



June 16, 2011

TO: Yvette Sanchez Fuentes
Director, Office of Head Start
Administration for Children and Families

FROM: /Lori S. Pilcher/
Acting Deputy Inspector General for Audit Services

SUBJECT: Review of Kings Community Action Organization's Compliance With Health and Safety Regulations for Head Start Programs (A-09-11-01000)

Attached, for your information, is an advance copy of our final report on Kings Community Action Organization's (the Grantee) compliance with Head Start health and safety regulations for Head Start programs. We will issue this report to the Grantee within 5 business days. The Administration for Children and Families, Office of Head Start, requested this review.

If you have any questions or comments about this report, please do not hesitate to contact me at (202) 619-1175 or through email at Lori.Pilcher@oig.hhs.gov or Lori A. Ahlstrand, Regional Inspector General for Audit Services, Region IX, at (415) 437-8360 or through email at Lori.Ahlstrand@oig.hhs.gov. Please refer to report number A-09-11-01000.

Attachment



DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of Inspector General

Office of Audit Services, Region IX
90 – 7th Street, Suite 3-650
San Francisco, CA 94103

June 17, 2011

Report Number: A-09-11-01000

Ms. Glenda Stephens
Head Start Director
Kings Community Action Organization
1130 North 11th Avenue
Hanford, CA 93230

Dear Ms. Stephens:

Enclosed is the U.S. Department of Health & Human Services (HHS), Office of Inspector General (OIG), final report entitled *Review of Kings Community Action Organization's Compliance With Health and Safety Regulations for Head Start Programs*. We will forward a copy of this report to the HHS action official noted on the following page for review and any action deemed necessary.

The HHS action official will make final determination as to actions taken on all matters reported. We request that you respond to this official within 30 days from the date of this letter. Your response should present any comments or additional information that you believe may have a bearing on the final determination.

Section 8L of the Inspector General Act, 5 U.S.C. App., requires that OIG post its publicly available reports on the OIG Web site. Accordingly, this report will be posted at <http://oig.hhs.gov>.

If you have any questions or comments about this report, please do not hesitate to call me, or contact James Kenny, Audit Manager, at (415) 437-8370 or through email at James.Kenny@oig.hhs.gov. Please refer to report number A-09-11-01000 in all correspondence.

Sincerely,

/Lori A. Ahlstrand/
Regional Inspector General
for Audit Services

Enclosure

Direct Reply to HHS Action Official:

Ms. Jan Len
Regional Program Manager
Office of Head Start
Administration for Children and Families
90 Seventh Street, Ninth Floor
San Francisco, CA 94103

Department of Health & Human Services

**OFFICE OF
INSPECTOR GENERAL**

**REVIEW OF KINGS COMMUNITY
ACTION ORGANIZATION'S
COMPLIANCE WITH HEALTH AND
SAFETY REGULATIONS FOR
HEAD START PROGRAMS**



Daniel R. Levinson
Inspector General

June 2011
A-09-11-01000

Office of Inspector General

<http://oig.hhs.gov>

The mission of the Office of Inspector General (OIG), as mandated by Public Law 95-452, as amended, is to protect the integrity of the Department of Health & Human Services (HHS) programs, as well as the health and welfare of beneficiaries served by those programs. This statutory mission is carried out through a nationwide network of audits, investigations, and inspections conducted by the following operating components:

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The Office of Evaluation and Inspections (OEI) conducts national evaluations to provide HHS, Congress, and the public with timely, useful, and reliable information on significant issues. These evaluations focus on preventing fraud, waste, or abuse and promoting economy, efficiency, and effectiveness of departmental programs. To promote impact, OEI reports also present practical recommendations for improving program operations.

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Notices

THIS REPORT IS AVAILABLE TO THE PUBLIC

at <http://oig.hhs.gov>

Section 8L of the Inspector General Act, 5 U.S.C. App., requires that OIG post its publicly available reports on the OIG Web site.

OFFICE OF AUDIT SERVICES FINDINGS AND OPINIONS

The designation of financial or management practices as questionable, a recommendation for the disallowance of costs incurred or claimed, and any other conclusions and recommendations in this report represent the findings and opinions of OAS. Authorized officials of the HHS operating divisions will make final determination on these matters.

EXECUTIVE SUMMARY

BACKGROUND

Within the U.S. Department of Health & Human Services, the Administration for Children and Families, Office of Head Start (OHS), administers the Head Start and Early Head Start programs. We refer collectively to both programs as the Head Start program. In fiscal year (FY) 2009, Congress appropriated \$7.1 billion to fund the program's regular operations. The American Recovery and Reinvestment Act of 2009, P.L. No. 111-5 (Recovery Act), provided an additional \$2.1 billion for the Head Start program during FYs 2009 and 2010.

