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Inspection Report

Provider Name: Fun Days Learning Center	Provider Information	CLR No: L383343
Provider Address: 1104 Columbia Street, Newport, KY, 41071	Provider Type: LICENSED TYPE I	Capacity: 30
Owner(s): Kendall, Lora Lynn		Director(s): Kendall, Wanda

Inspection Type: Investigation	Inspection Information	Inspection No: 307587
Date Initiated: 05/26/2021 11:00 AM	Date Concluded: 05/26/2021 2:39 PM	
	No. of Children Present: 18	

Inspection Report																																																							
Supervision	In Compliance																																																						
Staffing Requirements	Not In Compliance																																																						
125 - Ratios and Group Size	Not In Compliance																																																						
<p>922 KAR 2:120. Section 2. Child Care Services. (2) For an operating child-care center, minimum staff-to-child ratios and group size shall be maintained as established in the table established in this subsection.</p> <table border="1"> <thead> <tr> <th>Age of Children</th> <th>Ratio</th> <th>Maximum Group Size*</th> </tr> </thead> <tbody> <tr> <td>Infant</td> <td></td> <td></td> </tr> <tr> <td>1 staff for 5 children</td> <td>10</td> <td></td> </tr> <tr> <td>Toddler 12 to 24 months</td> <td></td> <td></td> </tr> <tr> <td>1 staff for 6 children</td> <td>12</td> <td></td> </tr> <tr> <td>Toddler 24 to 36 months</td> <td></td> <td></td> </tr> <tr> <td>1 staff for 10 children</td> <td>20</td> <td></td> </tr> <tr> <td>Preschool-age 3 to 4 years</td> <td></td> <td></td> </tr> <tr> <td>1 staff for 12 children</td> <td>24</td> <td></td> </tr> <tr> <td>Preschool-age 4 to 5 years</td> <td></td> <td></td> </tr> <tr> <td>1 staff for 14 children</td> <td>28</td> <td></td> </tr> <tr> <td>School-age 5 to 7 years</td> <td></td> <td></td> </tr> <tr> <td>1 staff for 15 children</td> <td>30</td> <td></td> </tr> <tr> <td>School-age 7 and older</td> <td></td> <td></td> </tr> <tr> <td>1 staff for 25 children</td> <td></td> <td></td> </tr> <tr> <td>(for before and after school)</td> <td>30</td> <td></td> </tr> <tr> <td>1 staff for 20 children</td> <td></td> <td></td> </tr> <tr> <td>(full day of care)</td> <td>30</td> <td></td> </tr> </tbody> </table> <p>*Maximum Group Size shall be applicable only to Type I child-care centers. (b) The age of the youngest child in the group shall determine the: 1. Staff-to-child ratio; and 2. Maximum group size.</p>		Age of Children	Ratio	Maximum Group Size*	Infant			1 staff for 5 children	10		Toddler 12 to 24 months			1 staff for 6 children	12		Toddler 24 to 36 months			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	
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<p>General: Based on observation and interview during an onsite investigation conducted on 5/26/2021, the facility failed to comply with staffing requirements. The surveyor arrived at the facility at approximately 11:00 a.m. and toured the facility. At approximately 11:05 a.m., the surveyor entered the outdoor play area and observed eighteen (18) children with two (2) staff. Interviews with staff found the youngest child was three years old and the oldest child was ten years old. A staff member who toured the facility with the surveyor stated she was in charge of one of the classroom observed on the playground. It should be noted that when the surveyor arrived, this staff person was in the office with the staff person in charge.</p>																																																							

Inspection Report

General Administration

Not In Compliance

210 - Licensee Responsibility

Not In Compliance

922 KAR 2:090. Section 8. General.

(1) A licensee shall:

- (a) Be responsible for the operation of the child-care center pursuant to this administrative regulation, 922 KAR 2:120, and 922 KAR 2:280; and**
- (b) Protect and assure the health, safety, and comfort of each child.**

Findings:

General: Based on interview, on 5/21/2021 a staff person heard another staff person cursing at a child because he could not pull up his pants while changing his clothing after water play. The staff person then looked into the classroom and observed the staff person attempt to pull up the child's pants without unzipping the zipper. The staff person stated that the waistband of the child's pants were caught on his bottom. The staff person in the room then got mad and pulled the child toward her in a harsh manner, causing him to fall on his back making a very loud noise as he hit the floor. The staff person left the child on floor, as she continued to scream and curse at the child, because he could not pull up his pants unassisted. This was also confirmed through interview with the child conducted by the Department for Community Based Services (DCBS). Further interviews with staff found that the staff person remained in the classroom with another staff person until she left for her break. However, the staff person came back to the facility after her break and remained in the classroom with another staff person until she left at 4:00 p.m. Further interviews with staff found this same staff person has been observed screaming at a female child because she wet her pants and was observed throwing cots in the hallway because she had been reprimanded for laying on the floor under a blanket instead of supervising and interacting with the children in the room.

