



April 8, 2010

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

FROM: /Joseph E. Vengrin/
Deputy Inspector General for Audit Services

SUBJECT: Review of Head Start Health and Safety Standards at Tallatoona
Community Action Partnership, Inc. (A-04-09-03527)

Attached, for your information, is an advance copy of our final report on Head Start health and safety standards at Tallatoona Community Action Partnership, Inc. (the Grantee). 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 call me, or your staff may contact Lori S. Pilcher, Assistant Inspector General for Grants, Internal Activities, and Information Technology Audits, at (202) 619-1175 or through email at Lori.Pilcher@oig.hhs.gov or Peter J. Barbera, Regional Inspector General for Audit Services, Region IV, at (404) 562-7750 or through email at Peter.Barbera@oig.hhs.gov. Please refer to report number A-04-09-03527.

Attachment



Office of Audit Services, Region IV
61 Forsyth Street, SW, Suite 3T41
Atlanta, GA 30303

April 15, 2010

Report Number: A-04-09-03527

Ms. Deborah Schmell
Executive Director
Tallatoona Community Action Partnership, Inc.
406 Martin Luther King Jr. Drive
P.O. Box 1480
Cartersville, GA 30120

Dear Ms. Schmell:

Enclosed is the U.S. Department of Health & Human Services (HHS), Office of Inspector General (OIG), final report entitled *Review of Head Start Health and Safety Standards at Tallatoona Community Action Partnership, Inc.* 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 John Drake, Audit Manager, at (404) 562-7755 or through email at John.Drake@oig.hhs.gov. Please refer to report number A-04-09-03527 in all correspondence.

Sincerely,

/Peter J. Barbera/
Regional Inspector General
for Audit Services

Enclosure

Direct Reply to HHS Action Official:

Ms. Carlis V. Williams
Regional Administrator
Administration for Children and Families
U.S. Department of Health & Human Services
61 Forsyth Street, Suite 4M60
Atlanta, GA 30303

Department of Health and Human Services

**OFFICE OF
INSPECTOR GENERAL**

**REVIEW OF HEAD START
HEALTH AND SAFETY AT
TALLATOONA COMMUNITY
ACTION PARTNERSHIP, INC.**



Daniel R. Levinson
Inspector General

April 2010
A-04-09-03527

Office of Inspector General

<http://oig.hhs.gov>

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The Office of Counsel to the Inspector General (OCIG) provides general legal services to OIG, rendering advice and opinions on HHS programs and operations and providing all legal support for OIG's internal operations. OCIG represents OIG in all civil and administrative fraud and abuse cases involving HHS programs, including False Claims Act, program exclusion, and civil monetary penalty cases. In connection with these cases, OCIG also negotiates and monitors corporate integrity agreements. OCIG renders advisory opinions, issues compliance program guidance, publishes fraud alerts, and provides other guidance to the health care industry concerning the anti-kickback statute and other OIG enforcement authorities.

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), provides an additional \$2.1 billion for the Head Start program during FYs 2009 and 2010.

Tallatoona Community Action Partnership, Inc. (the Grantee), provides Head Start services to children aged 3 to 5 years at eight facilities located in six Georgia counties. For program year April 1, 2008, through March 31, 2009, OHS awarded the Grantee approximately \$4.3 million in Federal Head Start funding to serve 637 children. On July 1, 2009, the Grantee also received \$318,605 in Recovery Act funding.

OBJECTIVE

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

SUMMARY OF FINDINGS

The Grantee generally complied with Federal and State regulations on ensuring the health and safety of children in its care. However, the Grantee did not fully comply with Federal and State regulations in the following areas:

- The files on 21 of the Grantee's 162 employees did not contain evidence of criminal record checks. The files on the 141 remaining employees contained the required documentation.
- Seven of the Grantee's eight childcare facilities did not meet all Federal Head Start and State regulations on protecting children from unsafe materials and equipment.

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

RECOMMENDATIONS

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

- all employee criminal record checks are completed and employee files contain evidence of the checks and

- all necessary repairs are completed and all unsafe conditions are addressed.

GRANTEE COMMENTS

In its comments on our draft report, the Grantee described its actions to address the deficiencies that we identified and said that it would follow its policies and procedures to ensure the safety of children. The Grantee's comments are included in their entirety as Appendix B.

