



Andy Beshear
GOVERNOR

**CABINET FOR HEALTH AND FAMILY SERVICES
OFFICE OF INSPECTOR GENERAL**

Melissa A. Moore, Director
Division of Regulated Child Care
Eastern Branch
455 Park Place, Suite 120A
Lexington, KY 40511
Phone: (859) 246-2301 Fax: (859) 246-2307
<https://chfs.ky.gov/agencies/os/oig>

Eric Friedlander
SECRETARY

Adam Mather
INSPECTOR GENERAL

Inspection Report

Provider Name: Room to Grow Learning Center, Inc	Provider Information	License No: L358479
Provider Address: 1836 South Main Street, Paris, KY, 40361	Provider Type: LICENSED TYPE I	Capacity: 36
Owner(s): Room To Grow Learning Center Inc.		Director(s): Marshall, Samantha Ann

Inspection Type: Investigation	Inspection Information	Inspection No: 191992
Visit Start Date: 08/19/2015 3:08 PM	Visit End Date: 08/19/2015 3:37 PM	
	No. of Children Present: 19	

Inspection Report

Supervision

5 - Children Supervised

In Compliance

922 KAR 2:120. Section 2. Child Care Services.

- (3)(a) Each center shall maintain a child-care program that assures each child will be:
1. Provided with adequate supervision at all times by a qualified staff person who:
 - a. Ensures the child is within scope of vision and range of voice; or
 - b. For a school-age child, within scope of vision or range of voice;

Staffing Requirements

40 - Ratios and Group Size

In Compliance

922 KAR 2:120. Section 2. Child Care Services.

- (2) Minimum staff-to-child ratios and group size for an operating child-care center shall be maintained as follows:

Age of Children Ratio Maximum Group Size*

Infant

1 staff for 5 children 10

Toddler

1 staff for 6 children 12

Preschool-age 2 to 3 years

1 staff for 10 children 20

Preschool-age 3 to 4 years

1 staff for 12 children 24

Preschool-age 4 to 5 years

1 staff for 14 children 28

School-age 5 to 7 years

1 staff for 15 children 30

School-age 7 and older

1 staff for 25 children

(for before and after school) 30

1 staff for 20 children

(full day of care) 30

*Maximum Group Size shall be applicable only to Type I child-care centers.

Inspection Report

General Administration

140 - Staff Conviction/Substantiation

Not In Compliance

922 KAR 2:110. Section 5. Staff Requirements.

(2) A child-care center shall not employ a person:

- (a) Convicted of, or who entered an Alford or guilty plea to, a crime pursuant to 922 KAR 2:090, Section 6(6);
- (b) Found by the cabinet to have abused or neglected a child, pursuant to 922 KAR 1:470;
- (c) Placed on the Sex Offender Registry; or
- (d) Determined by a physician to have a health condition that renders the person unable to care for children.

Findings:

General: Based on Observation upon arrival into the facility at approximately 3:08 p.m., the surveyor observed a staff person working alone with five (5) children ages two (2) years old. The staff person stated she had been employed at the day care facility for four (4) weeks. File review found that the staff person has a substantiated child neglect charge on the central registry. Based on the documentation the substantiated finding was issued on 5/6/14. The staff person in charge stated that she does not handle the paperwork and that her Director must have overlooked it. Based on documentation the child abuse/neglect check was processed on 8/13/15. Per interview, the document was received in the mail on Saturday 8/15/2015. The staff person was not discharged immediately because the owner and Director overlooked the results of the central registry check.

Director Requirements

265 - Health, Safety, Comfort

Not In Compliance

922 KAR 2:110. Section 4. Director Requirements and Responsibilities.

(1) Effective with the adoption of this administrative regulation, a director shall:

- (I) Provide for the health, safety, and comfort of each child;

Findings:

General: Based on Observation upon arrival into the facility at approximately 3:08 p.m., the surveyor observed a staff person working alone with five (5) children ages two (2) years old. The staff person stated she had been employed at the day care facility for four (4) weeks. File review found that the staff person has a substantiated child neglect charge on the central registry. Based on the documentation the substantiated finding was issued on 5/6/14. The staff person in charge stated that she does not handle the paperwork and that her Director must have overlooked it. Based on documentation the child abuse/neglect check was processed on 8/13/15. Per interview, the document was received in the mail on Saturday 8/15/2015. The staff person was not discharged immediately because the owner and Director overlooked the results of the central registry check.

Employee Records

300 - Background checks/left alone

Not In Compliance

922 KAR 2:090. Section 6. License Issuance.

(5) An individual described in subsection (4) of this section shall:

- (a) Submit to background checks described in paragraph (b) of this subsection;
- (b) May be employed or work with a child on a probationary basis for up to ninety (90) calendar days, pending completion of a:
 - 1. Child abuse or neglect check using the central registry in accordance with 922 KAR 1:470;
 - 2. Criminal records check required by KRS 199.896(19);
 - 3. Criminal records check for any previous state of residence if the person resided outside the state of Kentucky in the last five (5) years; and
 - 4. An address check of the Sex Offender Registry; and
- (c) Not be left alone in the presence of a child until copies of the background checks in accordance with paragraph (b) of this subsection have been received by the licensee.

Findings:

General: Based on Interview and review of documentation, the surveyor found that three (3) staff were recently employed. File review found that the new staff signed paperwork on 7/31/15 indicating their hire date. However, the staff person in charge stated the staff did not officially start employment until 8/10/15. A review of the staffs' criminal records checks found that they were not requested until 8/18/15 which is in violation of KRS199.896(19).

305 - Background checks/discharged

Not In Compliance

922 KAR 2:090. Section 6. License Issuance.

(6) Upon completion of background checks described in subsection (4)(b) of this section, a licensee shall discharge immediately:

- (a) An individual whose name is listed on the central registry established by 922 KAR 1:470;
- (b) An individual who has been convicted of, or has entered an Alford plea or a plea of guilty to, a crime in accordance with KRS 17.165;
- (c) An individual who is confirmed by an address check of the Sex Offender Registry and supporting documentation as a registered sex offender;
- (d) An individual who has been convicted of, or entered an Alford plea or plea of guilty to, a drug-related felony, and five (5) years has not elapsed since the person was fully discharged from imprisonment, probation, or parole;
- (e) A director who has been convicted of, or entered an Alford plea or a plea of guilty to, a felony offense involving fraud, embezzlement, theft, or forgery; and
- (f) An individual who has been convicted of, or has entered an Alford plea or a plea of guilty to, an offense under a criminal statute of the United States or of another state similar to an offense specified in this subsection.
- (7) An individual who has been convicted of, or entered an Alford plea or a plea of guilty to, a nonviolent felony or misdemeanor not specified in this section shall be handled on a case-by-case basis by the licensee with consideration given to the:
 - (a) Nature of the offense;
 - (b) Length of time that has elapsed since the event; and
 - (c) Individual's life experiences after conviction, Alford plea, or guilty plea.

Findings:

General: Based on Observation upon arrival into the facility at approximately 3:08 p.m., the surveyor observed a staff person working alone with five (5) children ages two (2) years old. The staff person stated she had been employed at the day care facility for four (4) weeks. File review found that the staff person has a substantiated child neglect charge on the central registry. Based on the documentation the substantiated finding was issued on 5/6/14. The staff person in charge stated that she does not handle the paperwork and that her Director must have overlooked it. Based on documentation the child abuse/neglect check was processed on 8/13/15. Per interview, the document was received in the mail on Saturday 8/15/2015. The staff person was not discharged immediately because the owner and Director overlooked the results of the central registry check.

Signature of
Provider/Representative

Title

Date