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LATE
Testimony

February 5, 2009

MEMORANDUM

TO: The Honorable John M. Mizuno, Chair
House Committee on Human Services

FROM: Lillian B. Koller, Director

SUBJECT: **H.B. 155 - RELATING TO INFANT AND TODDLER CHILD CARE
CENTERS**

Hearing: Thursday, February 5, 2009; 8:15 a.m.
Conference Room 329, State Capitol

PURPOSE: The purpose of H.B. 155 is to require the Department of Human Services (DHS) to adopt rules to implement a standardized set of procedures to accommodate complaints and grievances against infant and toddler child care centers and to publicize those procedures on the DHS website.

DEPARTMENT'S POSITION: The DHS acknowledges that this measure has merit, however, given the current fiscal difficulties, it would not be prudent to pursue enactment at this time if the intent regarding publication of the procedures entails utilizing other types of information dissemination, other than posting it on the DHS website, that would incur a cost to the Department.

In clarifying Section 1 of H.B. 155, the Hawaii Administrative Rules (HAR) §17-895-6 requires the facility to have written operation policies on various issues that need to be made available to parents or guardians who enroll their children at the facility.

HAR §17-895-6(a)(17) states that the operation policies should include a statement

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about the facility's grievance policy. This grievance policy is to inform parents of the facility's procedure on how concerns and complaints that are brought to the facility staff's attention will be addressed.

The DHS conducts complaint investigations in accordance with the Hawaii Revised Statutes §346-153, Records of deficiencies and complaints; release to public. The DHS receives complaints about child care providers from the public (i.e. parents, staff in child care facilities, neighbors of child care providers, other agency personnel, etc.) and conducts an investigation if there is an alleged law or administrative rule violation. The complaint report is made a part of the licensed facility's record and is considered public information. When looking for a child care provider, parents are encouraged by the Child Care Resource & Referral Service, operated through a DHS contract with PATCH (People Attentive To Children), to contact DHS to inquire about whether the child care provider is licensed, the status of the provider's license, and whether there are any complaint reports on file.

Currently, there is information available on the DHS website that states that the DHS Child Care Licensing Units conduct complaint investigations on all child care providers. However, the DHS is willing to expand the information that is already on the website to include the complaint and investigation process.

Thank you for the opportunity to provide comments on this bill.

Testimony in Favor of Bill # HB155

Thank you allowing me to testify in favor of this bill.

I am a mother of two children, both of which had gone to the same preschool agency at different locations. One child had no problems during his preschool years. My other child attended the same preschool agency but at another location. At the start of the preschool, my son seemed happy.

However, as time went by personal items such as my son's soiled clothing, slippers, and security blanket was missing. I did alert the staff. Some items were found, others was lost.

Other observations made were that an instructor was falling asleep while on duty, the school confirmed that and apologized. Instructors were also observed not tending to the children or greeting parents timely. The instructors were observed being preoccupied with other issues such as reading their college textbook, on cell phones, coming to work late, on a laptop computer, and ordering/eating breakfast.

I did report this to the director, and had an agreement that she would provide early morning oversight to the instructors. Weeks went by and I did not see the director in the early morning to provide any oversight over the instructors.

Then one day, my son came home with a rash like abrasion on his left posterior and lateral armpit area. When I questioned my son, he said he got this from school. His statements were somewhat confusing coming from a three year old, but said it was from school. My son was basically okay and I know that injuries happen at school however I wanted an injury report from the school. I called and left a message with the school director and asked that a report be made. I was not able to get someone to write a report until three days later.

There was an issue in which we felt that my son was being discriminated against since he had a security blanket. An instructor had stated that my son at his age should not have a blanket, and there were other observations made to validate this issue. I brought this issue up and met with the regional director, site director and two instructors. They did not agree on the discrimination issue, however agreed to pursue site educational trainings on developmental education to the staff. The curriculum was to be shared with us. That did not happen.

One day, my son came home from preschool and threw down his blanket on the ground and said that the instructor told him not to bring his blanket to school (this was observed by myself and my husband). Up to that point, I was relatively tolerant of the observations and issues above, but when this happened, I proceeded to file a formal complaint.

I then went back to the preschool and asked the site director for their policy and procedure for a formal complaint, she told me to call the owner to make a complaint. I then called in the complaint and received no calls until four days later. I notified him of the complaint. I did tell him that I met with the site director, the regional director, and two instructors and for him to get that report. Evidently no report was made. One month had passed since we filed a formal complaint. We waited for a

response from the owner regarding the complaint. Since it was a month later, I called him. Evidently, he forgot about the complaint.

Now, during the time we waited for a response, we received retaliation from the instructors in forms of inappropriate incident reports (two reports in a two week period). The owner validated these reports submitted on my son as "inappropriate". Also a letter from the instructor was written to myself, which was very, very, very inappropriate. I immediately called the owner and faxed over the letter. The owner immediately reprimanded the instructor, stating, "do you think you are a child psychiatrist?".

We then immediately had a meeting. There was an agreement that a response would be given to us within thirty days. The response wasn't received within thirty days. When I called the owner, he said that the response was done two days after the meeting. Approximately 50 days later, I did receive the response.

I basically was satisfied with the response from the owner of the agency, but was very upset about the formal complaint process. We had to go through meetings with no notes taken, actions stated, but not followed, retaliation, and most of all untimely resolution. After going through this process, I don't feel that these providers are held accountable on the seriousness of public complaints. I don't feel that a parent or any public entity should have gone through what I went through. I then spoke to DHS, and discussed these issues pertaining to the complaint/grievance process.

DHS said that the administrative rules in 17-895-6(17), Statement of operation policies, only states that an agency must have a "statement of grievance procedures". There is also no law currently on reporting complaints/grievance procedures for these providers. I thought this was very inappropriate and that's why the provider was so lax.

I proceeded to obtain assistance from Representative Takai to introduce legislation that there be standardize directive and have the providers provide public information on the State's infant and childcare center complaint/grievance process. Childhood care providers need to know that any complaint or grievance is a priority and not something to just forget about. The providers need to be held to written intake of complaints and timely attempts at resolution without fear of retaliation. The State as overseers of this entity need to know if complaints are also being addressed. At this time, the department has no required reports on complaints that have been filed or the seriousness of the complaints.

Children are a vulnerable population of individuals who must have additional support and directives in the complaints and grievances processes to not only protect the children, but to foster better accountability and service quality from our providers.

Thank you for allowing me to provide this testimony. Please approve this bill for it contains valuable directives to protect our children.

Sincerely,

Signed KI

Kathleen Ishihara, Mom