

**Iowa Department of Human Services  
CHILD CARE CENTER COMPLAINT**

<b>Name of Center:</b> Moser Preschool and Daycare	<b>Enrollment:</b> 33	<b>License ID:</b> 4110000013
<b>Street:</b> 1401 1st W	<b>City:</b> Independence	<b>IA Zip Code:</b> 50644
<b>Mailing Address:</b> 1401 1st W		
<b>Mailing City:</b> Independence	<b>IA Zip Code:</b> 50644	
<b>Director's Name:</b> Candy Moser	<b>Center Phone Number:</b> 319-334-4502	
<b>On-Site Supervisors:</b> Candy Moser	<b>E-Mail Address:</b> moserkids@yahoo.com	

**Date of Complaint:** 5/23/2014

**Date of Visit:** 6/3/2014

Scheduled       Unannounced       NA

Non-Compliance with Regulations Found       Compliance with Regulations Found       NA

**RECOMMENDATION FOR LICENSE**

**NO CHANGES to licensing status recommended**

**PROVISIONAL license from** 06/06/2014 **to** 11/01/2014

**SUSPENSION of License**

**REVOCAION of License**

**Summary of Complaint:**

On 5/23/2014, a complainant reported observing a child strapped into a chair in the preschool room. The complainant reported the child was throwing a fit and the staff was holding the chair down with their foot. The complainant reported staff have not taken the children outside to play all year. The complainant reported the center has an outside area but when asked, staff report it's too wet to go out or they just aren't going outside. The complainant reported observing an infant fall asleep in a highchair. Staff threw t o infant's food away before he/she could eat any of it. The complainant reported staff took the infant to the infant room, placed the infant in a crib, and then went back to the main eating area leaving the infant alone in the infant room. The complainant reported that several times he/she has observed infant in cribs in the infant room with staff in the adjoining room leaving the infant alone in the infant room.

**Licensing Rules Relevant to the Complaint:**

109.12(2)a-d. 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.

109.8(2)c. Every child-occupied room has adult supervision in the room.

109.12(1)c. Program provides activities that promote fine and large gross motor activities

109.8(2). Ratio is maintained as required by Iowa code.

**Inspection Findings:**

An unannounced visit was conducted to Moser Preschool and Daycare on 6/3/2014. The following is based upon observations while on-site, face-to-face interviews with 4 separate staff on-site, and a face-to-face interview with director Candy Moser:

109.12(2)a-d. 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. RULE IS VIOLATED. Staff reported there was a

chair that had safety straps which was used as the time out chair. Staff described the chair as "small", "high chair", and "plastic". Ms. Moser verified the program used to have a "little booster seat" in the child's play area. Ms. Moser talked about how the children liked getting themselves in and out of the chair's safety straps. All four staff and the director talked about the chair being used for one particular 3-year-old child. Staff reported the 3-year-old child would be placed into the chair in a time out. Staff talked about how if the child would not sit in the chair for a time out, staff would use the safety straps to keep the child in the chair. One staff reported that "it didn't work" because the child would get up and walk around with the chair strapped to his/her back. Ms. Moser also reported "(the child) was in there...he was stuck...and staff let (the child) out...". Two staff reported the chair was used for multiple children. All four staff and Ms. Moser reported the chair broke and is no longer at the center.

109.8(2)c. Every child-occupied room has adult supervision in the room. COMPLAINT IS VALID. RULE IS VIOLATED. On 6/3/2014, 11 school-age children were observed watching a movie in the front room without any adult present. When staff was located and ask if they believed the movie was playing too loudly, staff responded yes and then to turn the movie's volume down. On 6/3/2014, three 2-year-old children were observed during nap/quiet rest in the 2-year-old room with no staff present. When located, the 2-year-old room staff reported the infant room staff was supposed to be watching the children in the 2-year-old room as well as the infants in the infant room by standing in the doorway. The infant room staff denied knowing the 2-year-old children were in the room alone or that she was supposed to be watching them.