Kings Community Action Organization, Inc. (the Grantee), provides Head Start services to children from birth to 5 years of age and their families through a comprehensive childcare program at 11 State-licensed Head Start facilities in Kings County, California. For program year April 1, 2009, through May 31, 2010, OHS awarded approximately \$4.8 million in Federal Head Start funds to the Grantee to provide services to 549 children. In 2009, the Grantee was also awarded \$299,571 in Recovery Act funding.

OBJECTIVE

Our objective was to determine whether the Grantee complied with applicable Federal and State requirements on ensuring the health and safety of children in its care.

SUMMARY OF FINDINGS

The Grantee did not fully comply with Federal and State requirements on ensuring the health and safety of children in its care. Specifically, as of October 2010:

- The Grantee had not obtained criminal record checks or signed statements regarding criminal history for 40 of its 160 employees. The Grantee obtained criminal record checks and signed criminal record statements for the 120 remaining employees. However, the Grantee did not obtain criminal record checks on two of these employees until after they were hired. In addition, the files on 39 of the 120 employees did not contain the required documentation of criminal record clearances.
- The Grantee's 11 childcare facilities that we reviewed did not meet all Federal Head Start and State requirements on protecting children from unsafe materials and equipment. In addition, three of these facilities did not provide a fully secure environment for the children in their care.

These deficiencies occurred because the Grantee did not have adequate procedures or did not consistently follow its existing procedures to ensure that it complied with Federal and State health and safety requirements. The Grantee's failure to follow these requirements jeopardized the health and safety of children in its care.

RECOMMENDATIONS

We recommend that the Grantee strengthen and consistently follow its existing procedures to ensure that:

- criminal record checks are obtained before hiring employees and all employee files contain (1) documentation of criminal record clearances or exemptions and (2) employee-signed statements regarding criminal history and
- all unsafe materials and equipment are stored in locked areas out of the reach of children, other unsafe conditions are addressed, and all facilities are secure.

GRANTEE COMMENTS AND OFFICE OF INSPECTOR GENERAL RESPONSE

In written comments on our draft report, the Grantee described actions taken to address our recommendations and the deficiencies that we identified. For the deficiency related to criminal record checks, the Grantee stated that the finance director had a criminal record clearance at the time of our audit. In addition, the Grantee stated that a large puddle of stagnant water adjacent to the sidewalk near the Avenal facility's front entrance was caused by the City of Avenal's sprinkler system, not by a water filtration system. The Grantee's comments are included in their entirety as Appendix B.

Although the finance director received a criminal record clearance, it was after the date of hire. We revised our report to reflect that the puddle of stagnant water was caused by a sprinkler system.

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INTRODUCTION

BACKGROUND

Federal Head Start Program

Title VI of the Omnibus Budget Reconciliation Act of 1981 established Head Start as a Federal discretionary grant program. The major program objectives include promoting school readiness and enhancing the social and cognitive development of low-income children by providing health, educational, nutritional, and social services. In 1994, the Head Start program was expanded to establish Early Head Start (EHS), which serves children from birth to 3 years of age. We refer collectively to both programs as the Head Start program.

Within the U.S. Department of Health & Human Services, the Administration for Children and Families (ACF), Office of Head Start (OHS), administers the Head Start program. In fiscal year (FY) 2009, Congress appropriated \$7.1 billion to fund Head Start's regular operations.

The American Recovery and Reinvestment Act of 2009, P.L. No. 111-5 (Recovery Act), provided an additional \$2.1 billion for the Head Start program during FYs 2009 and 2010. These funds were intended for activities such as expanding enrollment, funding cost-of-living wage increases for grantees, upgrading centers and classrooms, and bolstering training and technical assistance.

Federal and State Requirements for Head Start Grantees

Pursuant to Federal Head Start requirements (45 CFR § 1304.53(a)(7)), Head Start grantees must provide for the maintenance, repair, safety, and security of all Head Start facilities. These requirements also specify that facilities used by Head Start grantees for regularly scheduled, center-based activities must comply with State and local licensing requirements. Pursuant to 45 CFR § 1306.30(c), if State and local licensing standards are less stringent than the Head Start requirements or if no State licensing standards are applicable, grantees must ensure that their facilities comply with the Head Start Program Performance Standards related to health and safety.

In California, childcare centers must comply with Title 22, division 12, chapter 1, of the California Code of Regulations (CCR). Pursuant to CCR § 101156(a), unless a childcare arrangement is exempt from licensure as specified in § 101158, no adult, general partners of a partnership, controlling partners in a limited liability corporation, corporation, county, city, public agency, or other governmental entity may operate, establish, manage, conduct, or provide care and supervision without a valid license from the Department of Social Services (the Department).

