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Inspection Report

Provider Name: Kids House Child Care Center	Provider Information	CLR No: L359442
Provider Address: 1451 Bryan Ave., Lexington, KY, 40505	Provider Type: LICENSED TYPE I	Capacity: 79
Owner(s): Johnson, Twana & Lewis, Jr., Eldred		Director(s): Johnson, Twana

Inspection Type: Investigation	Inspection Information	Inspection No: 218293
Date Initiated: 12/16/2016 10:00 AM	Date Concluded: 12/16/2016 11:10 PM	
	No. of Children Present: 43	

Inspection Report	
Supervision	Not In Compliance
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 Review of Documentation and interview, this regulatory requirement was not met. On 12/9/16 the director reported an incident that occurred earlier that afternoon (12/9/16) by faxing a written statement to the DRCC office. The director stated that the staff person (hire date: 5/9/16) working in the school age classroom in the basement came upstairs "cussing and fussing" because a ten (10) year old male child had hit her in the eye. An interview with staff during the investigation and a review of facility video footage of the incident revealed that no other staff were working in the basement at the time of the incident (4:08PM). Staff stated that they heard the staff person stomping up the stairs, hitting the walls and screaming profanity when she came upstairs calling out for the director. The director made arrangements for a staff person on the main floor to go downstairs with the school age children; however, the school age children were left alone and unsupervised for an undetermined amount of time while this arrangement was being made. It is important to note that an interview with staff during the investigation and a review of facility video footage found that the children in the school age classroom were visibly upset and scared during and after the incident.	

Inspection Report**Staffing Requirements****Not In Compliance****40 - 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****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.****Findings:**

General: Based on Observation and interview, this regulatory requirement was not met. Upon arrival (12/16/16 at 10:00AM) the director escorted the surveyor and the DCBS Worker on a tour of the facility. During a tour of the first classroom (preschool), the director identified the names of two (2) staff present with fifteen (15) children; however, a second tour through the same classroom a few minutes later revealed that only one (1) staff person was present in the classroom with fifteen (15) children. A staff person that had been working in the kitchen was now observed working in the preschool classroom as the second staff person. A review of facility time cards and an interview with staff revealed that the staff person that had been present in the preschool classroom clocked out and left for the day at 9:49AM. The director stated during interview, "I thought she was in the preschool room when we first walked through, but she wasn't. She was sent home early, but I don't know why." Therefore, the preschool classroom was not in compliance with staff-to-child ratios from 9:49AM to approximately 10:10AM because one (1) staff person (co-owner) was observed caring for fifteen (15) children (fourteen (14) three - four (3 - 4) year olds and a school age child) alone until the kitchen staff person stepped into the classroom. The youngest child in the group was three-year-old, making the minimum staff to child ratio one staff person for twelve (12) children. The facility exceeded the staff/child ratio by three (3) children.

General Administration**Not In Compliance****80 - Comply with regulations****Not In Compliance****922 KAR 2:090. Section 6. License Issuance.****(11) To qualify for a preliminary license, or maintain a regular license, a child-care center shall:****(e) Comply with provisions of this administrative regulation, 922 KAR 2:110, and 922 KAR 2:120;****Findings:**

General: Based on Review of Documentation, observation and interview, the facility failed to comply with regulatory requirements. Inspections completed on 10/11/16, 6/20/16, 4/6/16, 5/5/15 and 4/22/15 found regulatory violations that included failure to meet minimum staff-to-child ratios. This same violation was found during this inspection despite plans of correction that indicated steps were taken to correct the violations.

85 - Cooperate with state agency**Not In Compliance****922 KAR 2:090. Section 6. License Issuance.****(11) To qualify for a preliminary license, or maintain a regular license, a child-care center shall:****(f) Cooperate with the cabinet, the cabinet's designee, or another agency with regulatory authority during:**

- 1. An investigation of an alleged complaint, including an allegation of child abuse or neglect pursuant to KRS 620.030(4); and**
- 2. Unannounced inspections; and**

Findings:

General: Based on Review of Documentation, observation, and interview, the facility failed to cooperate with the state agency during an investigation. The following was found:

1. On 12/12/16 the director stated during a phone interview that a staff person hit a ten (10) year old male child in the shoulder on 12/9/16 as a result of him hitting her in the eye; however, a review of facility video footage of the incident revealed the staff person and the child getting into two (2) different physical altercations in the classroom. Although the ten-year-old child may have hit the staff person in the eye, the video surveillance footage clearly shows that the staff person initiated the altercation during both incidents and she did a lot more to the child than "hit him in the shoulder".
2. The facility failed to cooperate with the cabinet during an investigation when the director provided false information. Upon arrival (10:00AM) the director escorted the surveyor and the DCBS Worker on a tour of the facility. During a tour of the first classroom (preschool), the director identified the names of two (2) staff present; however, a second tour through the same classroom a few minutes later revealed that only one (1) staff person was present in the classroom with fifteen (15) children. The other staff person that had been present in the preschool classroom clocked out and left for the day at 9:49AM.

