

WHO IS MINDING YOUR CHILDREN? VA. NOT TELLING ALL ON DAY CARE WEB SITE GIVES SOME INSIGHT ON VIOLATIONS, BUT NOT PUNISHMENTS

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Parents of nearly 200,000 children in licensed day-care centers in Virginia can learn online if their child's center has violations. What the Web site won't reveal is whether the center was punished for them.

It takes more than a computer click to learn the names of centers that have been targeted for closing, placed on probation, fined or given another sanction for violations threatening the wellbeing of children. In 2004, 12 centers were informed that their licenses would be revoked or their renewals denied. The Times-Dispatch learned the names of these centers using the Freedom of Information Act.

Only two facilities actually closed, Winnie the Pooh Child Care Center in Portsmouth and Building Blocks Day Care, L.L.C. in Verona. Ten centers have appealed and are still open for business.

Another 18 centers were placed on probation for up to a year, and an estimated 60 centers were fined, some up to \$500 per inspection.

An undetermined number of centers were required to reduce capacity, freeze admissions, require training for employees and pay for it, notify parents in writing about health and safety violations, and forgo public funds.

Names of the centers with these sanctions could not be provided without another Freedom of Information Act request, said Charles Ingram, spokesman for the Virginia Department of Social Services.

Minor infractions and serious dangers discovered since July 1, 2003, at centers statewide have been available online since January at www.dss.state.va.us/facility/search/licensed.cgi to give parents details about the facilities serving children under the age of 13.

Nearly 95 percent of 2,600 centers had at least one violation last year. There are more than 600 standards for centers to meet.

With day-care violations commonplace and the state not classifying them as serious or minor on the Web site, The Times-Dispatch requested the names of the centers targeted last year for closing, the harshest sanction. By doing so, The Times-Dispatch discovered that sanctions are not posted, although Department of Social Services officials say they plan to do so. A time frame was not provided.

Parents can get sanction information about a specific center by calling the licensing inspector listed on the facility's Web site, Ingram said.

Most of the violations that led to the notifications of license revocations and renewal denials -- which are rarely enforced -- are on the Web site.

For example, the Web site includes information about two September incidents that may have led to a toddler's collarbone being broken at La Petite Academy on Courthouse Road in Chesterfield County:

Two boys ran and jumped on a girl, who appeared fussy afterward. The child lacked an appetite for lunch and was the first to go to sleep at naptime and the last to wake. The second incident involved a child rolling a "Little Tyke" stroller over the napping child's head, neck and shoulders until staff members intervened. One employee noticed the child "acted like it hurt" to be picked up. But three employees failed to tell the director about the incidents. Instead, the mother was advised that the child's crying and crankiness may have been due to constipation or strep throat. The broken collar bone was discovered later by a doctor.

What is not included on the Web site is a letter dated Dec. 20, 2004, informing the center that its license renewal was being denied, in part because of the incidents.

"Either or both of the aforementioned incidents could have been contributing factors; however, neither incident was relayed to the director of the center," the letter said. "Without all the information, the director was unable to make an informed decision when assessing the situation (and) the parent wasn't contacted in a timely manner."

Karen Craven, a spokeswoman in the national chain's corporate Chicago office, said the center reported the incident to the state as soon as the parent reported the hairline fracture. "We completely took accountability for that. There was a breakdown in communication that prohibited the director from knowing" and that's no longer the case, Craven said.

The center had previously been "sanctioned for failing to ensure children's care, protection and guidance," the letter said.

La Petite Academy was fined \$500 and placed on probation after a June 2003 incident. Its probation expired July 2004, two months before the collarbone incident. Violations have been found in 10 out of the last 12 inspections between Aug. 23, 2003 and Feb. 22, 2005. The Web site said the center can serve 121 children.

Last year, 246 centers were placed on "enforcement watch," meaning additional inspections were made to ensure compliance. Although enforcement watch is not a sanction, some centers with sanctions were placed on that status.

Licensed day-care centers are seldom closed by the Department of Social Services.

"Our goal is to work with them and have them stay open if they are salvageable. We do not want to put children out of day care. But we want to protect the health and welfare of children," said Lynne A. Williams, assistant director in the division of licensing programs.

