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**Inspection Report**

<b>Provider Name:</b> Shepherdsville Elementary YMCA Before and After School Program	<b>Provider Information</b> <b>Provider Type:</b> LICENSED TYPE I	<b>CLR No:</b> L358050
<b>Provider Address:</b> 527 West Blue Lick Road, Shepherdsville, KY, 40165		<b>Capacity:</b> 109
<b>Owner(s):</b> The Young Mens Christian Association Of Greater Louisville		<b>Director(s):</b> Bryant, Sharon Kay

<b>Inspection Type:</b> Renewal Application	<b>Inspection Information</b>	<b>Inspection No:</b> 318587
<b>Date Initiated:</b> 09/03/2021 7:15 AM	<b>Date Concluded:</b> 09/03/2021 9:30 AM	
	<b>No. of Children Present:</b> 29	

Inspection Report	
Background Checks	Not In Compliance
<b>5 - Background check/left alone/dismissed/relocated</b>	<b>Not In Compliance</b>
<p><b>922 KAR 2:280. Section 3. Implementation and Enforcement.</b></p> <p><b>(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.</b></p> <p><b>(2) A child care staff member hired on or after April 1, 2018, shall:</b></p> <p><b>(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></p> <p><b>(b)1. Have submitted to the background checks required in accordance with this administrative regulation;</b></p> <p><b>2. Not be left unsupervised with a child in care pending the completion of the background checks in accordance with this administrative regulation; and</b></p> <p><b>3. Be dismissed or relocated from the residence if the person is found to have a disqualifying background check result.</b></p>	
<p><b>Findings:</b></p> <p>General: Based on observation, interview and review of documentation, the child care center failed to maintain background checks in accordance with regulatory requirements. Observation of the gym at 7:35a.m. revealed a staff member with a hire date of 01/05/2021 was the sole caregiver of eight (8) children. At 7:59a.m., the staff member was the sole caregiver of sixteen (16) children. Interview with the staff member revealed the youngest age child in care was seven (7) years old. At 8:01a.m., the staff member took sixteen (16) children from the gym into the cafeteria to eat breakfast. Continued observation of the cafeteria at 8:01a.m. revealed the staff member with a hire date of 01/05/2021 was the sole caregiver of nine (9) children that she/he took into the gym. The staff member brought nine (9) children back to the cafeteria at 8:18a.m. Upon request, a completed Child Abuse/Neglect (CAN) background check and a completed Criminal Records Check (CAN) was not presented for the staff member with the hire date 01/05/2021. Interview with the staff in charge revealed the documentation was not available at the time of the inspection.</p>	

**10 - Submit background check**

**Not In Compliance**

**922 KAR 2:280 - Section 4. Procedures and Payments.**

- (1) To initiate the process for obtaining background checks on a prospective child care staff member, the child care provider shall:**
- (a) Request that the prospective child care staff member provide a copy of his or her driver's license or other government-issued photo identification and verify that the photograph clearly matches the prospective child care staff member;**
  - (b) Request that the prospective child care staff member complete and sign the:**
    - 1. DCC-500, Applicant Child Care Staff Member Waiver Agreement and Statement; and**
    - 2. DCC-501, Disclosures to Be Provided to and Signed by the Applicant Child Care Staff Member; and**
  - (c) Log on to the NBCP portal and enter the prospective child care staff member's demographic information for a check of the:**
    - 1. Child abuse and neglect central registry pursuant to 922 KAR 1:470;**
    - 2. National Crime Information Center's National Sex Offender Registry in accordance with 34 U.S.C. 20921; and**
    - 3. Sex Offender Registry established in accordance with KRS 17.500 through 17.580.**