Kings Community Action Organization, Inc.

Kings Community Action Organization, Inc. (the Grantee), a private, nonprofit community action agency, provides services to address the needs of low-income residents of Kings County,

California. The Grantee provides Head Start services to children from birth to 5 years of age and their families through a comprehensive program at 11 State-licensed facilities: Avenal, Clay, Corcoran, Generations, Home Garden, Kettleman City, Lyndon B. Johnson, Oasis, Preston Green, Rosa Parks, and Stratford. The Grantee also provides home-based services from one EHS facility. The Grantee has received Head Start funding since 1965.

For program year April 1, 2009, through May 31, 2010, OHS awarded approximately \$4.8 million in Federal Head Start funds to the Grantee to provide services to 549 children. In 2009, the Grantee was also awarded \$299,571 in Recovery Act funding.

Office of Inspector General Audits

This audit is one of a series of audits that address the health and safety of children who attend Head Start programs. We are conducting these audits in response to the \$2.1 billion in Recovery Act funds appropriated for the Head Start program in FYs 2009 and 2010.

OBJECTIVE, SCOPE, AND METHODOLOGY

Objective

Our objective was to determine whether the Grantee complied with applicable Federal and State requirements on ensuring the health and safety of children in its care.

Scope

Our review covered the Grantee's employee records and 11 State-licensed facilities as of October 2010. To gain an understanding of the Grantee's operations, we conducted a limited review of the Grantee's internal controls as they related to our audit objective.

We performed our fieldwork from October 12 through October 22, 2010, at the Grantee's administrative offices in Hanford, California, and at its 11 State-licensed childcare facilities in Kings County, California.

Methodology

To accomplish our objective, we:

- selected the Grantee based on prior risk analyses and discussions with ACF officials;
- reviewed Federal and State laws, regulations, and policies related to Federal grant awards and the Head Start program;
- interviewed the Grantee's officials and employees;
- reviewed the Grantee's Head Start grant applications and current grant award documents;

- reviewed the Grantee’s files on all 160 current Head Start employees;¹
- reviewed the Grantee’s licenses and documentation of fire inspections;
- visited the Grantee’s 11 State-licensed childcare facilities; and
- discussed our preliminary findings with Grantee and ACF officials.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objective.

FINDINGS AND RECOMMENDATIONS

The Grantee did not fully comply with Federal and State requirements on ensuring the health and safety of children in its care. Specifically, as of October 2010:

- The Grantee had not obtained criminal record checks or signed statements regarding criminal history for 40 of its 160 employees. The Grantee obtained criminal record checks and signed criminal record statements for the 120 remaining employees. However, the Grantee did not obtain criminal record checks on two of these employees until after they were hired. In addition, the files on 39 of the 120 employees did not contain the required documentation of criminal record clearances.
- The Grantee’s 11 childcare facilities that we reviewed did not meet all Federal Head Start and State requirements on protecting children from unsafe materials and equipment. In addition, three of these facilities did not provide a fully secure environment for the children in their care.

These deficiencies occurred because the Grantee did not have adequate procedures or did not consistently follow its existing procedures to ensure that it complied with Federal and State health and safety requirements. The Grantee’s failure to follow these requirements jeopardized the health and safety of children in its care.

CRIMINAL RECORD CHECKS

Federal and State Requirements

Pursuant to section 648A(g) of the Head Start Act (42 U.S.C. § 9843A(g)), a Head Start grantee may not hire an individual on a permanent or nonpermanent basis until it obtains (1) a State, tribal, or Federal criminal record check covering all jurisdictions where the grantee provides

¹ Of the total, 140 employees were partially or fully funded by the Head Start grant award, and 20 employees were paid through the indirect cost pool.

Head Start services to children; (2) a State, tribal, or Federal criminal record check as required by the law of the jurisdiction where the grantee provides Head Start services; or (3) a criminal record check as otherwise required by Federal law.

Section 101170(a) of the CCR states that the Department must conduct a criminal record review of all persons specified in the Health and Safety Code § 1596.871(b), including the applicant; adults responsible for administration or direct supervision of staff; any person, other than a child, residing in the facility; any person who provides care and supervision to children; and any staff person, volunteer, or employee who has contact with children. Section 101170(e) of the CCR states that all individuals subject to a criminal record review must, before working, residing, or volunteering in a licensed facility, obtain a California criminal record clearance or a criminal record exemption as required by the Department.

Section 101170(d) of the CCR states that any individual subject to a criminal record review must sign a Criminal Record Statement declaring whether he or she has been convicted of a crime, other than a minor traffic violation, regardless of whether the individual was granted a pardon for the conviction, the individual received expungement, or the individual's record was sealed as a result of a court order.

