



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

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**Inspection Report**

<b>Provider Name:</b> The Oak School	<b>Provider Information</b>	<b>CLR No:</b> L358574
<b>Provider Address:</b> 138 North Evergreen Road, Ste. 109, Louisville, KY, 40243	<b>Provider Type:</b> LICENSED TYPE I	<b>Capacity:</b> 87
<b>Owner(s):</b> Leap, Inc.		<b>Director(s):</b> Wheatley, Amanda Mae

<b>Inspection Type:</b> Renewal Application	<b>Inspection Information</b>	<b>Inspection No:</b> 278757
<b>Date Initiated:</b> 03/27/2019 9:30 AM	<b>Date Concluded:</b> 03/27/2019 12:00 PM	
	<b>No. of Children Present:</b> 78	

Inspection Report	
Background Checks	Not In Compliance
<b>10 - Submit background check</b>	<b>Not In Compliance</b>
<p><b>922 KAR 2:280 - Section 4. Procedures and Payments.</b></p> <p><b>(1) To initiate the process for obtaining background checks on a prospective child care staff member, the child care provider shall:</b></p> <p><b>(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></p> <p><b>(b) Request that the prospective child care staff member complete and sign the:</b></p> <ol style="list-style-type: none"> <li><b>DCC-500, Applicant Child Care Staff Member Waiver Agreement and Statement; and</b></li> <li><b>DCC-501, Disclosures to Be Provided to and Signed by the Applicant Child Care Staff Member; and</b></li> </ol> <p><b>(c) Log on to the NBCP portal and enter the prospective child care staff member's demographic information for a check of the:</b></p> <ol style="list-style-type: none"> <li><b>Child abuse and neglect central registry pursuant to 922 KAR 1:470;</b></li> <li><b>National Crime Information Center's National Sex Offender Registry in accordance with 34 U.S.C. 20921; and</b></li> <li><b>Sex Offender Registry established in accordance with KRS 17.500 through 17.580.</b></li> </ol> <p><b>Findings:</b></p> <p>Based on observation, review of documentation and interview, the child care center failed to maintain background checks in accordance with regulatory requirements. Observation on an open field adjacent to the outdoor playground revealed the sole supervising adult was a third party Soccer Shots coach caring for thirteen (13) children in the age range from three-years-old to five-years-old at the time of survey from 9:40 am until 10:05 am.</p> <p>Interview with the staff in charge revealed there was no qualified staff member accompanying the third party Soccer Shots professional while participating in an activity with thirteen (13) children.</p> <p>Upon request, the written record of the background check for the third party Soccer Shots professional was not presented for review at the time of survey.</p> <p>Interview with the staff in charge revealed the requested documentation was unavailable at the time of survey.</p>	

**Inspection Report**

**20 - Out of state background checks**

**Not In Compliance**

**922 KAR 2:280. Section 5. Checks of Other States.**

**(1) In accordance with 45 C.F.R. 98.43(b)(3), a prospective child care staff member who resides in or has resided in another state within the last five (5) years shall:**

**(a) Request from each state of current or prior residency, in accordance with the state's laws, policies, and procedures, with a courtesy notice to the cabinet:**

**1. An in-state criminal records check by:**

**a. Means of fingerprints for the state of residence; or**

**b. Any means accepted by a state of prior residency;**

**2. A check of the state's sex offender registry or repository; and**

**3. A check of the state-based child abuse and neglect registry and database; and**

**(b) Direct results of the checks required in paragraph (a) of this subsection to the Department for Community Based Services, Division of Child Care, 275 East Main Street, 3C-F, Frankfort, Kentucky 40601.**

**Findings:**

General: Based on interview and review of documentation, the child care center failed to comply with regulatory background checks requirements. Review of the presented employee records revealed a staff member with hire date 12/11/17 whose file contained a CAN check with a Michigan address listed and did not contain a Michigan background check. Upon request, the staff in charge did not present a Michigan background check for the aforementioned staff member at the time of the survey.

