of the way. Stacia W then took a video of staff Brittley D who was (at that time) grabbing a 2-year-old child by the arm and placing him/her in "time out". In the video, Brittley D was also observed displaying an obscene hand gesture towards staff but with children present. Brittley D reported she should not have made the obscene hand gesture.

109.10(16). All assigned staff shall provide careful supervision. COMPLAINT IS VALID. Staff were not able to provide careful supervision to the children during this incident.

**Special Notes and Action Required:**

Brittley D acknowledged she should not have grabbed the 2-year-old child by the arm. Stacia W acknowledged she should not have taken the video and/or placed the video on a social media website. Whitney O acknowledged she should have asked Stacia W to put her phone away and reported the incident immediately to management. Brittley D, Stacia W, and Whitney O all acknowledged this incident should have never happened and that each exercised poor judgment.

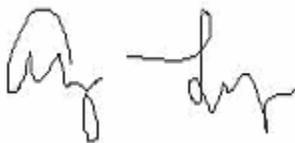
Ms. Blue reported Asbury Day Care Center did conduct their own investigation into the matter and action was taken. Part of that action included that each staff involved in this incident was required to read/review the center's social media policy as well as sign off that they have read/reviewed it.

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Within 30 days of receipt of this report (via email, fax, and/or mail), please forward licensing a copy of the future (annual) training plan for Brittley D, Stacia W, and Whitney O. These training plans should include PBIS (Positive Behavior Intervention Supports)/positive redirection techniques as well as training in developmental milestones.

If you feel something is unclear or unjustly cited, please contact me (phone 319-892-6827; email [alyons@dhs.state.ia.us](mailto:alyons@dhs.state.ia.us) <<mailto:alyons@dhs.state.ia.us>>) so that we may discuss the issue. If necessary, I can make a notation in your record. You may also send a letter that will be included in your licensing file noting any disagreement you may have with this report. If I have failed to provide for you any information discussed during my visit, please contact me and I will forward the information to you. Thank you.

**Consultant's Signature:**



**Date:**

04/18/2014