Section 101217(a) of the CCR states that the personnel record for each employee must contain, among other things, (1) documentation of a criminal record clearance or a criminal record exemption as required by CCR § 101170(e) and (2) a signed statement regarding the employee's criminal record history as required by CCR § 101170(d).

Grantee's Compliance With Federal and State Requirements

The Grantee did not obtain criminal record checks or signed criminal record statements for 40 of its employees. Specifically, the Grantee did not obtain criminal record checks for 9 employees, criminal record checks and signed criminal record statements for 4 employees, and signed criminal record statements for 27 employees.

Of the 13 employees who did not have criminal record checks, 12 were administrative employees, and 1 was a food service worker at a childcare facility licensed for 24 children. The office for 11 of the administrative employees was located approximately 1 mile from the nearest childcare facility, and 1 administrative employee worked in the front office of a childcare facility. The Grantee obtained a criminal record check for this employee after our visit. For the food service worker, the Grantee had requested a criminal record check before employment and mistakenly believed that clearance had been granted before the employee began work. The Grantee then received a letter from the Department stating that a criminal record exemption for the individual had to be obtained before she could work or be present at a childcare facility. The Grantee misinterpreted the letter as allowing the individual to continue working at the childcare facility while the Grantee requested an exemption. As a result of our review, this individual has been reassigned to the Grantee's administrative office and is no longer working at a childcare facility.

Although the Grantee obtained criminal record checks and signed criminal record statements for the 120 remaining employees, the Grantee did not obtain the checks on 2 employees (1 finance director and 1 EHS coordinator) until after they were hired. The office for the finance director was located approximately 1 mile from the nearest childcare facility, and the EHS coordinator worked at a designated EHS administrative facility located approximately 1.5 miles from the nearest childcare facility.

In addition, the files on 39 of the 120 employees did not contain the required documentation of criminal record clearances. We confirmed that the Grantee had obtained the required criminal record clearances for these employees.

By not ensuring that it complied with all employment requirements for employees who supervised or had routine unsupervised contact with children, the Grantee potentially jeopardized the safety of children in its care.

MATERIAL AND EQUIPMENT SAFETY AND FACILITY SECURITY

Federal and State Requirements

Pursuant to Federal Head Start requirements (45 CFR § 1304.53(a)(7)), grantees must provide for the maintenance, repair, safety, and security of all Head Start facilities, materials, and equipment. Pursuant to 45 CFR § 1304.53(a), among other requirements, grantees must ensure that:

- an appropriate number of smoke detectors are installed and tested regularly;
- exits are clearly visible and evacuation routes are clearly marked and posted so that the path to safety outside is unmistakable;
- the selection, layout, and maintenance of playground equipment and surfaces minimize the possibility of injury to children;
- electrical outlets accessible to children have child-resistant covers, child-protection outlets, or safety plugs to prevent shock; and
- indoor and outdoor premises are cleaned daily and kept free of undesirable and hazardous materials and conditions.

Furthermore, 45 CFR § 1304.22(f) requires that first aid kits be readily available, well supplied, restocked, and inventoried at regular intervals.

Pursuant to 45 CFR § 1306.30(c), grantees also must ensure that Head Start facilities comply with any State and local licensing requirements. If these licensing standards are less comprehensive or less stringent than Head Start regulations or if no State or local licensing standards are applicable, grantees must ensure that their facilities comply with the Head Start Program Performance Standards related to health and safety.

The CCR specifies that childcare centers must protect children from unsafe materials and equipment by, among other actions:

- posting signs at the entrance to the center that provide the telephone number of the local health department and information on child passenger restraint systems if the center provides transportation (CCR § 101225(f));
- maintaining the center in good repair at all times (CCR § 101238(a));
- taking measures to keep the center free of flies, other insects, and rodents (CCR § 101238(a)(1));
- storing disinfectants, cleaning solutions, poisons, and other items that could pose a danger to children in a location inaccessible to children (CCR § 101238(g));
- ensuring that any construction or equipment that could pose a hazard in an outdoor activity area is inaccessible to children (CCR § 101238.2(h));
- ensuring that floors of all rooms have safe and clean surfaces (CCR § 101238.3(b));
- storing combustibles, cleaning equipment, and cleaning agents in a locked cabinet separate from food or in a location inaccessible to children (CCR § 101238.4(d));
- maintaining furniture and equipment in good condition and free of sharp, loose, or pointed parts (CCR § 101239(n)); and
- arranging furniture and equipment, including cots and mats used for napping, so that no exit is blocked (CCR § 101239(p)).

Section 101238.2(g) of the CCR requires that the playground be enclosed by a fence at least 4 feet high to protect children and to keep them in the outdoor activity area. Section 101238.2(g)(1) of the CCR states that the fence should prevent children from leaving the outdoor activity area unnoticed but not itself present a hazard.

