



Andy Beshear
GOVERNOR

CABINET FOR HEALTH AND FAMILY SERVICES
OFFICE OF INSPECTOR GENERAL

Melissa A. Moore, Director
Division of Regulated Child Care
Western Branch
901 B South Main Street
Hopkinsville, KY 42240
Phone: (270) 889-6052 Fax: (270) 889-6089
<https://chfs.ky.gov/agencies/os/oig>

Eric Friedlander
SECRETARY

Adam Mather
INSPECTOR GENERAL

Inspection Report

Provider Name: Trib Ball "Free to Learn" Daycare	Provider Information	License No: L352579
Provider Address: 801 West 5th Street, Owensboro, KY, 42301	Provider Type: LICENSED TYPE I	Capacity: 175
Owner(s): H. L. Neblett Community Center, Inc.		Director(s): Ware, Carol Ann

Inspection Type: Investigation	Inspection Information	Inspection No: 95367
Visit Start Date: 04/22/2014 10:55 AM	Visit End Date: 04/22/2014 1:10 PM	
	No. of Children Present:	

Inspection Report

Supervision

5 - 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:

- a. Ensures the child is 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 interviews, the four year olds' caregiver allowed a four year old girl to go to the girls' restroom alone on 04/15/14. While the four year old girl was in the girls' restroom, a three year old boy went into the restroom, pulled down his pants and underwear, and urinated on the girl's pant leg. Interviews determined these two children were supervised by the same caregiver in the four year olds' classroom. The supervising caregiver was aware that the girl left the room to go approximately forty (40) feet to the girls' restroom, but was not aware the three year old boy had left the classroom until the four year old girl returned to the classroom and told what had happened. Both children were unsupervised for at least five (5) minutes or more.

Interviews determined two (2), three (3) year old boys had their pants and underwear down in a locked stall of the boys' restroom during the end of March or early April 2014. One (1) of the boys' kissed the other boy's penis. These (2) boys were alone in the restroom for approximately three (3) to four (4) minutes, and were discovered by a janitor.

Interviews determined two (2), three (3) year old boys pulled down their pants and showed their penis to nine (9), three (3) year olds in the four (4) year olds' classroom on 4/14/14. The supervising caregiver indicated she was picking up a paper from the floor and when she turned around the boys were showing their penis.

Interviews determined a three (3) year old boy kissed another three (3) year old boy on his mouth in the four (4) year olds' classroom at 8:45 a.m. on 4/16/14. The supervising caregiver stated she was at her desk completing the attendance record when the children at the table eating breakfast alerted her that the incident occurred.

Interviews determined that during April 2014, a caregiver stated she was picking up a child's shoe when she was alerted that two (2), three (3) year old boys exposed themselves in the three (3) year olds' classroom.

Interviews determined a three (3) year old boy showed his penis to twelve (12), three (3) year old children on 4/14/14 while the caregiver was getting crayons and paper from a cabinet and had her back to the children.

Staffing Requirements

40 - Ratios and Group Size

In Compliance

Inspection Report

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

1 staff for 6 children 12

Preschool-age 2 to 3 years

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.

General Administration

120 - Licensee Responsibility

Not Applicable

922 KAR 2:110. Section 2. General.

(1) A licensee shall be responsible for the operation of the child-care center pursuant to this administrative regulation, 922 KAR 2:090, and 922 KAR 2:120.

Director Requirements

250 - Staff Management/Policy Development/Supervision

Not In Compliance

922 KAR 2:110. Section 4. Director Requirements and Responsibilities.

(1) Effective with the adoption of this administrative regulation, a director shall:

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

Findings:

General: Based on interviews, staff did not document incidents where a three year old child frequently (more than ten (10) times during March and April 2014) exposed his penis to other children in the classroom, and when this same three year old boy and another three year old child were in a locked toilet stall of the boys' restroom in March or early April 2014.

Interviews determined that the center's verbal procedure was that caregivers completed the behavior/incident report and submitted the report to the childcare director or assistant childcare director for signature. The childcare director or assistant childcare director signed the report, returned the report back to the caregiver, and the caregiver had the parent to sign the incident report. The caregiver made a copy of the report if the parent requested and then the caregiver submitted the report back to the director to be filed in the child's file. The executive director signed the report only when a child was ready to be dismissed from the center. This policy/procedure was not in writing.

265 - Health, Safety, Comfort

Not In Compliance

922 KAR 2:110. Section 4. Director Requirements and Responsibilities.

(1) Effective with the adoption of this administrative regulation, a director shall:

- (l) Provide for the health, safety, and comfort of each child;

Findings:

General: Based on interviews, a three (3) year old boy pulled down his pants and urinated on another child at 9:45 a.m. on 7/25/13, while the children were at the basketball court on the outside playground. This same three (3) year old boy went to the girls' restroom, pulled down his pants and underwear and urinated on a four (4) year old girl while both children were in the restroom without adequate supervision on 4/15/14. This same three (3) year old boy and another three year old boy pulled down their pants and showed their penis to nine (9), three (3) year olds in the four (4) year olds' classroom on 4/14/14. The supervising caregiver was picking up paper from the floor and when she turned around the boys were showing their penis. This same three (3) year old boy showed his penis to twelve (12), three (3) year old children on 4/14/14 while the caregiver was getting crayons and paper from a cabinet and had her back to the children. Also, during the month of April 2014 (exact date unknown) two (2), three year old boys showed their penis while standing behind the shelf in the three year olds' classroom. The supervising caregiver had her back to the children as she picked up a child's shoe. This same three (3) year old boy and another three (3) year old boy were standing with their pants and underwear down in a locked stall of the boys' restroom during March or early April 2014. Interviews determined one boy kissed the other boy's penis.

Inspection Report

Written Documentation

1090 - Policies and Procedures

Not In Compliance

922 KAR 2:110. Section 2. General.

(5) 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 2:090, Child-care center licensure;

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

d. This administrative regulation.

Findings:

General: Based on interviews, the center had a verbal procedure for writing and handling Behavior/Incident Reports. The verbal procedure was that caregivers wrote the behavior/incident report and submitted the report for a signature to the childcare director or assistant child care director. The childcare director or assistant child care director signed the report, returned the report back to the caregiver, and the caregiver had the parent to sign the incident report. The caregiver made a copy of the report if the parent requested and then the caregiver submitted the report back to the director to be placed in the child's file. The executive director signed the report only when a child was ready to be dismissed from the center. This policy/procedure was not in writing.

Signature of
Provider/Representative

Title

Date