



**Andy Beshear**  
GOVERNOR

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

**Eric Friedlander**  
SECRETARY

**Melissa A. Moore, Director**  
Division of Regulated Child Care  
Northern Branch  
908 W. Broadway, 10-W  
Louisville, KY 40203

**Adam Mather**  
INSPECTOR GENERAL

Phone: (502) 595-5781 Fax: (502) 595-5773  
<https://chfs.ky.gov/agencies/os/oig>

**Inspection Report**

<b>Provider Name:</b> Norton Commons Elementary Childcare Enrichment Program	<b>Provider Information</b> <b>Provider Type:</b> LICENSED TYPE I	<b>CLR No:</b> L383631
<b>Provider Address:</b> 10941 Kings Crown Dr., Prospect, KY, 40059		<b>Capacity:</b> 113(Bldg 1: 250)
<b>Owner(s):</b> YMCA of Greater Louisville		<b>Director(s):</b> Graybeal, Mary D.

<b>Inspection Type:</b> Renewal Application	<b>Inspection Information</b>	<b>Inspection No:</b> 290346
<b>Date Initiated:</b> 08/19/2019 3:50 PM	<b>Date Concluded:</b> 08/19/2019 6:15 PM	
	<b>No. of Children Present:</b> 57	

**Inspection Report**

<b>Background Checks</b>	<b>Not In Compliance</b>
<b>5 - Background check/left alone/dismissed/relocated</b>	<b>Not In Compliance</b>

**922 KAR 2:280. Section 3. Implementation and Enforcement.**  
**(1) A person who is a child care staff member prior to January 1, 2018, shall submit to and complete background checks in accordance with this administrative regulation no later than September 30, 2018.**  
**(2) A child care staff member hired on or after April 1, 2018, shall:**  
**(a) Have completed the background checks required in accordance with this administrative regulation and been found to have no disqualifying offense prior to becoming a child care staff member; or**  
**(b)1. Have submitted to the background checks required in accordance with this administrative regulation;**  
**2. Not be left unsupervised with a child in care pending the completion of the background checks in accordance with this administrative regulation; and**  
**3. Be dismissed or relocated from the residence if the person is found to have a disqualifying background check result.**

**Findings:**

General: Based on observation, interview and review of documentation, the child care center failed to comply with regulatory background checks requirements. Interview with the staff-in-charge disclosed that two (2) volunteers (the starting dates were not disclosed) from the YMCA at Norton Commons were assisting the child care center due to the shortage of staff on 08/19/19. Review of records revealed the child care center had not submitted fingerprints to an authorized collection site for the Kentucky National Background Check Program (NBCP) on behalf of the two (2) volunteers that were acting as staff members. In addition, the two (2) volunteers were consistently observed supervising students alone from the period of 4:28 pm through 5:50 pm.

<b>15 - Submit fingerprints</b>	<b>Not In Compliance</b>
---------------------------------	--------------------------

**922 KAR 2:280. Section 4. Procedures and Payments.**  
**(4)(a) Upon submission of payment in accordance with subsections (2) and (3) of this section, the child care provider shall print a copy of the DCC-504, Applicant Child Care Staff Member Live Scan Fingerprinting Form, from the NBCP portal and provide the form to the child care staff member.**  
**(b) The child care staff member shall:**  
**1. Have no more than ninety (90) calendar days from the date of payment pursuant to subsections (2) and (3) of this section to submit the child care staff member's fingerprints at an authorized collection site for NBCP; and**  
**2. Present the DCC-504 and driver's license or other government-issued photo identification to the designated agent at an authorized collection site prior to fingerprint submission.**

**Findings:**

General: Based on observation, interview and review of documentation, the child care center failed to comply with regulatory background checks requirements. Interview with the staff-in-charge disclosed that two (2) volunteers (the starting dates were not disclosed) from the YMCA at Norton Commons were assisting the child care center due to the shortage of staff on 08/19/19. Review of records revealed the child care center had not submitted fingerprints to an authorized collection site for the Kentucky National Background Check Program (NBCP) on behalf of the two (2) volunteers who were observed alone with children at times during the survey.

**Inspection Report**

**Supervision**

**In Compliance**

**Staffing Requirements**

**Not In Compliance**

**120 - Adequate Adults/Qualified Staff**

**Not In Compliance**

**922 KAR 2:090. Section 11. Staff Requirements.**

**(10) The minimum number of adult workers in a child-care center shall be sufficient to ensure that:**

- (a) Minimum staff-to-child ratios in accordance with 922 KAR 2:120 are followed;**
- (b) Each staff person under eighteen (18) years of age and each student trainee are under the direct supervision of a qualified staff person who meets the requirements of this section; and**
- (c) Unless providing care with a qualified staff person, a person under the age of eighteen (18) shall not be counted as staff for the staff-to-child ratio.**

**Findings:**

General: Based on observation and interview, the child care center failed to maintain staffing in accordance with regulations. Observation revealed only two (2) staff members who were present and on duty for the duration of the survey. In addition, the staff-in-charge disclosed that the child care center had only one (1) other staff member that was not present. At 3:45 pm, there were fifty-seven (57) children present in the school gymnasium, and this total did not diminish to fourteen (14) students who were at least six (6) years-of age-until 5:40 pm. As a result, observation revealed that even if the one (1) staff member had been available at the time of survey, the child care center failed to ensure that the minimum number of adult workers was sufficient to ensure that minimum staff-to-child ratios were followed at all times.