**Findings:**

General: Based on observation, interview and review of documentation, the child care center failed to maintain background checks in accordance with regulatory requirements. Observation of the gym at 7:35a.m. revealed a staff member with a hire date of 01/05/2021 was the sole caregiver of eight (8) children. At 7:59a.m., the staff member was the sole caregiver of sixteen (16) children. Interview with the staff member revealed the youngest age child in care was seven (7) years old. At 8:01a.m., the staff member took sixteen (16) children from the gym into the cafeteria to eat breakfast. Continued observation of the cafeteria at 8:01a.m. revealed the staff member with a hire date of 01/05/2021 was the sole caregiver of nine (9) children that she/he took into the gym. The staff member brought nine (9) children back to the cafeteria at 8:18a.m. Interview with the staff in charge revealed a personnel file for the staff member with a hire date of 01/05/2021 was not available at the time of the inspection; therefore, verification that Child Abuse/Neglect (CAN) background check and a completed Criminal Records Check (CRC) background check had been initiated could not be determined.

**85 - Employment Status**

**Not In Compliance**

**922 KAR 2:280. Section 11. Status of Employment.**

- (1) A child care provider shall maintain the employment or residential status of each child care staff member who has submitted to a fingerprint-based criminal background check by reporting the status using the NBCP Web-based system.**

**Findings:**

General: Based on interview and review of documentation, a personnel file for a staff member with a hire date of 1/5/2021 was not presented for review at the time of the inspection. Interview with the staff in charge revealed the staff member with the hire date 01/05/2021 was employed at the child care center. Review of the Kentucky Applicant Registry and Employee Screening (KARES) report did not verify that the aforementioned staff member was employed at the child care center.

**Supervision**

**In Compliance**

**Staffing Requirements**

**In Compliance**

**General Administration**

**In Compliance**

**Director Requirements**

**Not In Compliance**

**370 - Caregiver Alone**

**Not In Compliance**

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

- (1) A director shall:**
- (m) Assure that a person acting as a caregiver of a child in care shall not be left alone with a child, if the licensee has not received the results of the background checks as described in 922 KAR 2:280;**

**Findings:**

General: Based on observation, interview and review of documentation, the child care center failed to maintain background checks in accordance with regulatory requirements. Observation of the gym at 7:35a.m. revealed a staff member with a hire date of 01/05/2021 was the sole caregiver of eight (8) children. At 7:59a.m., the staff member was the sole caregiver of sixteen (16) children. Interview with the staff member revealed the youngest age child in care was seven (7) years old. At 8:01a.m., the staff member took sixteen (16) children from the gym into the cafeteria to eat breakfast. Continued observation of the cafeteria at 8:01a.m. revealed the staff member with a hire date of 01/05/2021 was the sole caregiver of nine (9) children that she/he took into the gym. The staff member brought nine (9) children back to the cafeteria at 8:18a.m. Upon request, a completed Child Abuse/Neglect (CAN) background check and a completed Criminal Records Check (CAN) was not presented for the staff member with the hire date 01/05/2021. Interview with the staff in charge revealed the documentation was not available at the time of the inspection.

**Employee Records**

**Not In Compliance**

**395 - 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, a personnel file that contained the individuals name, address, birthdate, proof of education, results of a background check with an eligible status and documentation from a health professional verifying that the staff member is free of active tuberculosis was not presented for review for a staff member with the hire date 01/05/2021. The staff member in charge stated that the personnel file was not available at the time of the inspection.

**Inspection Report**

**400 - 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 interview and review of documentation, a high school diploma, GED, or qualifying documentation from a comparable educational entity was not presented for a staff member with a hire date of 1/5/2021. The staff member in charge stated that the documentation was not available at the time of the inspection.

**405 - 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, negative tuberculin results or a statement from a health professional verifying the individuals were free of active tuberculosis was not presented for staff members with hire dates of 01/05/2021, 09/15/1997 and 07/24/1998. A statement from a health professional was not presented for a staff member with a hire date of 1/5/2021. The staff member in charge stated that the documentation was not available at the time of the inspection.

