

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

Name of Center: University of Dubuque Childcare Center	Enrollment: 66	License ID: 4131000057
Street: 1001 McCormick St	City: Dubuque	IA Zip Code: 52001
Mailing Address: 2000 University Ave		
Mailing City: Dubuque	IA Zip Code: 52001	County: Dubuque
Director's Name: Angela Schrodt	Center Phone Number: 563-585-7461	
On-Site Supervisors: same	E-Mail Address: ASchrodt@dbq.edu	

Date of Complaint: 4/1/2014

Date of Visit: 4/2/2014

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 _____ to _____

SUSPENSION of License

REVOCATION of License

Summary of Complaint:

On 3/19/14 a staff person "yanked" a 19 month old child by the arm when the child was not behaving at breakfast time. There is video of this occurring that the parent and staff have watched. The mother was called at 10:30am that day when the child continued to display that the child was in pain. The child was taken to the ER and diagnosed with "nurse maid elbow", and the elbow was popped back in place. The director defended the staff person and the staff person is still working at the center.

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.

109.10(10) Records indicate that incidents involving serious injury or significant change in health status are reported immediately to the parent.

Inspection Findings:

The center was visited for a scheduled visit to discuss these concerns on 4/2/14. DHS worker, Lisa Foley, was also present. The center director, Angela Schrodt, and staff Nicole were interviewed separately. The video footage was also reviewed with the director.

Angela was familiar with the incident and stated it happened on 3/19/14. Angela stated the child is prone to tantrum behavior. Angela stated she first became aware that there was a problem when the staff in the toddler room said the child was acting strangely since the morning. The staff took the child's temperature as the child had been crying. The staff noticed the child would cry more when the child's left arm was moved. Angela stated she came to the room to check the child. She stated she observed the child wincing. Angela stated staff Nicole reported that the child fell when Nicole took the child's arm to walk the child to the table. Angela stated she told the staff that she would review the security video. Angela stated she did that and observed staff Nicole take the child's hand to walk the child to the table. The child flopped down as the staff had the child's hand. Angela stated she could then see the staff use two hands (one hand under the child's armpit area and the other still holding the child's hand) to then pick the

child back up the child's feet and further assist the child back to the table.

Angela stated the incident happened at 8:45am. Angela stated she was called to the room at 9:15am. Angela stated she called the mother at 10:30am.

Angela stated staff Nicole has been at the center since September 2012. Angela stated she has not had any other previous concerns for Nicole.

Angela stated she reviewed the video with the mother on 3/31/14. DHS worker Lisa has met with the mother and child. Angela and DHS worker Lisa stated the mother expressed that the mother felt the staff was rough with her child and that it took over an hour for the center to call her. DHS worker Lisa stated the mother's other concerns were that the staff may be on their cell phones and are posting pictures online while supposed to be with the children, and the the number of incident reports for her child have gone up recently.

Angela stated after she reviewed the video, Angela did not feel that the staff was too rough. Angela stated she observes in the room on a daily basis. She stated she has even been in the room more often because they have been working with this particular child on behavioral issues. Angela stated the child is aggressive with other children, staff, and hurts self. The child will bite, kick, pull hair, etc.

Angela stated the staff have been completing incident reports for the child's behaviors. She stated she has attempted to get the mother to come in to talk about the child's behaviors. DHS worker Lisa stated the child's mother indicated other staff told the mother that staff Nicole admitted to being rough with the children.

A copy of the written incident report was reviewed. The incident report does not include the time that the incident occurred but indicates the parent was notified at 10:30am "by phone per Angela". The parent did sign the report.

The video was reviewed, and it was as described by Angela above as far as what was able to be seen. It is noted that the camera angles of the room did not allow full view of the staff and child during the actual handling of the child by the staff. The child was observed leaving the table during the meal or snack and staff Nicole got up from her table (not the same table that the child was eating at) to bring the child back to the table. There is no sound to the video. The staff did not appear to be angry. She did take the child by the hand, and the child then went limp to the floor. It was partially visible that the staff then used two hands to lift the child back up as described above. As she walked the child back to the table then she held the child's injured arm over the child's head from the opposite side of the child. She did not appear to know that the child's arm was injured at this time. The video further showed staff realizing something was wrong with the child and Angela then entering the room and conversations taking place between Angela and the staff trying to understand what was wrong with the child.

Staff Nicole generally described the incident as above and as was observed. She indicated that this child can be difficult to deal with. She stated the child is constantly aggressive. She stated the child has been in the toddler room just since 1/2014. She stated the child will direct anger at both staff and children.

It is noted that the staff was observed checking her cell phone during the meal/snack period. This activity is a concern as the staff should be engaged with program activities with the children and not on cell phone, and staff hands should remain clean during food service activities.

Special Notes and Action Required:

Angela stated she has an appointment with the local CCRR consultant who will be visiting the center tomorrow to begin working on the ITERS quality initiative with the center. It was recommended that Angela also ask the CCRR consultant to observe the room for other suggestions to improve the general quality of interactions between the staff and children in the toddler room so that activity planning and curriculum is more meaningful. Improvement in this area may likely improve or lessen the negative behaviors described. Angela should also investigate further trainings that the staff can enroll and take part in both for improving the quality of programming as well as dealing with negative behaviors. The CCRR consultant would also be an excellent resource for this information.

Angela did follow up with the licensing consultant by email on 4/7/14 indicating that Stephanie from CCRR did visit and observe as planned. Recommendations were made to improve the quality of interactions between the staff and children. Angela stated she and Stephanie brainstormed strategies. Angela stated she planned to meet with the staff as a group and review expectations. She states she then plans to begin going through ITERS with them, starting with the interaction portion. It is recommended that Angela continue to frequently observe and to document this work and progress with the staff.

It is determined that there are not specific licensing violations related to this incident. It has been reviewed with the director that though the staff person did not appear to be angry when handling the child, in the event that a child has to be physically assisted, that staff thoughtfully consider how to most safely handle the child especially if it is known that a child may have tendencies to resist. Though it took a bit of time to determine the child likely had received an injury, the director did contact the parent as soon as this was determined. No additional actions are required other than to follow up with the licensing consultant on the progress in development of curriculum, activity planning, and staff/child interactions in this room.

It is recommended that the center develop, monitor, and adhere to a firm policy regarding the non-use of cell phones by staff while they are in work status.

Heidi Hungate, MSW
DHS Child Care Licensing Consultant

Consultant's Signature:

Date:

04/28/2014

A handwritten signature in cursive script that reads "Heidi Hungate". The signature is written in black ink and is positioned to the left of the date.