Continued interview with the staff in charge revealed the staff member with the hire date of 12/11/17 had worked alone with children.

**Supervision**

**Not In Compliance**

**90 - Children Supervised**

**Not 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 ensures the child is:**

**a. Within scope of vision and range of voice; or**

**b. For a school-age child, within scope of vision or range of voice;**

**Findings:**

General: Based on observation and interview, the child care center failed to comply with regulations regarding supervision. Observation in the older one's room revealed six (6) one-year-old children running about with no qualified staff member. Observation in the adjoining two's room revealed a qualified staff member standing at the far left of the classroom reaching into a closet.

Interview with the qualified staff member revealed she is the teacher in the older one's room and she walked away from the class, leaving the six (6) one-year-old children unsupervised for an undetermined amount of time.

Observation on an open field adjacent to the outdoor playground revealed the sole supervising adult was a third party Soccer Shots coach caring for thirteen (13) children in the age range from three-years-old to five-years-old at the time of survey from 9:40 am until 10:05 am.

Interview with the staff in charge revealed that a qualified staff member does not accompanying the third party Soccer Shots professional while participating in an activity with the thirteen (13) children.

**Staffing Requirements**

**In Compliance**

**General Administration**

**In Compliance**

**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 interview and review of documentation, the child care center failed to comply with regulatory director requirements. Review of the presented employee records revealed a staff member with the hire date of 12/11/17 whose file contained a CAN check with a state of Michigan address listed and did not contain a Michigan out of state background check. Upon request, the staff in charge did not present a Michigan out of state background check for the aforementioned staff member at the time of the survey.

Continued interview with the staff in charge revealed the staff member with hire date 12/11/17 had worked alone with children.

Observation on an open field adjacent to the outdoor playground revealed the sole supervising adult was a third party Soccer Shots coach caring for thirteen (13) children in the age range from three-years-old to five-years-old at the time of survey from 9:40 am until 10:05 am.

Interview with the staff in charge revealed there was no qualified staff member accompanying the third party Soccer Shots professional while participating in an activity with thirteen (13) children.

**Inspection Report**

**Employee Records**

**Not In Compliance**

**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 interview and review of documentation, the child care center failed to maintain employee records in accordance with regulations. Review of staff files revealed a high school diploma, GED, or Commonwealth Child Care Credential was not presented for review at the time of survey for three (3) staff members hired 10/4/17, 6/19/18 and 3/22/19.

Interview with staff in charge revealed she needed to obtain proof of education for these staff members.

**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. Review of staff files revealed five (5) staff members hired 12/11/17, 1/1/18, 6/19/18, 3/5/19 and 3/22/19 failed to have records of negative tuberculin result on file.

Interview with staff in charge revealed this documentation was not on file at the time of survey.

**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 interview and review of documentation, the child care center failed to maintain employee records in accordance with regulations. Review of staff files and ECE-TRIS report revealed documentation of fifteen (15) hours of cabinet approved training was not presented for review at the time of survey for seven (7) staff members hired 8/10/16, 10/5/09, 3/18/13, 12/3/07, 9/3/07, 3/1/10 and 9/2/07.

Continued review of staff files revealed three (3) staff members hired 3/18/13, 3/1/10 and 9/2/07 had not received Pediatric Abusive Head Trauma training.

Review of staff files revealed one (1) staff member with a hire date of 10/4/17 had not completed state approved orientation training.

Interview with staff in charge revealed this documentation was not on file at the time of survey.

**Programming**

**Not In Compliance**

**445 - Waiting Period**

**Not In Compliance**

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

**(8) A child shall not be required to stand or sit for a prolonged period of time:**

- (a) During an activity;**
- (b) While waiting for an activity to start; or**
- (c) As discipline.**

**Findings:**

General: Based on observation, the child care center failed to comply with regulations regarding programming. Upon arrival at 9:30am, observation in the mobile infants' room revealed a one-year-old child standing upright in a crib.