Grantee's Compliance With Federal and State Requirements

The Grantee's 11 childcare facilities that we reviewed did not meet all Federal Head Start and State health and safety requirements on protecting children from unsafe materials and equipment. In addition, three of these facilities did not provide a fully secure environment for the children in their care. We defined "facility security" as limiting public access to the facilities and preventing children from leaving the facilities. We noted the following deficiencies at the Grantee's facilities, and we discussed the deficiencies with the site supervisors on duty during our visits. In most instances, the site supervisors and the Grantee's administrative staff took steps during our fieldwork to address our concerns.

Home Garden (visited October 13, 2010)

- The facility had not installed any smoke detectors.
- A 6.5-inch gap in the playground fence could have permitted a child to leave the premises and enter an unsupervised parking area.

Clay (visited October 13, 2010)

- A door leading to an adult bathroom was unlocked, allowing children access to cleaning supplies.
- An unsecured fence gate led to an area with debris and construction materials. The gate latch was within children's reach.

Rosa Parks (visited October 13 and 20, 2010)

- The facility had not installed any smoke detectors.
- The facility, which provided transportation services for children, did not post a sign with information on child passenger restraint systems.

Lyndon B. Johnson (visited October 14, 2010)

- A large container filled with supplies was stored on a wall-mounted shelf above the children's toilet, posing a toppling hazard.
- A ramp from the classroom to the playground was partially obstructed by a wheelchair, walker, and other equipment.

Corcoran (visited October 14, 2010)

- Shelves and cabinets, between 4.5 and 6 feet high, were unbolted and posed a toppling hazard.
- A first aid kit had two bottles of expired pain reliever.
- A large wrinkle in the carpet presented a tripping hazard.
- A door leading from the playground to an adult bathroom was unlocked, allowing children access to large containers of cleaning solution (Appendix, Photograph 1).
- A cabinet in the playground area, approximately 7 feet high, was in poor condition and posed a danger.

- A file cabinet in the playground area was unlocked, allowing children access to cleaning supplies (baking soda and borax).
- A storage shed on the playground was unlocked, allowing children access to tools and other items that could pose a danger.
- Tree roots in the sand underneath the play structure presented a tripping hazard.

Preston Green (visited October 14 and 20, 2010)

- The facility had not installed any smoke detectors.
- The facility did not have exit signs near two doors.
- A file cabinet in a classroom was unlocked, allowing children access to rubber cement stored in the bottom drawer.
- A door to a walk-in closet was unlocked, allowing children access to shelves filled with various materials (Appendix, Photograph 2).
- One napping mat was torn and had exposed foam.
- Two electrical outlets in a classroom lacked protective caps.
- A classroom had a large number of flies.
- Irrigation control valve covers in the playground presented a tripping hazard (Appendix, Photograph 3).
- A rooftop air-conditioning unit drained through a rain gutter and created a pool of water on the playground sidewalk, presenting a slipping hazard (Appendix, Photograph 4).
- A leaking garden hose created muddy areas on the playground (Appendix, Photograph 5).
- Uneven pavement in the playground area presented a tripping hazard.

Generations (visited October 14 and 15, 2010)

- A cabinet in a classroom was unlocked, allowing children access to cleaning agents.
- A door in the children's bathroom was unlocked, allowing children unsupervised access to the playground.
- An unsecured fence gate led to the yard of an adjoining senior center operated by the Grantee. The gate latch was within children's reach.

- Two unsecured covers for irrigation control valves in the playground presented tripping hazards. One covered a 15-inch-deep hole (Appendix, Photograph 6).

Kettleman City (visited October 15, 2010)

- The facility had not installed any smoke detectors.
- A first aid kit contained expired items. For example, a bottle of cough syrup was nearly 2 years past its expiration date.
- A door to an adult bathroom was unlocked, allowing children access to cleaning agents.
- A door leading to a teachers' office was unlocked, allowing children access to potentially hazardous materials and equipment (e.g., a paper cutter and shredder).
- An unsecured fence gate led to an unlocked garden toolshed (containing a lawnmower), unlocked kitchen, and open janitorial closet (containing cleaning supplies and a water heater). The gate latch was within children's reach.

Oasis (visited October 15, 2010)

- The facility did not have an exit sign near a door.
- A fence gate that led from the playground to a parking lot and a busy road was unsecured. The gate latch was within children's reach (Appendix, Photograph 7).