120 - Licensee Responsibility

Not In Compliance

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.

Findings:

General: Based on Review of Documentation and interview, the following was found: 1. The licensee/co-owners failed to operate the facility according to the regulations as evidenced by a pattern of regulatory deficiencies regarding staff-to-child ratios. Inspections completed on 10/11/16, 6/20/16, 4/6/16, 5/5/15 and 4/22/15 found the licensee/co-owner failed to operate the facility according to the regulations regarding minimum staff-to-child ratios. It is important to note that the licensee/co-owners work with the children on a regular basis. 2. As evidenced in the information provided within this inspection report, the licensee/co-owner was present in an adjacent classroom during a verbal altercation between a staff person and a child's parents; however, he did not intervene or do anything to diffuse the situation. The director (also co-owner) was identified as being present during the verbal altercation; however, this situation was allowed to go on until police arrived and separated the adults to different areas.

Director Requirements

Not In Compliance

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:

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

Findings:

General: Based on Review of Documentation and interview, the director failed to provide for the health, safety and comfort of each child. On 12/9/16 the director reported an incident that occurred earlier that afternoon (12/9/16) by faxing a written statement to the DRCC office. The director stated that the staff person (hire date: 5/9/16) working in the school age classroom in the basement came upstairs "cussing and fussing" because a ten-year-old male child had hit her in the eye. The director further stated that the staff person hit the child back as a result. Director stated that the child's parent was contacted to come to the facility, the police were called and the staff person was terminated as a result of the incident. It is important to note that on 12/12/16 the director stated during a phone interview that the staff person hit the ten-year-old male child in the shoulder as a result of him hitting her in the eye; however, a review of facility video footage of the incident revealed the following: At 4:08:08PM the ten-year-old male child and his younger brother were observed pushing an air hockey table around in the back corner of the classroom. The ten-year-old is then observed following his younger brother around the classroom. When the ten-year-old child walks beside the staff person she reached out with her left arm to stop him from walking by and grabbed his arm with her right hand. The child tried to pull away from the staff person and the two (2) of them got into a physical altercation. The staff person swung the child around on the other side of her, put him in a head-lock with both of her arms and then pulled him over to the other side of the room out of the view of the camera. Five (5) seconds later the child re-appeared on the video footage. The staff person re-appeared on the video footage at 4:09:16PM. She walked straight over to the same child, grabbed him around the neck and began punching him on the back of his neck and head area. The two (2) of them got in another physical altercation and then the staff person exited the classroom. The child punched the staff person in the back as she exited the classroom. The other children present in the school age classroom at the time of the incident are observed to be visibly upset and scared during the incident and this was also confirmed during an interview with staff. Staff stated that children in the school age classroom were crying, scared and asking to call their parents as a result of the incident. Staff also stated during the investigation that they heard the staff person stomping up the stairs, hitting the walls and screaming profanity when she came upstairs calling out for the director. The director pointed to a hole in the wall in the front lobby during the investigation and stated that the staff person punched the wall with her fist because she was so mad. The director stated during interview, "I could not go downstairs with the school age children because I was holding a baby and helping the photographer that was at the facility taking pictures, but I instructed someone else to go down there. I told the staff person (hire date: 5/9/16) to stay in the lobby while I was stepped out to get someone, but she went back downstairs and hit the child again." Interviews with staff and parents during the investigation revealed that the situation further escalated when the child's parents were contacted to come to the facility and the staff person's family members arrived at the facility. Administrative staff at the facility, the director and a co-owner that was also identified as being present, allowed a verbal altercation to occur between the adults in the front lobby of the facility and it could be heard by the children present in the building. This verbal altercation was not stopped until police arrived and separated the adults to different areas.