Appeals can take a year or longer. Only fire and health officials can shut the facilities immediately, she said.

Some centers remain open through consent agreements, which are detailed plans to correct and prevent violations, Williams said. La Petite Academy is working on such an agreement.

In Richmond, Jo-Jo Child Care Center is waiting to hear whether its appeal of its license revocation will be upheld or denied. Last year, inspectors found numerous problems ranging from an altered criminal record check and a garbage-strewn playground, to 17 children watched by one employee during rest time.

An inspection in January showed that problems continue. Violations include a closet full of unlocked cleaning supplies, an employee lying with her face down on a rug in the infants' classroom while another employee worked with children, and a dirty toilet seat.

The center had been placed on probation and given a \$250 penalty on July 9, 2004, for "a continuing pattern of non-compliance and failure to ensure children's care, protection and guidance," said a sanction letter dated Dec. 21, 2004.

Violations were found during nine out of 10 inspections between August 2003 and January 2005. Its director, Louise Marseille-Smith, declined to comment.

Other information the social services department plans to track and possibly post on the Web site includes common violations, injuries and deaths, and the worst repeat offenders.

As to how a center ends up being targeted for closing, the answer isn't an exact science, Williams said.

"There is no hard and fast rule -- it's really a professional judgment," she said.

The more than 600 standards for day-care centers can be found at www.daycare.com/virginia/state.html.

Most centers get violations for paperwork, not child endangerment, said Natasha Edwards, director of the P.T.A.

Kinder Academy in Hampton. That center had been notified of license revocation in October and is waiting for an administrative hearing. Since Edwards became director in November, the center has been cited for violations such as misplaced files. The state would help parents by classifying violations online, she said.

"Parents don't know when looking at the Web site if violations are major or minor," she said.

High turnover caused by low wages is a serious problem for centers. Some employees quit to take fast-food jobs to earn more money, said Edwards, who once earned \$7 an hour as a day-care center teacher with seven years of experience. She has lost three employees in the past month.

"It's hard," she said, "to find good people with low pay."
Internet information

Some of the facts you can't find on the Department of Social Services Web site:

*The names of 12 centers that were told last year that their licenses would be revoked or renewals denied.

*The names of the 18 centers that were placed on probation for up to a year.

*The names of an estimated 60 centers that were fined up to \$500 per inspection.

*The number of centers that were required to reduce capacity, freeze admissions, require training for employees and pay for it, notify parents in writing about health and safety violations and forego public funds.

For information about training or filing complaints, call (800) 543-7545.

ILLUSTRATION: PHOTO

MEMO: FOI We used records open to you under Virginia's FOIA to report this article.

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DAY- CARE INSPECTIONS DATA AVAILABLE ONLINE

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Employees without criminal-record checks, bathrooms without soap and toilet paper, children without supervision - these were among thousands of violations inspectors found at Virginia's licensed day-care centers.

Problems have always existed at the centers, which serve more than 170,100 children statewide. But for the first time, anyone with access to the Internet can get the details. A parent can read about the violations at their youngsters' facility with the click of a mouse. Inspection information for 2,584 licensed child day-care centers, as well as licensed family day homes and short-term child day centers, is online at www.dss.state.va.us/facility/search/licensed.cgi. Plug in a ZIP code to get a list of facilities for a specific area.

Chances are your child's center has a violation or two. Inspectors found violations at nearly 95 percent of the licensed child-care centers last year, although records don't indicate whether the violations were serious or minor, said Charles Ingram, spokesman for the Virginia Department of Social Services.

But some violations were serious enough that 23 centers had their licenses suspended or revoked in 2004.

A spot check by The Times-Dispatch of hundreds of violations found potentially serious problems at licensed facilities in Richmond and the counties of Chesterfield, Hanover and Henrico. Inspectors often reported unlocked cleaning supplies, including bleach, bug spray and Lysol, that were accessible to children.

Other frequent violations concerned staff qualification and training. Many employees had not taken a TB test or had no criminal-background check or child protective service registry clearance. Inadequate supervision of children, whether inside or on the playground, or even during nap time, was another concern.