Avenal (visited October 15, 2010)

- Cabinets under the sink and counter area in a classroom were unlatched, allowing children access to cleaning agents.
- The overflow from a sprinkler system created a large puddle of stagnant water adjacent to the sidewalk near the facility's front entrance (Appendix, Photograph 8).
- A door leading to a teen resource clinic was unlocked, allowing children access to potentially hazardous materials and equipment (e.g., a paper shredder that was powered on and two 6-foot-tall unbolted and unlocked cabinets with a television, computer, and various containers stored on top).
- A door leading to teachers' offices was unlocked, allowing children access to potentially hazardous materials and equipment (e.g., silicone glue and a paper cutter).
- A door leading to a teachers' meeting room was unlocked, allowing children access to a microwave and other items that could pose a danger.

- A storage shed on the playground was unlocked, allowing children access to tools and other items that could pose a danger.
- A fence gate that led to a driveway was unsecured. The gate latch was within children's reach.

Stratford (visited October 18, 2010)

- A chain used to secure two tables on the playground presented a tripping hazard.

We notified the Grantee of these deficiencies during our visits, and the Grantee stated that it had addressed or was in the process of addressing the unsafe conditions that we had identified.

By not ensuring that all facilities were kept free from unsafe materials and equipment and that all facilities were secure, the Grantee jeopardized the health and safety of children in its care.

INADEQUATE OR INCONSISTENTLY FOLLOWED PROCEDURES

These deficiencies occurred because the Grantee did not have adequate procedures or did not consistently follow existing procedures to ensure that it complied with Federal and State health and safety requirements.

RECOMMENDATIONS

We recommend that the Grantee strengthen and consistently follow its existing procedures to ensure that:

- criminal record checks are obtained before hiring employees and all employee files contain (1) documentation of criminal record clearances or exemptions and (2) employee-signed statements regarding criminal history and
- all unsafe materials and equipment are stored in locked areas out of the reach of children, other unsafe conditions are addressed, and all facilities are secure.

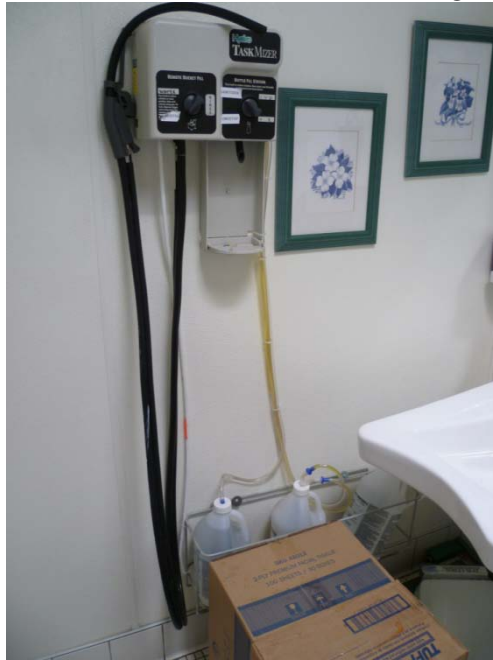
GRANTEE COMMENTS AND OFFICE OF INSPECTOR GENERAL RESPONSE

In written comments on our draft report, the Grantee described actions taken to address our recommendations and the deficiencies that we identified. For the deficiency related to criminal record checks, the Grantee stated that the finance director had a criminal record clearance at the time of our audit. In addition, the Grantee stated that a large puddle of stagnant water adjacent to the sidewalk near the Avenal facility's front entrance was caused by the City of Avenal's sprinkler system, not by a water filtration system. The Grantee's comments are included in their entirety as Appendix B.

Although the finance director received a criminal record clearance, it was after the date of hire. We revised our report to reflect that the puddle of stagnant water was caused by a sprinkler system.

APPENDIXES

**APPENDIX A: LACK OF COMPLIANCE WITH MATERIAL AND EQUIPMENT
SAFETY AND FACILITY SECURITY REQUIREMENTS**



Photograph 1 – Taken at Corcoran on 10/14/10 showing large containers of cleaning solution in an adult bathroom. The door was unlocked, allowing access to children from the playground.



Photograph 2 – Taken at Preston Green on 10/14/10 showing shelves filled with various materials in a walk-in closet accessible from the classroom through an unlocked door.



Photograph 3 – Taken at Preston Green on 10/14/10 showing irrigation control valve covers on the playground that presented a tripping hazard.



Photograph 4 – Taken at Preston Green on 10/14/10 showing a pool of water on the playground sidewalk created by drainage from an air conditioning unit on the roof.



Photograph 5 – Taken at Preston Green on 10/14/10 showing muddy areas on the playground created by a leaking garden hose.



Photograph 6 – Taken at Generations on 10/14/10 showing a 15-inch-deep hole for an irrigation control valve with an unsecured cover (removed for photograph).



