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The Day-Care Threat

Overcrowded day cares 'a recipe for disaster'

BY JEREMY OLSON; BRAD SCHRADER AND GLENN HOWATT



- **When care providers take too many children, dangers multiply. Several sites of child-care deaths had been cited for capacity violations.**

Beverly Greenagel was supervising 18 children -- six more than the law allowed -- on the day that Dane Ableidinger died in her care.

She watched from her kitchen window as some of the kids hurled water balloons in the back yard. Her assistant, an untrained 12-year-old, played video games with other children in a downstairs room next to where Dane slept.

Neither one saw the 3-month-old struggling to lift his head from the folded blanket on the floor where he had been placed on his stomach for a nap. An hour passed before the helper peeked in and saw the infant's face embedded in the flannel blanket. She rolled him on his side and screamed.

"Oh, um," the panicked girl said in a 911 call. "There's a baby dead."

In the weeks that followed, detectives and child-care regulators identified a series of errors by Greenagel. But in many ways, all the mistakes traced back to one overriding problem -- Greenagel simply had too many kids in her care.

Dane's death last Aug. 18 illustrates a dangerous and at times deadly problem in Minnesota's licensed family child-care facilities: overcrowding. A Star Tribune investigation of licensing violations and child-care deaths shows that eight of 52 deaths since 2007 occurred in licensed homes that had been cited for capacity violations, either before or at the time children died.

In some cases, providers were so preoccupied with other children that they didn't monitor babies who died in their sleep. In others, the capacity violations were warnings of trouble to come.



RICHARD TSONG-TAATARI

Stephanie Ableidinger released balloons last month in memory of her son Dane's first birthday.



Photos by RICHARD TSONG-TAATARI • rtsong-taatarii@startribune.com

After hosting a toy collection party to benefit sick and abused kids, Mac and Stephanie Ableidinger released balloons at their Eagan home to honor their son, Dane.

"If you only have one person with 13 kids and there's a fire, how is that person going to be able to get all of those 13 kids out?" said Ollie Smith, executive director at Child Care Aware of America, a watchdog group that researches day-care quality and state child-care policies. "How is that person going to oversee a child that is ... going into the kitchen and getting a bottle of Clorox ... when the rest are off doing something else?"

In response to the Star Tribune's investigation, the state this month issued stronger safety guidance to licensed family homes and warned of stiffer penalties for capacity violations.

"Any time a place is over capacity, it's immediately risky, in our minds," said Jerry Kerber, inspector general for the Minnesota Department of Human Services.



Baby in a closet

Some providers ignore capacity rules because more children mean more money. Others wind up in dilemmas when parents drop off children at unscheduled times, or have new babies and want them in day care with their siblings.

Providers often ask county licensors for exceptions in the summer, when the children of visiting friends or relatives put them over capacity, said Helen Washington, who directs inspections of licensed family homes in Hennepin County.

Still, state records examined by the newspaper reveal startling capacity violations -- and cases where providers used lies and deceit to cover them up.

When an inspector showed up at Lynn Bircham's day care in Cottage Grove last December, Bircham tried to hide her capacity violation by tucking one infant in a bouncy seat into a closet and propping a bottle in the baby's mouth.

More than an hour passed before the inspector found the baby.

In another case, provider Cindi Tomlinson told an inspector on an October 2007 visit that she had one infant in her care. On searching the house in Fairmont, Minn., the inspector found a second infant, surrounded by blankets on a bed, who put her over capacity.

Inspectors returned to Tomlinson's home on Sept. 7, 2010, and again found her caring for too many children. This time, they had been summoned because 3-month-old Ainsley Eytcheson had died there.

A coroner eventually ruled that Ainsley died in her sleep from a bronchial infection, and the state didn't fault Tomlinson for the death. But regulators still shut down her day care, in part because it was over capacity.

Ainsley's parents still wonder what might have prevented her death, and whether fewer children would have given Tomlinson time to check on their daughter and save her.

"Our infant daughter needed almost constant care," said Marcus Eytcheson, Ainsley's father. "She obviously didn't get it."



'Tragic example'

Beverly Greenagel, too, had a history of capacity violations; she was cited in 1984 and 1994.

On the day Dane Ableidinger died, Greenagel was in charge of five school-age children, eight preschoolers, two toddlers and three infants, records show. It was the day of her popular "water wars" event for children, and she had prepared by asking a 12-year-old former client to help out. By law, helpers must be 13 or older. But even if the girl had been a year older, or a fully trained adult, Greenagel still had too many infants and toddlers.

Greenagel did not return phone calls from the Star Tribune to explain why she accepted the care of so many children or why she put Dane to sleep on his stomach on a bedroom floor -- a violation of longstanding policies requiring that infants sleep on their backs in cribs.

But in a ruling last November on Greenagel's license, Administrative Law Judge M. Kevin Snell offered a hypothesis. He noted that one child had just awakened from a nap; that freed up a crib, but its sheet was soiled. Snell speculated that Greenagel put Dane on the floor because she "knew she couldn't supervise the other 17 children properly while she was changing a crib sheet."

The judge called the death a "tragic example of why the laws and rules on licensed capacity" exist.