Programming

Not In Compliance

350 - Program of Activities Followed

Not In Compliance

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

(4) The child-care center shall provide a daily planned program:

(a) Posted in writing in a conspicuous location with each age group and followed;

(b) Of activities that are individualized and developmentally appropriate for each child served;

(c) That provides experience to promote the individual child's physical, emotional, social, and intellectual growth and well-being; and

(d) That offers a variety of creative activities including the following:

- 1. Art;**
- 2. Music;**
- 3. Dramatic play;**
- 4. Stories and books;**
- 5. Science;**
- 6. Block building;**
- 7. Tactile activity;**
- 8. Culture;**
- 9. Indoor or outdoor play in which a child makes use of both small and large muscles;**
- 10. A balance of active and quiet play, including group and individual activity;**
- 11. An opportunity for a child to:**
 - a. Have some free choice of activities;**
 - b. If desired, play apart from the group at times;**

Findings:

General: Based on Observation and interview, the following was found: 1. At the time of the survey it was found that the facility failed to offer appropriate programming for the school age child (twelve (12) year old) that was observed watching cartoons with the children in the preschool classroom. This child was grouped with the preschool children (age range: 3-4 years old) and followed the same programming. The staff person in charge stated that the school age child was present at the facility because she was suspended from her school. 2. No planned programming for children in the one (1) year old classroom and two (2) year old classroom was observed. During a tour of the facility the surveyor observed a chair being used to prop open the door between these two (2) classrooms. The children in these two (2) rooms (thirteen (13) children total) were observed running back and fourth between the two (2) rooms and chasing each other.

360 - Electronic Viewing/Listening Devices

Not In Compliance

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

(4) The child-care center shall provide a daily planned program:

(d) That offers a variety of creative activities including the following:

12. Use of electronic viewing and listening devices if the:

- a. Material is appropriate to the child using the equipment;**
- b. Material does not include any violence, adult content viewing, or inappropriate language;**
- c. Viewing or individual listening is limited to two (2) hours per day;**
- d. Viewing or listening is discussed with parents prior to viewing or listening; and**
- e. Viewing or listening is designed as an educational tool.**

(5) A child who does not wish to use the electronic devices during the planned program shall be offered other appropriate activities.

Findings:

General: Based on Observation, this regulatory requirement was not met. Upon the surveyor's arrival to the facility a group of fifteen (15) children (fourteen (14) three - four (3-4) year olds and a school age child) were in the preschool room watching cartoons. This television show was not part of the children's planned program of activities and it was not an educational tool for the children.

385 - Discipline

Not In Compliance

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

(10) A child shall not be subjected to:

- (a) Corporal physical discipline pursuant to KRS 199.896(18);**
- (b) Loud, profane, threatening, frightening, or abusive language; or**
- (c) Discipline that is associated with:**
 - 1. Rest;**
 - 2. Toileting; or**
 - 3. Food.**

Findings:

General: Based on Review of Documentation and interview, this regulatory requirement was not met. On 12/9/16 the director reported an incident to the DRCC office involving a staff person and a ten (10) year old male child on 12/9/16. The staff person that had been working in the school age classroom in the basement came upstairs "cussing and fussing" because a ten (10) year old male child had hit her in the eye. A review of facility video footage of the incident revealed two (2) separate physical altercations between the staff person and the ten (10) year old child. During the first incident, the staff person reached out to stop the child from walking by her and grabbed his arm. The child tried to pull away from the staff person and the two (2) of them got into a physical altercation. The staff person swung the child around on the other side of her, put him in a head-lock with both of her arms and then pulled him over to the other side of the room out of the view of the camera. Five (5) seconds later the child re-appeared on the video footage alone. The staff person re-appeared on the video footage at 4:09:16PM and this is when the second incident occurred. The staff person walked straight over to the same child, grabbed him around the neck and began punching him on the back of his neck and head area. The two (2) of them got in another physical altercation and then the staff person exited the classroom. The child punched the staff person in the back as she exited the classroom. The other children present in the school age classroom at the time of the incident were observed to be visibly upset and scared during the incident. Staff stated during the investigation that they heard the staff person stomping up the stairs, hitting the walls and screaming profanity when she came upstairs calling out for the director. The director pointed to a hole in the wall in the front lobby during the investigation and stated that the staff person punched the wall with her fist because she was so mad. The director stated during interview, "I could not go downstairs with the school age children because I was holding a baby and helping the photographer that was at the facility taking pictures, but I instructed someone else to go down there. I told the staff person (hire date: 5/9/16) to stay in the lobby while I was stepped out to get someone, but she went back downstairs and hit the child again." Interviews with staff and parents during the investigation revealed that the situation further escalated when the child's parents were contacted to come to the facility and the staff person's family members arrived at the facility. Administrative staff at the facility, the director and a co-owner that was also identified as being present, allowed a verbal altercation to occur between the adults in the front lobby of the facility and it could be heard by the children present in the building. This verbal altercation was not stopped until police arrived and separated the adults to different areas.

Signature of Provider/Representative

Title

Date