Photograph 7 – Taken at Oasis on 10/15/10 showing an unsecured gate on the playground that led to a busy road. The gate latch was within children’s reach.



Photograph 8 – Taken at Avenal on 10/15/10 showing a large puddle of stagnant water adjacent to the sidewalk near the facility’s front entrance.

APPENDIX B: GRANTEE COMMENTS

Kings Community Action Organization, Inc.
Response to Office of Inspector General Draft Report

Home Garden (visited October 13, 2010)

- The facility had not installed any smoke detectors.

A 6.5-inch gap in the playground fence could have permitted a child to leave the premises and enter an unsupervised parking area.

RESPONSE: The smoke alarms were installed and the fence gap has been closed with added chain link fencing material.

Clay (visited October 13, 2010)

- A door leading to an adult bathroom was unlocked, allowing children access to cleaning supplies.
- An unsecured fence gate led to an area with debris and construction materials. The gate latch was within children's reach.

RESPONSE: The adult bathroom remains locked and inaccessible to children. The gate latch was moved and placed out of children's reach.

Rosa Parks (visited October 13 and 20, 2010)

- The facility had not installed any smoke detectors.
- The facility, which provided transportation services for children, did not post a sign with information on child passenger restraint systems.

RESPONSE: Smoke detectors were installed in each classroom. Child restraint posters are posted.

Lyndon B. Johnson (visited October 14, 2010)

- A large container filled with supplies was stored on a wall-mounted shelf above the children's toilet, posing a toppling hazard.
- A ramp from the classroom to the playground was partially obstructed by a wheelchair, walker, and other equipment.

RESPONSE: Container was removed and supplies stored in a cabinet. Obstruction items were removed immediately.

Corcoran (visited October 14, 2010)

- Shelves and cabinets, between 4.5 and 6 feet high, were unbolted and posed a toppling hazard.
- A first aid kit had two bottles of expired pain reliever.
- A large wrinkle in the carpet presented a tripping hazard.
- A door leading from the playground to an adult bathroom was unlocked, allowing children access to large containers of cleaning solution (Appendix, Photograph 1).

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- A cabinet in the playground area, approximately 7 feet high, was in poor condition and posed a danger.
- A file cabinet in the playground area was unlocked, allowing children access to cleaning supplies (baking soda and borax).
- A storage shed on the playground was unlocked, allowing children access to tools and other items that could pose a danger.
- Tree roots in the sand underneath the play structure presented a tripping hazard.

RESPONSE: The cabinet was bolted to prevent toppling. Pain reliever was removed from First Aid Kit. The carpet was stretched to remove a trip hazard. The adult bathroom is locked and inaccessible to children. Cabinet in playground area removed. File cabinet was removed. The outdoor storage shed is locked and kept inaccessible to children. The tree service removed the roots.

Preston Green (visited October 14 and 20, 2010)

- The facility had not installed any smoke detectors.
- The facility did not have exit signs near two doors.
- A file cabinet in a classroom was unlocked, allowing children access to rubber cement stored in the bottom drawer.
- A door to a walk-in closet was unlocked, allowing children access to shelves filled with various materials (Appendix, Photograph 2).
- One napping mat was torn and had exposed foam.
- Two electrical outlets in a classroom lacked protective caps.
- A classroom had a large number of flies.
- Irrigation control valve covers in the playground presented a tripping hazard (Appendix, Photograph 3).
- A rooftop air-conditioning unit drained through a rain gutter and created a pool of water on the playground sidewalk, presenting a slipping hazard (Appendix, Photograph 4).
- A leaking garden hose created muddy areas on the playground (Appendix, Photograph 5).
- Uneven pavement in the playground area presented a tripping hazard.

RESPONSE: Smoke detectors and exit signs were installed. File cabinet is locked to prevent child access. The door to the walk-in supply closet is locked and inaccessible to children. Nap mat removed and replaced with a new one. The electrical outlets have secured caps in place. All dead flies were removed from the window sill. Irrigation control valve covers were enclosed to prevent tripping hazard. The AC water drainage was rerouted to prevent water from entering the playground sidewalk. The side walk has been redone to alleviate the tripping hazard. Leaking garden hose was replaced.

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Generations (visited October 14 and 15, 2010)

- A cabinet in a classroom was unlocked, allowing children access to cleaning agents.
- A door in the children's bathroom was unlocked, allowing children unsupervised access to the playground.
- An unsecured fence gate led to the yard of an adjoining senior center operated by the Grantee. The gate latch was within children's reach.
- Two unsecured covers for irrigation control valves in the playground presented tripping hazards. One covered a 15-inch-deep hole (Appendix, Photograph 6).

RESPONSE: Cabinet is locked and inaccessible to children. The door to the children's bathroom is locked and accessible to them only when supervised by a teacher. A new gate latch has been installed and inaccessible to children's reach. Irrigation controls valves have been enclosed to prevent children's access.

