



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

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Inspection Report

Provider Name: Shaw's Child Care	Provider Information	CLR No: L358347
Provider Address: 2813 Snow Road, Lexington, KY, 40517	Provider Type: LICENSED TYPE I	Capacity: 66
Owner(s): Shaw's Childcare Of Learning, Structure, And Love Inc.		Director(s): Shaw, Angela Faye

Inspection Type: Renewal Application	Inspection Information	Inspection No: 245295
Date Initiated: 08/03/2018 9:41 AM	Date Concluded: 08/08/2018 8:30 AM	
	No. of Children Present: 34	

Inspection Report	
Background Checks	Not In Compliance
10 - Submit background check	Not In Compliance
<p>922 KAR 2:280. Section 4. Procedures and Payments.</p> <p>(1) To initiate the process for obtaining background checks on a prospective child care staff member, the child care provider shall:</p> <p>(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;</p> <p>(b) Request that the prospective child care staff member complete and sign the:</p> <ol style="list-style-type: none"> 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 <p>(c) Log on to the NBCP portal and enter the prospective child care staff member's demographic information for a check of the:</p> <ol style="list-style-type: none"> 1. Child abuse and neglect central registry pursuant to 922 KAR 1:470; 2. National Crime Information Center's National Sex Offender Registry; and 3. Sex Offender Registry established in accordance with KRS 17.500 through 17.580. 	
<p>Findings:</p> <p>General: Based on Observation, the surveyor entered the pre-school classroom at approximately 9:46 a.m., and observed one (1) staff person and nine (9) children ages three-to-four years old. During file review, it was found this staff person was hired on 7/16/18. Her personnel file only contained TB skin documentation and proof of education. A review of the Kentucky National Background check service (KARES) found this staff person has not had a fingerprint-based background check processed and therefore does not have the eligible for hire status. Additionally, the surveyor observed one adult interacting with a child in the infant classroom and a second adult sitting with toddlers during a circle time activity in the toddler classroom. The director stated the adult in the infant classroom was a parent who was just observing and the second adult was a "potential employee" who was asked to observe. Per file review and KARES, review fingerprint-based background checks have yet to be processed.</p>	
Supervision	In Compliance

Inspection Report**Staffing Requirements****Not In Compliance****125 - Ratios and Group Size****Not 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 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, at approximately 9:55 a.m., the surveyor entered the toddler classroom and observed seven (7) children sitting in circle time listening to a story being read by a staff person. The staff person stated the children were ages one-to-two years old. During the observation, the surveyor observed a second adult sitting with the children in circle time. The surveyor noted her name and proceeded with the classroom inspection. During file review, it was found that the adult observed sitting with the children during circle time did not have a personnel file. The director stated this person was a "potential employee" who was supposed to be only observing. In short, since the second person in the classroom was not a qualified staff person the classroom was over ratio by one child

General Administration**Not In Compliance****155 - Liability Insurance****Not In Compliance****922 KAR 2:090. Section 6. License Issuance.****(8) To qualify for a preliminary license, or maintain a regular license, a child-care center shall:****(d) Provide written proof of liability insurance coverage of at least \$100,000 per occurrence;****Findings:**

General: Based on Review of Documentation, the liability insurance policy presented for review during the re-licensure inspection was no longer valid as of 4/11/18. The director stated she recently changed insurance agencies. It is important to note the director contacted the insurance agency during the inspection to have the current policy sent; however, the agency never submitted the policy for review during the inspection.

Director Requirements**Not In Compliance****360 - Caregiver Alone****Not In Compliance****922 KAR 2:090. Section 10. Director Requirements and Responsibilities.****(1) A director shall:****(n) 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, the surveyor entered the pre-school classroom at approximately 9:46 a.m., and observed one (1) staff person and nine (9) children ages three-to-four years old. During file review, it was found this staff person was hired on 7/16/18. Her personnel file only contained TB skin documentation and proof of education. A review of the Kentucky National Background check service (KARES) found this staff person has not had a fingerprint-based background check processed and therefore does not have the eligible for hire status. Additionally, the surveyor observed one adult interacting with a child in the infant classroom and a second adult sitting with toddlers during a circle time activity in the toddler classroom. The director stated the adult in the infant classroom was a parent who was just observing and the second adult was a "potential employee" who was asked to observe. Per file review and KARES, review fingerprint-based background checks have yet to be processed.