At 9:50am-10:00am, observation revealed the same aforementioned one-year-old child was still standing up right in the crib. Leaving the child confined and restricted from activities, from the time frame of 9:30am-10:00am.

**Inspection Report**

**495 - Bedding/Toys in Crib**

**Not In Compliance**

**922 KAR 2:120. Section 6. Sleeping and Napping Requirements.**

**(3) Rest time shall include adequate space specified by the child's age as follows:**

**(a) For an infant:**

- 3. No loose bedding, such as a bumper or a blanket; and**
- 4. No toys or other items except the infant's pacifier;**

**Findings:**

General: Based on observation, the child care center failed to comply with regulations regarding programming. Observation in the mobile infants' room revealed a nine-month-old infant asleep in a crib with a loose blanket draped across his/her body.

A seven-month-old infant was asleep in a crib with a loose blanket draped across his/her body.

**Premises**

**Not In Compliance**

**565 - 35 Square Feet per Child**

**Not In Compliance**

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

**(6) Exclusive of the kitchen, bathroom, hallway, and storage area, there shall be a minimum of thirty-five (35) square feet of space per child.**

**Findings:**

General: Based on observation and interview, the child care center failed to comply with regulations regarding premises. Observation in the young infants room revealed there were five (5) infants present in the classroom laying on the floor. The infants were laying on activity mats and there was not enough room for the surveyor to maneuver around the room.

Interview with the qualified staff member revealed she always has five (5) infants present at one time and throughout the day, she will have to move infants off the floor to make room for another infant to participate in crawling, or any other floor activities.

The young infants room measured for a capacity of no more than four (4) children at a time with thirty-five square feet per child.

**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 child care center failed to comply with regulations regarding premises. In the older one's room there was a hole in the wall behind the closet door.

In the two's room and Pre-K room there was a thick accumulation of dust in the ceiling air vent.

In the three's room there was several areas of paint chipping away from the wall. Further observation revealed, there was also a piece of the baseboard missing near the multi-colored area rug.

In the one's transition room there is several areas of paint chipping away from the wall near the baseboard. In the Pre-K room there was a piece of the carpet near the sink that was torn and frayed causing a tripping hazard.

**645 - Sink**

**Not In Compliance**

**922 KAR 2:120. Section 10. Toilet, Diapering, and Toiletry Requirements.**

**(3) A sink shall be:**

- (a) Located in or immediately adjacent to toilet rooms;**
- (b) Equipped with hot and cold running water that allows for hand washing;**
- (c) Equipped with hot water at a minimum temperature of ninety (90) degrees Fahrenheit and a maximum of 120 degrees Fahrenheit;**
- (d) Equipped with liquid soap;**
- (e) Equipped with hand-drying blower or single use disposable hand drying material;**
- (f) Equipped with an easily cleanable waste receptacle; and**
- (g) Immediately adjacent to a changing area used for infants and toddlers.**

**Findings:**

General: Based on observation, the child care center failed to comply with regulations regarding premises. Observation in the two's room revealed the diaper changing area was not immediately adjacent to a sink.

Further observation revealed the diaper-changing table was on the opposite side of the classroom away from the sink.

The two's room revealed the sink in the classroom was not equipped with liquid soap.

**Inspection Report**

**Hygienic Practices**

**Not In Compliance**

**685 - Diaper Changing Area/Surface**

**Not In Compliance**

**922 KAR 2:120. Section 10. Toilet, Diapering, and Toiletry Requirements.**

**(10) When a child is diapered, the child shall:**

**(b) Be placed on a surface that is:**

- 1. Clean;**
- 2. Padded;**
- 3. Free of holes, rips, tears, or other damage;**
- 4. Nonabsorbent;**
- 5. Easily cleaned; and**
- 6. Free of any items not used for diaper changing.**

**Findings:**

General: Based on observation, the child care center failed to comply with regulations regarding hygienic practices. Observation in the one's transition room revealed several areas of paint chipping away from the diaper-changing table.