Kettleman City (visited October 15, 2010)

- The facility had not installed any smoke detectors.
- A first aid kit contained expired items. For example, a bottle of cough syrup was nearly 2 years past its expiration date.
- A door to an adult bathroom was unlocked, allowing children access to cleaning agents.
- A door leading to a teachers' office was unlocked, allowing children access to potentially hazardous materials and equipment (e.g., a paper cutter and shredder).
- An unsecured fence gate led to an unlocked garden tool shed (containing a lawnmower), unlocked kitchen, and open janitorial closet (containing cleaning supplies and a water heater). The gate latch was within children's reach.

RESPONSE: Smoke detectors installed. Cough syrup removed from First Aid Kit. A latch was installed and is kept locked on the adult bathroom to prevent child access. Teachers' office is locked to prevent child access. The gate latch was replaced and inaccessible to children's access.

Oasis (visited October 15, 2010)

- The facility did not have an exit sign near a door.
- A fence gate that led from the playground to a parking lot and a busy road was unsecured. The gate latch was within children's reach (Appendix, Photograph 7).

RESPONSE: Exit signs installed. Gate latch replaced and inaccessible to children.

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Avenal (visited October 15, 2010)

- Cabinets under the sink and counter area in a classroom were unlatched, allowing children access to cleaning agents.
- The overflow from a water filtration system created a large puddle of stagnant water adjacent to the sidewalk near the facility's front entrance (Appendix, Photograph 8).
- A door leading to a teen resource clinic was unlocked, allowing children access to potentially hazardous materials and equipment (e.g., a paper shredder that was powered on and two 6-foot-tall unbolted and unlocked cabinets with a television, computer, and various containers stored on top).
- A door leading to teachers' offices was unlocked, allowing children access to potentially hazardous materials and equipment (e.g., silicone glue and a paper cutter).
- A door leading to a teachers' meeting room was unlocked, allowing children access to a microwave and other items that could pose a danger.
- A storage shed on the playground was unlocked, allowing children access to tools and other items that could pose a danger.
- A fence gate that led to a driveway was unsecured. The gate latch was within children's reach.

RESPONSE: Cleaning agents are inaccessible to children. The City of Avenal sprinkler system's watering time has been reduced to prevent stagnant water. The water filtration system was not the cause. The site director is monitoring the area closely to ensure there is no puddle. Door latches were installed to the offices and meeting rooms to make them inaccessible to children. Outdoor storage shed is locked to make it inaccessible to children. Gate latch has been installed and inaccessible to children.

Stratford (visited October 18, 2010)

- A chain used to secure two tables on the playground presented a tripping hazard.

We notified the Grantee of these deficiencies during our visits, and the Grantee stated that it had addressed or was in the process of addressing the unsafe conditions that we had identified.

By not ensuring that all facilities were kept free from unsafe materials and equipment and that all facilities were secure, the Grantee jeopardized the health and safety of children in its care.

RESPONSE: The chains were immediately removed and had been installed due to vandalism and as a preventive measure for theft.

INADEQUATE OR INCONSISTENTLY FOLLOWED PROCEDURES

These deficiencies occurred because the Grantee did not have adequate procedures or did not consistently follow existing procedures to ensure that it complied with Federal and State health and safety requirements.

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RECOMMENDATIONS

We recommend that the Grantee strengthen and consistently follow its existing procedures to ensure that:

- criminal record checks are obtained before hiring employees and all employee files contain (1) documentation of criminal record clearances or exemptions and (2) employee-signed statements regarding criminal history and
- all unsafe materials and equipment are stored in locked areas out of the reach of children, other unsafe conditions are addressed, and all facilities are secure

RESPONSE: *All administrative employees have since been sent for reprinting and cleared or are awaiting clearance with FBI/DOJ/CHILD*

The food service worker has been relieved of her duties pending an exemption

The Finance Director (who resigned on 10/25/2010) did have a criminal record clearance at the time of the audit. The dates of his clearance do appear on the spread sheet forwarded to OIG from Community Care Licensing that included the clearance dates for all Head Start employees that we didn't have the "source" documentation on. His clearance dates are: DOJ 7/8/2008, FBI 6/30/08 and CACI 7/2/2008

The EHS coordinator's date of initial employment was on 8/20/2009. We received her clearance on that date. We were not aware that the CACI was not included. She cleared the DOJ 8/20/2009 FBI 8/20/2009 and CACI 8/21/2009.

RESPONSE: *All program monitors will ensure the areas of health and safety are addressed immediately during site visits. Monitoring will include identification of unsafe materials and equipment is stored, locked and out of children's reach.*