250 - Child Abuse/Neglect Report

Not In Compliance

922 KAR 2:090. Section 13. Reports.

- (2) An incident of child abuse or neglect shall be reported to the cabinet pursuant to KRS 620.030.**

Findings:

General: Based on interview and review of documentation, it was found that a report of suspected physical abuse by a staff person at the facility was not reported to the proper authorities by the facility. On 5/21/2021 a staff person heard another staff person cursing at a child because he could not pull up his pants while changing his clothing after water play. The staff person then looked into the classroom and observed the staff person attempt to pull up the child's pants without unzipping the zipper. The staff person stated that the waistband of the child's pants were caught on his bottom. The staff person in the room then got mad and pulled the child toward her in a harsh manner, causing him to fall on his back making a very loud noise as he hit the floor. The staff person left the child on floor, as she continued to scream and curse at the child because he could not pull up his pants unassisted. This was also confirmed through interview with the child conducted by DCBS.

275 - Abuse/Neglect Report Procedure

Not In Compliance

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

(3)(b) The program shall include:

- 1. A procedure to ensure compliance with and inform child care staff of the laws of the Commonwealth pertaining to child abuse or neglect set forth in KRS 620.030;**

Findings:

General: Based on interview and review of documentation, it was found that staff were unclear as to the policy for reporting suspected abuse or neglect. The staff person in charge as well as other staff indicated they were unsure of who to make a report of suspected child abuse or neglect to and were unsure where phone numbers are located to make such a report. The facility had a packet of information regarding the reporting of suspected child abuse or neglect that was presented at the time of the investigation.

Director Requirements

Not In Compliance

335 - Staff Management/Policy Development/Supervision

Not In Compliance

922 KAR 2:090. Section 10. Director Requirements and Responsibilities.

(1) A director shall:

- (e) Manage the staff in their individual job descriptions;**
- (f) Assure the development, implementation, and monitoring of child-care center plans, policies, and procedures;**
- (g) Supervise staff conduct to ensure implementation of program policies and procedures;**

Findings:

General: Based on interview, it was found that staff are unsure of the facility's policies and procedures for reporting suspected child abuse and neglect. Further interview found they were not familiar with the location of phone numbers and agencies to report suspected abuse or neglect.

Programming

Not In Compliance

425 - Practice Appropriate Self-Help Procedures

Not In Compliance

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

(4) The child-care center shall provide a daily planned program:

- (d) Unless the child-care center is a before- or after-school program that operates part day or less, that offers a variety of creative activities including the following:**

11. An opportunity for a child to:

c. Practice developmentally appropriate self-help procedures in respect to:

- (i) Clothing;**
- (ii) Toileting;**
- (iii) Hand-washing; and**
- (iv) Eating;**

Findings:

General: Based on interview, it was found that on 5/21/2021 a staff person heard another staff person cursing at a child because he could not pull up his pants while changing his clothing after water play. The staff person then looked into the classroom and observed a staff person attempt to pull up the child's pants without unzipping the zipper. The staff person stated that the waistband of the child's pants were caught on his bottom. The staff person in the room then got mad and pulled the child toward her in a harsh manner, causing him to fall on his back. The staff person left the child on the floor, as she continued to scream and curse at the child because he could not pull up his pants unassisted. The staff person did not help the child unzip his pants and pull them up properly. The staff person made no attempt to appropriately instruct the child in putting on his pants.

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

(10) A child shall not be subjected to:

- (a) Corporal physical discipline pursuant to KRS 199.896(18);**
- (b) Loud, profane, threatening, frightening, humiliating, or abusive language; or**
- (c) Discipline that is associated with:**
 - 1. Rest;**
 - 2. Toileting; or**
 - 3. Food.**

Findings:

General: Based on interview, on 5/21/2021 a staff person heard another staff person cursing at a child because he could not pull up his pants while changing his clothing after water play. The staff person then looked into the classroom and observed the staff person attempt to pull up the child's pants without unzipping the zipper. The staff person stated that the waistband of the child's pants were caught on his bottom. The staff person in the room then got mad and pulled the child toward her in a harsh manner, causing him to fall on his back making a very loud noise as he hit the floor. The staff person left the child on the floor, as she continued to scream and curse at the child because he could not pull up his pants unassisted. Further interviews also found this same staff person was observed screaming at a female child because she had wet her pants. This same staff person was also observed telling a child he was a weirdo because he cried when his brother left for school.

Signature of Provider/Representative

Title

Date