**First Aid/Medication**

**In Compliance**

**Outdoor Play Area**

**Not In Compliance**

**760 - Fences**

**Not In Compliance**

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

**(23) Fences shall be:**

- (a) Constructed of safe material;**
- (b) Stable; and**
- (c) In good condition.**

**Findings:**

General: Based on observation, the child care center failed to comply with regulations regarding the outdoor play area. Observation on the outdoor playground revealed the the fence was missing, and placed flatly on the ground, leaving the whole left side of the playground open and exposed to traffic from the driveway of the adjoining businesses.

**Equipment**

**Not In Compliance**

**790 - Crib/Mattress/Sheet**

**Not In Compliance**

**922 KAR 2:120. Section 6. Sleeping and Napping Requirements.**

**(3) Rest time shall include adequate space specified by the child's age as follows:**

**(a) For an infant:**

- 1. An individual non-tiered crib that meets Consumer Product Safety Commission standards established in 16 C.F.R. 1219-1220;**
- 2. A firm crib mattress in good repair with a clean tight-fitted sheet that shall be changed:**
  - a. Weekly; or**
  - b. Immediately if it is soiled or wet;**

**Findings:**

General: Based on observation, the child care center failed to comply with regulations regarding equipment. Observation in the young infant's room revealed five (5) infants present in the classroom but there were only four (4) cribs available.

At 9:30am, it was observed that a four-month-old infant was asleep in a rocking sleeper chair.

At 10:20am, it was observed the same four-month-old infant was still asleep in the rocking sleeper chair.

At 11:45am, it was observed the same four-month-old infant was still asleep in the rocking sleeper chair.

For the timeframe of 9:30am-11:45am, the four-month-old infant had been sitting in the rocking sleeper chair and not provided a crib.

Interview with the qualified staff member revealed there are always five (5) infants present in the classroom and there are not enough cribs available for each infant. On some occasions, one (1) infant will have to sleep in the rocker sleeper chair to rest.

**795 - Individual Bed/Mat/Cot and Bedding**

**Not In Compliance**

**922 KAR 2:120. Section 6. Sleeping and Napping Requirements.**

**(3) Rest time shall include adequate space specified by the child's age as follows:**

**(b) For a toddler or preschool-age child:**

- 1. An individual bed, a two (2) inch thick waterproof mat, or cot in good repair; and**
- 2. Bedding that is in good repair and is changed:**
  - a. Weekly; or**
  - b. Immediately if it is soiled or wet.**

**Findings:**

General: Based on observation and interview, the child care center failed to comply with regulations regarding equipment. Observation in the young infant's room revealed a crib had three (3) thin mattresses on top of one another.

Further observation revealed two (2) other cribs had two (2) thin mattresses on top of one another, and one (1) of the aforementioned cribs had a six-month-old infant asleep in the crib.

Interview with a qualified staff member revealed the mattresses in the cribs were not thick enough and so they placed one on top of another to provide more support.

**Inspection Report**

**815 - Toys/Furniture**

**Not In Compliance**

**922 KAR 2:120. Section 11. Toys and Furnishings.**  
**(1) All toys and furniture contacted by a child shall be:**  
**(a) Kept clean and in good repair; and**  
**(b) Free of peeling, flaking, or chalking paint.**

**Findings:**

General: Based on observation, the child care center failed to comply with regulations regarding equipment. In the Older two's room and the Pre-K room there was a small white table and chair that had several areas of paint chipping away from it.

**Transportation**

**In Compliance**

**Food Service/Food Program**

**In Compliance**

**Food Service**

**Not In Compliance**

**1025 - Refrigerator**

**Not In Compliance**

**922 KAR 2:120. Section 8. Kitchen Requirements.**  
**(4) A cold-storage facility used for storage of perishable food in a nonfrozen state shall:**  
**(a) Have an indicating thermometer or other appropriate temperature measuring device;**  
**(b) Be in a safe environment for preservation; and**  
**(c) Be forty (40) degrees Fahrenheit or below.**

**Findings:**

General: Based on observation, the child care center failed to comply with regulations regarding food service. Observation in the young infant's room revealed that the refrigerator thermometer registered forty-five (45) degrees Fahrenheit.

