



PRESS RELEASE

State of Iowa Office of Ombudsman

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Office of Ombudsman
Ola Babcock Miller Building
1112 East Grand Avenue
Des Moines, IA 50319-0231

Investigation of the Iowa Department of Human Services' Oversight of a Child Care Center

Contact: Ruth Cooperrider at (515) 281-3592 or 1-888-426-6283 toll free

DES MOINES – The Iowa Department of Human Services (DHS) failed to closely monitor a child care center after finding violations associated with children engaging in sexual behavior, the State Ombudsman concludes in a report released today.

The 83-page report is the culmination of an Ombudsman's investigation into complaints which alleged the DHS did not appropriately sanction the center despite significant problems in 2010. The matter involved the Child Development Center (CDC) in Des Moines, which is owned and operated by Children and Families of Iowa (CFI).

While no further sexual incidents were reported at the center, "this was in spite of the DHS dropping the ball," the report states. Ombudsman Ruth Cooperrider adds, "Our greatest concern was the failure by the DHS to visit the center over a crucial eight-month period after the incidents and to verify the center was correcting its problems in a timely manner."

A DHS investigator concluded center administrators ignored staff reports about a child who put his hands in other children's pants, according to the Ombudsman's report. The DHS investigator required the center to submit a written plan of how it would correct various violations and reduced the center's license to provisional status, roughly the equivalent of probation.

About two weeks later, the DHS received a new complaint about an incident in which several children engaged in sexual behavior while not being directly supervised at the center. The DHS investigator found several violations related to the incident and recommended the DHS should begin the process of revoking the CDC's license. While DHS management considered suspending or revoking the center's license, a DHS administrator decided against those options.

The Ombudsman's report does not conclude the DHS should have suspended or revoked the center's license. "We are willing to concede that the DHS should only use suspension or revocation in the most dangerous of situations because closing a center can be a significant hardship for many of the effected families," the report says. "However, the decision not to pursue a license suspension or revocation made it absolutely critical that the DHS closely monitor the CDC, primarily to ensure that the deficiencies surrounding children's sexual behaviors were corrected in a timely manner."

The DHS received the center's written plan of correction in June 2010. The DHS investigator documented that the center's plan did not address a requirement to remove visual obstructions – which impaired teachers' ability to see children – from the center's classrooms. That was the only record the Ombudsman found of a DHS employee determining, in 2010, whether the center's five-page plan of correction was acceptable.

After the DHS investigator's retirement, a DHS supervisor visited the center in July 2010 and documented the center had addressed the issue with visual obstructions. While DHS's policy describes return visits as "essential" when a center has a provisional license, the Ombudsman found DHS staff made no more return visits in the eight months that followed. "Incredibly," the report says, "DHS administrators apparently were not even aware of this failure until it was brought to light by our inquiries."

The report says the Ombudsman also determined the DHS:

1. Failed to provide timely notice to parents about seven founded child abuse reports that occurred at the CDC in spring 2010, contrary to Iowa Code section 237A.5(2)(k).
2. Did not take appropriate and timely follow-up action consistent with law regarding CDC's "Quality Rating" under the system authorized by section 237A.30.
3. Has not been providing child care consumers with regular informational updates on the Internet, contrary to Iowa Code section 237A.25(3)(b), concerning CDC and other licensed child care centers.

In response to the report, DHS Director Charles Palmer wrote: "We are responsible for assuring that minimum standards for the health and safety of children are being met by the licensed child care centers. We take this responsibility seriously. Our first and foremost responsibility is child safety. In addition to this we must also be able to assure parents the care their children receive is appropriate and we must respect the complexities child care centers experience in managing their business. We use a very deliberate approach in fulfilling these responsibilities."

The Ombudsman's report includes 13 recommendations to the DHS. Palmer's response indicates DHS has accepted or partially accepted seven of the Ombudsman's recommendations and has rejected five. DHS's response to one recommendation is pending a legislatively-mandated review.

Among the recommendations the DHS has accepted, highlights include:

1. Amend DHS's administrative rules to make it clear that incidents in which a child engages in age-inappropriate sexual behavior must be reported immediately to parents.
2. Amend DHS's administrative rules to require centers to post notice of actions to reduce the center's license to provisional status.

3. Provide clearer guidance to DHS staff regarding the types of circumstances where it would be appropriate to suspend or revoke a center's license, or reduce it to provisional status.
4. Amend department policy to reflect new procedures designed to ensure timely notification to parents when there is a founded child abuse report involving a licensed child care facility.
5. Develop and implement improvements to DHS's website so that child care consumers can obtain regular informational updates about centers, as required by Iowa Code section 237A.25(3).
6. Ensure that families who receive "Quality Rating System" referrals about child care centers are advised that the ratings represent a "point in time" assessment and may not reflect instances of non-compliance that have occurred since a center's current rating was determined.

One recommendation that was rejected concerns interpretation of Iowa law. Ombudsman Cooperrider believes the DHS is required to give a center notice and opportunity for a hearing when the DHS seeks to reduce the center's license to a provisional license. The DHS disagrees and contends the way it has used provisional licenses with providers has been successful.

A complete copy of Palmer's unedited response is appended to the Ombudsman's report. Also in reaction to the report, CFI Chief Executive Officer Gloria Gray wrote, "Many improvements have been made at our CDC since spring of 2010, a time when the CDC had recently experienced a change in leadership." Although the Ombudsman's investigation did not focus on the actions of the CDC or its employees, Cooperrider agreed to append a complete copy of Gray's letter to the report.

The Ombudsman's report was transmitted to the Governor and the Iowa General Assembly and made available online to the media and the public today. Copies of the Ombudsman's report are available at the Ombudsman's website at www.legis.iowa.gov/Ombudsman.

The Office of Ombudsman investigates the administrative actions of most state and local government agencies in Iowa, in response to complaints or on its own motion. Iowans can contact the Ombudsman at 515-281-3592. Callers living outside the Des Moines area can call toll-free at 1-888-426-6283. The office has a TTY that can be reached using the toll-free number, or at 515-242-5065. The fax number is 515-242-6007. The office email address is ombudsman@legis.iowa.gov.