109.12(1)c. Program provides activities that promote fine and large gross motor activities. COMPLAINT IS VALID. RULE IS VIOLATED. The program allows children age 2 through preschool-age to have only 30 minutes of outdoor time on days when the weather is "nice". Ms. Moser talked about how school-age children are allowed to have 2 to 3 hours a day outdoors. Ms. Moser talked about how she understands the importance of outdoor time that is why the school-agers get that much time outdoors. Ms. Moser stated the school-agers need to "wear off energy" outside. Ms. Moser also talked about how children age 2 through preschool age engage in exercise videos indoors and have lots of space to run around indoors.

109.8(2). Ratio is maintained as required by Iowa code. COMPLAINT IS VALID. RULE IS VIOLATED. As noted above, this rule was observed to be violated in the school-age area and 2-year-old room on 6/3/2014. Staff and Ms. Moser also reported there is an infant that tends to fall asleep during lunch time 2 or 3 times a week. All staff and Ms. Moser denied that the infant has not eaten any food before falling asleep. Staff reported when the infant falls asleep, they wait about 10 minutes to see if he/she will wake back up to eat more. Staff reported if not, they get the infant down, clean him/her up, and then place the infant in a crib in the infant room. Staff reported they then go back to the main eating area while the other children finish lunch. Ms. Moser verified this was happening stating "it's only for a few minutes". Staff report when lunch is complete, they get each infant out of the high chair one at a time. Each infant is cleaned up and then placed into a crib in the infant room. Staff reported infants are being left alone in the infant room during this process.

#### **Special Notes and Action Required:**

The license report dated 11/2013 stated the following: "A metal shed is being installed just outside the fenced in playground. Ms. Moser reported some items (including a skid loader) that she does not have space to store at her own home are going to be moved to the child care shed. Since the shed is going to be used to store a variety of items (not just child care items) ensure it is fenced off and not included in any of the children's outdoor play space (including the area used by the school-age children). Licensing also suggests you contact your legal person and insurance agent about storing such items (skid loader, camper, etc.) on the child care property." As discussed again on 6/3/2014, school-age children only can use the unfenced area behind the daycare. Prior to this happening, large brightly colored cones need to be set up (each time the school-age children use this area) establishing the parameter (the shed shall not be included in the parameter). Also, prior to this happening, the director's/owner's personal camper, vehicles, grill, and lawn mower need to be moved out of this area. The tarp hanging over the front of the metal shed shall also be removed. It creates a hiding area and supervision issue. Staff also need to be trained on their role and responsibility when school-age children are using this area. Staff need to be actively supervising the school-age children and positioning themselves in a manner that helps prevent children from running into the side alley adjacent the school property and/or the main road in front of the child care center.

The license report dated 11/2013 stated the following "Ms. Moser asked if hay could be used as a surface covering on the outdoor playground. It is important to note, hay is not a US CPSC approved cushion surface. Hay can be used a short-term solution to assist in covering areas of mud on the playground. However, a long-term solution (such as seeding) is required. Also, it may behoove you to contact the Iowa State Extension Office to discuss using large amounts of hay on the child care playground and whether there is any increased pest management issues related to doing this." On 6/3/2014, several areas of mud/dirt and areas of hay were observed in the fenced-in playground. This may be part of the reason staff are not using the playground for the younger children more often. Again, the hay shall be considered a temporary fix. Sod, shade seed, or a developmentally appropriate surfacing material shall be added so that young children can use the playground comfortably every day for extended periods of time. Remedy.

It should also be noted that ratio violations were observed in April, 2014, and documented in a complaint report.

In reviewing the previous year's license report and recent complaint reports, many of the rule violations noted in this report are carry-over citations. Ms. Moser has been given multiple tools (paperwork items, articles, etc.) as well as had a referral to Child Care Resource and Referral in an effort to have the program come into compliance. At this point, a pattern of disregard for the rules has been determined. As a result, the program's license has changed to provisional status.

Please forward a written corrective action plan within 10 days of receipt of this report. The written corrective action plan shall include staff/director professional training plans. Based upon the above complaint, the director and staff shall participate in professional growth training in the areas of positive discipline (PBIS) and the importance of outdoor play. Licensing strongly recommends you seek the assistance (in making corrections) of Child Care Resource and Referral agent Keri Griswold at 319-334-5900 or 1-855-299-0499 and/or the area's health consultant Marsha Platt at 319-292-2409.

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:**

06/06/2014

A handwritten signature in black ink, appearing to be the name 'Alyons', written in a cursive style.