**435 - Training**

**Not In Compliance**

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

**(16) In accordance with KRS 199.896(15) and (16), a staff person with supervisory authority over a child shall complete the following:**

- (a) Six (6) hours of cabinet-approved orientation completed within the first three (3) months of employment in a child-care program;**
  - (b) Nine (9) hours of cabinet-approved early care and education training within the first year of employment in a child care program, including one and one-half (1 ½) hours of cabinet-approved pediatric abusive head trauma training; and**
  - (c) Fifteen (15) hours of cabinet-approved early care and education training completed between July 1 and the following June 30 of each subsequent year of employment in a child care program, including one and one-half (1 ½) hours of cabinet-approved pediatric abusive head trauma training completed once every five (5) years.**
- (17) A staff person's compliance with training requirements of this section shall be verified through the cabinet-designated database maintained pursuant to 922 KAR 2:240.**

**Findings:**

General: Based on interview and review of documentation, verification of fifteen (15) hours of cabinet-approved early care and educational care training was not presented for three (3) staff members with hire dates 09/15/1997, 07/24/1998 and 08/25/2008. Verification of six (6) hours cabinet-approved orientation training within ninety (90) days of employment was not presented for review for one (1) staff member with a hire date 01/05/2021. Review of the Early Care and Education Training Records Information System (ECE-TRIS) report could not verify that the aforementioned trainings had been completed by the referenced employees. Interview with the staff member in-charge revealed she/he could not provide documentation verifying that the aforementioned trainings had been completed.

**Programming**

**In Compliance**

**Premises**

**In Compliance**

**Hygienic Practices**

**In Compliance**

**First Aid/Medication**

**In Compliance**

**Outdoor Play Area**

**Not In Compliance**

**790 - Playground Clean**

**Not In Compliance**

**922 KAR 2:120. Section 4. Premises Requirements.**

**(20) An outdoor play area shall be:**

**(c) Free from:**

- 1. Litter;**
- 2. Glass;**
- 3. Rubbish; and**
- 4. Flammable materials;**

**Findings:**

General: Based on observation, trash, including multiple plastic drink bottles, clothing, paper, facial masks, and a lunch box were scattered throughout the outdoor play area.

**Equipment**

**In Compliance**

**Transportation**

**In Compliance**

**Kitchen Requirements**

**In Compliance**

**Food Service**

**In Compliance**

**Meal Planning/Center Provides Meals**

**In Compliance**

**Meal Planning/Center Does Not Provide Meals**

**Not Applicable**

**Children's Records**

**In Compliance**

**Inspection Report**

**Written Documentation**

**Not In Compliance**

**1265 - Policies and Procedures**

**Not In Compliance**

**922 KAR 2:090. Section 8. General.**

**(4) Program policies and procedures shall:**

**(a) Be in writing; and**

**(b) Include:**

**1. Staff policies;**

**2. Job descriptions;**

**3. An organization chart;**

**4. Chain of command; and**

**5. Other procedures necessary to ensure implementation of:**

**a. KRS 199.898, Rights for children in child-care programs and their parents, custodians, or guardians - posting and distribution requirements;**

**b. 922 KAR 2:120, Child-care center health and safety standards;**

**c. 922 KAR 2:280, Background checks for child care staff members, reporting requirements, and appeals; and**

**d. This administrative regulation.**

**Findings:**

General: Based on interview and review of documentation, a job description for the director was not presented for review on the day of the inspection.

**Posted Documentation**

**Not In Compliance**

**1320 - Disaster Course of Action**

**Not In Compliance**

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

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

**(j) A written plan and diagram outlining the course of action in the event of a natural or manmade disaster, posted in a prominent place;**

**Findings:**

General: Based on interview and review of documentation, a written plan and diagram outlining the course of action in the event of a natural or manmade disaster for fire, tornado and earthquake was not posted at the time of the inspection.

**Animals**

**Not Applicable**

Signature of Provider/Representative

Title

Date