**125 - Ratios and Group Size**

**Not In Compliance**

**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.**

**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**

**\*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.**

**Findings:**

General: Based on observation, the child care center failed to comply with staffing requirements. At 3:45 pm in the school gymnasium, fifty-seven (57) children, who were four-years-of-age to twelve-years-of-age, were present. From observation, there was no clear delineation to what group the staff-in-charge and one (1) staff member were responsible. Furthermore, during the timeframe of 3:45 pm through 5:50 pm, the children were observed moving about freely and intermingling freely among different groups on a constant basis.

**General Administration**

**Not In Compliance**

**180 - Plan of Correction/15 days**

**Not In Compliance**

**922 KAR 2:090. Section 14. Statement of Deficiency and Corrective Action Plans.**

**(2) Except for a violation posing an immediate threat as handled in accordance with KRS 199.896(5)(c), a child-care center shall submit a written corrective action plan to the cabinet or its designee within fifteen (15) calendar days of the date of the statement of deficiency to eliminate or correct the regulatory violation.**

**Findings:**

A PLAN OF CORRECTION WAS DUE ON 09/23/2019 AND AS OF 11/07/2019, THE PLAN OF CORRECTION HAS NOT BEEN RECEIVED.

**Director Requirements**

**In Compliance**

**Inspection Report**

**Employee Records**

**Not In Compliance**

**385 - Personnel File**

**Not In Compliance**

**922 KAR 2:090. Section 9. Records.**

**(1) A child-care center shall maintain:**

**(e) A current personnel file for each child-care center staff person to include:**

- 1. Name, address, date of birth, and date of employment;**
- 2. Proof of educational qualifications;**
- 3. Record of annual performance evaluation;**
- 4. Documentation of compliance with tuberculosis screening in accordance with Section 11(1)(b) of this administrative regulation; and**
- 5. The results of background checks conducted in accordance with 922 KAR 2:280;**

**Findings:**

General: Based on interview and review of documentation, the child care center failed to maintain employee records in accordance with regulations. Review of staff files revealed a personnel file was not presented for review at the time of survey for two (2) staff members with unknown hire dates. The staff-in-charge disclosed that the two (2) aforementioned staff members actually work for the Norton Commons YMCA and were just volunteering to assist the child care center due to the shortage in staff.

**390 - Educational Requirements**

**Not In Compliance**

**922 KAR 2:090. Section 11. Staff Requirements.**

**(1) Child-care center staff:**

**(a) Hired after January 1, 2009, who have supervisory power over a minor and are not enrolled in secondary education, shall have a:**

- 1. High school diploma;**
- 2. GED or qualifying documentation from a comparable educational entity; or**
- 3. Commonwealth Child Care Credential as described in 922 KAR 2:250;**

**Findings:**

General: Based on observation, interview and review of documentation, the child care center failed to maintain employee records in accordance with regulations. Observation revealed that on the date of survey, two (2) staff members from the Norton Commons YMCA were volunteering to assist the child care center due to the shortage in staff. As such, there were no staff files for these two (2) individuals as well as no proof of education.

**395 - TB Verification**

**Not In Compliance**

**922 KAR 2:090. Section 11. Staff Requirements.**

**(1) Child-care center staff:**

**(b) Shall provide, prior to employment and every two (2) years thereafter:**

- 1. A statement from a health professional that the individual is free of active tuberculosis; or**
- 2. A copy of negative tuberculin results.**

**Findings:**

General: Based on interview and review of documentation, the child care center failed to maintain employee records in accordance with regulations. A current statement from a health professional that the individual is free of active tuberculosis or a current copy of negative tuberculin results were not presented for review for two (2) volunteers acting as staff members with unknown hire dates. The staff-in-charge explained that two (2) volunteers were actual employees of the Norton Commons YMCA and were assisting the child care center due to the shortage of staff on 08/19/19.

**405 - Adequate Substitute(s)**

**Not In Compliance**

**922 KAR 2:090. Section 11. Staff Requirements.**

**(6) Child-care centers shall have available in case of need:**

- (a) One (1) qualified substitute staff person for a Type II child-care center; or**
- (b) Two (2) qualified substitute staff persons for a Type I child-care center.**

**(7) Each qualified substitute staff person shall:**

- (a) Meet the staff requirements of this administrative regulation; and**
- (b) Provide the required documentation to verify compliance with this administrative regulation.**

**Findings:**

General: Based on observation, interview and review of documentation, the child care center failed to maintain employee records in accordance with regulations. Observation revealed that on the date of survey only one (1) staff member and the the staff-in-charge were working to supervise a total of fifty-seven (57) children. In addition, staff records disclosed that there was one (1) other staff member employed by the child care center. As a result, in the event that this staff member had been available at the time of survey, the child care center would still not have been able to maintain minimum staff-to-child ratios.

**Programming**

**In Compliance**

**Premises**

**In Compliance**

**Hygienic Practices**

**In Compliance**

**First Aid/Medication**

**In Compliance**

**Outdoor Play Area**

**In Compliance**

**Equipment**

**In Compliance**

**Transportation**

**In Compliance**

**Food Service/Food Program**

**In Compliance**

**Food Service**

**In Compliance**

**Inspection Report**

**Children's Records**

**Not In Compliance**

**1135 - Immunization**

**Not In Compliance**

**922 KAR 2:090. Section 9. Records.**

**(1) A child-care center shall maintain:**

**(a) A current immunization certificate for each child in care within thirty (30) days of the child's enrollment, unless an attending physician or the child's parent objects to the immunization of the child pursuant to KRS 214.036;**

**Findings:**

General: Based on review of documentation, the child care center failed to maintain children's records in accordance with regulations. Review of ten (10) children's files revealed that (1) child, with an enrollment date of 7/2/19, did not have a current immunization certificate in his/her file.

**Written Documentation**

**In Compliance**

**Posted Documentation**

**In Compliance**

**Animals**

**Not Applicable**

Signature of Provider/Representative

Title

Date