**1075 - Bottle Preparation by Parent**

**Not In Compliance**

**922 KAR 2:120. Section 9. Food and Meal Requirements.**  
**(4) Formula or breast milk provided by the parent shall be prepared and labeled.**

**Findings:**

General: Based on observation and interview, the child care center failed to comply with regulations regarding food service. Observation in the young infant's refrigerator revealed there was only one (1) bottle present for the five (5) infants in the classroom.

Interview with the qualified staff member revealed the bottle in the refrigerator belonged to one (1) infant in the classroom.

Two (2) infants in the classroom use the powder formula supplied by the child care center.

The other two (2) infants' parents supply powder formula and the aforementioned qualified staff member will measure out the powder formula and water to mix in the bottle for consumption.

**Children's Records**

**Not In Compliance**

**1140 - Enrollment Information**

**Not In Compliance**

**922 KAR 2:090. Section 9. Records.**  
**(1) A child-care center shall maintain:**  
**(b) A written record for each child:**  
**1. Completed and signed by the child's parent;**  
**2. Retained on file on the first day the child attends the child-care center; and**  
**3. To contain:**  
**a. Identifying information about the child, which includes, at a minimum, the child's name, address, and date of birth;**  
**b. Contact information to enable a person in charge to contact the child's:**  
**(i) Parent at the parent's home or place of employment;**  
**(ii) Family physician; and**  
**(iii) Preferred hospital;**  
**c. The name of each person who is designated in writing to pick-up the child;**  
**d. The child's general health status and medical history including, if applicable:**  
**(i) Allergies;**  
**(ii) Restriction on the child's participation in activities with specific instructions from the child's parent or health professional; and**  
**(iii) Permission from the parent for third-party professional services in the child-care center;**  
**e. The name and phone number of each person to be contacted in an emergency involving or impacting the child;**  
**f. Authorization by the parent for the child-care center to seek emergency medical care for the child in the parent's absence;**

**Findings:**

Based on observation, review of documentation and interview, the child care center failed to maintain children's records in accordance with regulatory requirements. Observation of an open field adjacent to the outdoor playground revealed the sole supervising adult was a third party Soccer Shots coach caring for thirteen (13) children in the age range from three-years-old to five-years-old at the time of survey from 9:40 am until 10:05 am.

Interview with the director revealed the requested written permission from the parents for the third party Soccer Shots professional was unavailable at the time of survey.

**Written Documentation**

**In Compliance**

**Inspection Report**

**Posted Documentation**

**Not In Compliance**

**1200 - Posting Requirements**

**Not In Compliance**

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

**(6) In addition to the posting requirement of KRS 199.898(3), a child-care center shall post the following in a conspicuous place and make available for public inspection:**

- (a) The provider's preliminary or regular license;**
- (b) Each statement of deficiency and civil penalty notice issued by the cabinet during the current licensure year;**
- (c) Each plan of correction submitted by the child-care center to the cabinet during the current licensure year;**
- (d) Information on the Kentucky Consumer Product Safety Program and the program's Website as specified in KRS 199.897;**
- (e) A description of services provided by the child-care center, including:**
  - 1. Current rates for child care; and**
  - 2. Each service charged separately and in addition to the basic rate for child care;**
- (f) Minimum staff-to-child ratios and group size established in 922 KAR 2:120; and**
- (g) Daily planned program.**

**Findings:**

General: Based on interview and review of documentation, the child care center failed to comply with regulations regarding posted documentation. Review of posted documentation revealed the Statement of Deficiencies issued by the cabinet, and Plan of Corrections submitted by the center during the current licensure year were not posted and readily available.

Interview with the staff in charge revealed the requested documentation was unavailable at the time of survey.

**Animals**

**In Compliance**

Signature of  
Provider/Representative

Title

Date