In Minnesota, with few exceptions, a lone in-home caregiver can have a maximum of three infants and toddlers when caring for a total of 10 children, or two infants and toddlers when caring for 12 children total.

Detecting violations can be difficult. County inspectors count children in licensed homes, but those homes are inspected only once every year or two, unless there are complaints.

In some counties, inspections often take place in the same month each year, giving providers time to prepare.

Operators of federally funded child-care nutrition programs are required to help by reporting violations they see when they provide dietary training at licensed homes.

Kerber said legislation passed last month might help identify more day cares that are over capacity, because it requires them as of 2013 to record when children come and go from their care.



Tighter limits?

Even when caregivers operate within Minnesota's rules, however, some child-safety advocates believe that's not good enough. In a 2011 report on state child-care policies, Child Care Aware of America faulted Minnesota for setting capacity limits too high. The group urged all states to cap licensed homes at eight children, with only two infants or toddlers when older children are present.

Fifteen states are more stringent than Minnesota, limiting licensed homes to two infants or toddlers or fewer.

Oklahoma is often held up nationally for its child-care licensing and oversight. The state caps the total number of children in licensed family care at seven, if there's an infant present and just one adult. Higher caps increase the risk to children, said Kristi Simpson, Oklahoma's statewide licensing coordinator.

"If you are a small home and you have space for seven kids, and you have 14 kids, that's a recipe for disaster," Simpson said.

Minnesota regulators are reviewing whether the state's capacity limits are too high, and considering tougher penalties.



Serena Gragert, above right, had lunch with Tamara Stanoch, left, and their children at St. Vincent de Paul Cemetery in Osseo, where her infant son is buried.

Serena Gragert questioned capacity limits in Minnesota after 2008, when her 7-week-old son, Alexander, died in day care. Her Brooklyn Park provider was not faulted for the death, but Gragert still wonders if her former "day-care lady" was too busy with other kids to monitor her son. Nobody had checked on him for 90 minutes before he was found not breathing.



Gragert's son Sybar, 3, played by Alexander's grave. The baby was 7 weeks old when he died. In the striped shirt is Stanoch's daughter, Sydnee, 2½.

"People that are enforcing these need to [see what it is like to] have 10 kids in their care," said Gragert, whose Baby Angels Foundation supports parents who lose infants to unexplained deaths. "I think 10 for one person is a lot."



'Completely illegal'

Among in-home facilities cited by the state for licensing violations since 2009, the Star Tribune found more than 70 homes where the problem was too many children. One provider was in charge of 18 kids when a toddler wandered into the street and was nearly hit by a car. Another, with 12 children in her care, left one at a restaurant and didn't realize it until hours later when the parent arrived at her home for pickup.

Katy Chase, the state's top advocate for in-home child-care providers, noted that overall, the number of capacity violations is small, compared with the 11,500 licensed day-care homes. Still, she added, "It's completely illegal to be over capacity."

Her group, the Minnesota Licensed Family Child Care Association, takes part in the federal child-care food program and sends workers each year on more than 2,000 trips into homes to provide dietary training and to spot violations.

Minnesota's 1,500 licensed child-care centers -- bigger facilities, with more employees -- also have been cited for staffing violations. Several have been fined since July 2010, often when they had workers covering infant rooms while also staffing rooms for toddlers or older

children. But of two deaths reported since 2007 in licensed centers, neither was linked to staffing.

The risk created by too many children might be greater in family child-care settings, where one provider can get spread thin by a large number of children, said Richard Chase, who has conducted several child-care studies for St. Paul-based Wilder Research.

"The caregivers are there alone," he said, "whereas they're never going to be alone at a center."



Bloody blanket

Beverly Greenagel had been a licensed child-care provider since 1976. She had won commendations from mayors and governors. Nevertheless, investigators believe she took several steps to cover up her errors immediately after discovering Dane's death in her home.

While her helper called 911, Greenagel held the infant with her left arm, folded the blanket with his blood spots on it, and stacked it with other blankets, state records show.

When she heard the helper tell the 911 operator that the child was dead, records suggest she rushed to take the phone.

"No, it's not dead," she said. "Well, he rolled over and bumped his head."

Greenagel later told investigators she had put the boy to sleep on his back in a crib and that only 14 children were in her care. As a detective took the young helper for questioning, Greenagel stepped between them and, according to court documents, "whispered words to the effect of, 'Remember, I put [him] down to nap in a crib.'"

These allegations only add to the pain of Dane's parents, Stephanie Ableidinger, a hair stylist, and Mac Ableidinger, a postal worker. Stephanie has suffered stress-induced seizures in her grief.

The Ableidingers declined to discuss details of the tragedy for this story. They have been quietly creating a website and a public campaign to educate parents on researching child-care options. Legislation in Dane's memory is being considered at the State Capitol, perhaps to increase unannounced inspections or to reduce capacity limits.

On April 28, in memory of their son's first birthday, they held a toy collection party at the Eagan Civic Arena to benefit sick and abused children. After collecting nearly 300 toys, the Ableidingers returned home, released balloons from the party into the spring sky, and said a prayer for the safety of other children.