Inspection Report	
Employee Records	Not In Compliance
410 - 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 within the first three (3) months of employment; (b) Nine (9) hours of cabinet-approved early care and education training within the first year of employment, 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 during each subsequent year of employment, including one and one-half (1 ½) hours of cabinet-approved pediatric abusive head trauma training completed once every five (5) years.	
Findings: General: Based on Review of Documentation and ECE-TRIS, the following staff were due to renew the Abusive Pediatric Head Trauma training: (1) hire date: 8/6/11; (2) hire date: 11/1/06; and (3) hire date: 5/23/16.	
Programming	In Compliance
Premises	Not In Compliance
540 - Premises Requirements	Not In Compliance
922 KAR 2:120. Section 4. Premises Requirements. (1) The premises shall be: (a) Suitable for the purpose intended; (b) Kept clean and in good repair;	
Findings: General: Based on Observation, the surveyor found the inside of the hand-washing sink cabinet located in the preschool classroom wet from water leaking. Further observation found dead bugs and dirty washcloths. A staff person in charge at the time of the surveyor's observation stated the cabinet was supposed to be secured closed. The exhaust fan in the restroom located in the toddler classroom made a loud screeching sound when turned to the on position. Additionally, the surveyor observed approximately thirty-(30) unopened boxes that contained materials from Lakeshore stored in the school-age classroom. A staff person stated the boxes have been stored in the school-age classroom for at least two (2) months.	
580 - Floors, Walls, Ceilings	Not In Compliance
922 KAR 2:120. Section 4. Premises Requirements. (9) Floors, walls, and ceilings shall be smooth, in good repair, and constructed to be easily cleaned.	
Findings: General: Based on Observation, the surveyor observed areas of chipped paint on the wall next to the hand-washing sink located in the pre-school classroom and a brown colored substance spilled along the wall next to the art table in the pre-school classroom.	
Hygienic Practices	In Compliance
First Aid/Medication	In Compliance
Outdoor Play Area	In Compliance
Equipment	In Compliance
Transportation	Not In Compliance
960 - Children's Transportation Records	Not In Compliance
922 KAR 2:120. Section 12. Transportation. (17) Transportation services provided shall: (a) Be recorded in writing and include: 1. The first and last name of the child transported; and 2. The time each child gets on and the time each child gets off; (b) Be completed by a staff member other than the driver; and (c) Be kept for five (5) years.	
Findings: General: Based on observation, on 8/3/18 at approximately 9:41 a.m., the surveyor noted the fifteen (15) passenger van used to transport children was parked in the day care parking lot. After the surveyor completed classroom and playground inspections, the surveyor proceeded to conduct an inspection of the van but the surveyor found the van locked. The staff person in charge stated the director had the van keys and would be arriving soon. The director arrived at the facility as the surveyor was reviewing paperwork. The surveyor inquired about the van and the director said her husband took the van to have it inspected. Therefore, the surveyor was unable to inspect the van and review some of required transportation documentation on the day of the inspection. The director stated they use the van to pick up children from public school during the school year and children's parents provide their own transportation to and from field trips during the summer. However, on 8/8/18 during an investigation a surveyor found during an interview with a male school-age staff person that children are transported on the van to and from the movies every Thursday during the summer. The surveyor reviewed the documentation confirming the trips to the movies but there was no recorded documentation of the children's first and last names or the times on and off the van during these field trips. It is important to note the director and the staff person in charge were insistent the van is not used to transport children in the summer.	
Food Service/Food Program	In Compliance
Food Service	In Compliance
Children's Records	In Compliance
Written Documentation	In Compliance
Posted Documentation	In Compliance
Animals	Not Applicable

Signature of
Provider/Representative

Title

Date