A few violations were scary.

One employee shook toddlers and flicked their heads with her fingers to get their attention. Another altered a criminal-record check to indicate an employee had been screened for a sex offense when that information hadn't

been requested.

An employee placed a 2-year-old, not potty-trained and suffering from "night terrors," in a dark bathroom because he was crying. Infants were placed on their stomach during naps. An inspector saw unsupervised children simulating sex acts.

Along with each cited violation is another link to corrective action taken. For example, the employee who shook children was fired. The altered criminal-record check couldn't be explained, but all files were to be locked up in the future.

Many violations stemmed from missing paperwork such as updated physicals and immunizations for children, no references or proof of first aid or CPR certification for employees, and a lack of documentation of recent fire and health inspections. Files also showed missing emergency contacts and authorization forms from parents for medications to be given.

Other violations included improper staff-to-children ratios, youngsters not strapped into high chairs, no soap in restrooms, dirty nap mats and employees not washing their hands after diapering babies.

Inspectors also saw torn diaper pads, uncapped outlets, exposed ground under swings, dirty bathrooms, menus not reflecting meals served and staff not eating lunch with children. One inspector saw mouse droppings.

Another inspector heard an employee, who works with toddlers, tell a child, "I'm going to take your toy and give it back to Santa Claus" and "Do not move . . ." to toddlers made to sit at a table for more than 30 minutes.

Feedback to the information has been overwhelmingly positive, said Social Services Commissioner Maurice Jones, who pushed for the online information.

"You want to help [parents] make informed choices, and their choices will influence the market. Who are the market movers? It's parents and their loved ones."

Jones said the agency wants to know "what more information will be helpful?"

The most pressing violations were in two areas: inadequate supervision and the need for more training, Jones said.

"The whole staffing challenge is a big one because there are individuals who are undercompensated and turnover is an issue. You have to constantly train, and on certain days you don't have enough people," he said.

Although The Times-Dispatch's random check found numerous employees lacking a criminal check or TB test,

Jones said that wasn't a systematic problem. Often, files are disorganized and the documentation is misplaced.

Only violations found after July 1, 2003, are online. There are no plans to include information prior to 2003 in the database, but paper files are available.

Every violation includes a disclaimer that "the Virginia Department of Social Services (VDSS) is not responsible for any errors in or omissions from the compliance history information."

The unannounced inspections take up to eight hours and are done at least twice a year. Sometimes complaints fueled the inspections. Last fiscal year, 538 of 1,172 complaints were founded. The online information indicates whether the violations stemmed from a complaint.

The 68 inspectors carry a heavy caseload as they monitor 4,397 facilities, including the 2,584 day-care centers. They also inspect family day homes and family day systems. Also, any of the 856 religious child-care facilities, which are normally exempt from inspections, are inspected if a complaint is received. About 20 more inspectors are needed to meet the national standard of one inspector for every 50 centers, Jones said.

So if thousands of violations exist in licensed facilities, what's happening in unlicensed facilities?

The agency has no way of knowing, Jones said.

"I don't want to imply that those centers we don't license don't pursue quality care within their walls. The challenge is I don't know what's going on," said Jones, who has a child in licensed day care.

"The biggest advantage of licensed facilities is you have outside eyes and ears going into these facilities at least twice a year looking at .*.*. the quality of care your children are receiving," he said. In unlicensed facilities "you run the risk as a consumer of having much less information."

Suzanne Johnson, president of Virginia's Voices for Children, said, "Any tool that effectively helps parents know more about the quality of care for their children is an important step, and we applaud this. It's often hard for parents to know what is going on, yet it's so vital."

Virginia joins a dozen states with online inspection information. Even if parents don't visit the Web site to read violations, they should see them at the facility. A law effective last fall requires the centers to post them.

On the Internet

Parents can read about violations at their child's licensed day-care center at <http://www.dss.state.va.us/facility/search/licensed.cgi>.

Plug in the center's name or a Zip code. Click on the link of the center you wish to examine.

ILLUSTRATION: Photo

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