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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, 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), provides an additional \$2.1 billion for the Head Start program during FYs 2009 and 2010. These funds are 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 Regulations for Head Start Grantees

Pursuant to Federal Head Start regulations (45 CFR § 1304.53(a)(7)), grantees must provide for the maintenance, repair, and safety of all Head Start facilities. The regulations also specify that facilities used by Head Start grantees for regularly scheduled, center-based activities must comply with State and local licensing regulations. Alternatively, if State and local licensing standards are less stringent than the Head Start regulations 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 (45 CFR § 1306.30(c)).

Pursuant to Georgia law and code (Official Code of Georgia Annotated §§ 20-1A-2 and 20-1A-4) and Georgia Rules and Regulations, chapter 591-1-1-.01, only childcare facilities that charge a fee are required to be licensed. However, voluntarily licensed facilities must follow the provisions of the State regulations, as enforced by Bright From the Start: Georgia Department of Early Care and Learning. A grantee may have some Head Start facilities that are licensed and other facilities that are not licensed. Of the eight Head Start facilities operated by Tallatoona Community Action Partnership, Inc. (the Grantee), four were licensed.¹

Tallatoona Community Action Partnership, Inc.

The Grantee is a private, nonprofit community action agency, which provides assistance to low-income individuals and families to help them acquire useful skills and knowledge, gain access to

¹The Bartow, Gordon, and Polk (Cedartown and Rockmart) County facilities were not licensed.

new opportunities, and achieve economic self-sufficiency. The Grantee provides educational and daycare services to children aged 3 to 5 years and their families through a variety of programs at eight facilities in six Georgia counties. The Grantee has received Head Start funding since 1967. For program year April 1, 2008, through March 31, 2009, OHS awarded approximately \$4.3 million in Federal Head Start funds to the Grantee to provide services to 637 children. On July 1, 2009, the Grantee also received \$318,605 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 regulations on ensuring the health and safety of children in its care.

Scope

Our review covered the Grantee's employee records as of June 2009 and facilities as of May 2009. To gain an understanding of the Grantee's operations, we conducted a limited review of internal controls as they related to our audit objective.

We performed our fieldwork in May and June 2009 at the Atlanta Regional OHS; the Georgia Department of Early Care and Learning; the Grantee's administrative office in Cartersville, Georgia; and the Grantee's eight Head Start facilities in surrounding communities.

Methodology

To accomplish our objective, we:

- selected the Grantee based on prior risk analyses and discussions with ACF officials,
- reviewed Federal and State laws and regulations related to Federal grant awards and the Head Start program,
- interviewed employees of the Atlanta Regional OHS,
- interviewed officials at the Georgia Department of Early Care and Learning,
- interviewed the Grantee's management and other employees,

- reviewed the Grantee’s files on all 162 current Head Start employees as of June 2009,²
- visited the Grantee’s eight Head Start facilities,
- reviewed the Grantee’s licenses and documentation of fire and water inspections, and
- discussed our preliminary findings with the Grantee’s management.

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 generally complied with Federal and State regulations on ensuring the health and safety of children in its care. However, the Grantee did not fully comply with Federal and State regulations in the following areas:

- The files on 21 of the Grantee’s 162 employees did not contain evidence of criminal record checks. The files on the 141 remaining employees contained the required documentation.
- Seven of the Grantee’s eight childcare facilities did not meet all Federal Head Start and State regulations on protecting children from unsafe materials and equipment.

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

CRIMINAL RECORD CHECKS

Federal and State Regulations

Pursuant to § 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 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.

²The 162 employees were partially or fully funded by the Head Start grant award.

Georgia Rules and Regulations, chapter 591-1-1-.09, state that “The director and employees of a center must submit to criminal records checks in connection with any application for a license and before a person may become a director or an employee in a center. No person having an unsatisfactory criminal records check determination may be a director or employee of a center.”

Grantee’s Compliance With Criminal Record Check Regulations

The files on 21 employees (10 teachers, 5 substitute teachers, and 6 individuals in administrative/support positions) of the Grantee’s 162 employees did not contain evidence of completed criminal record checks. We alerted the Grantee’s management to this condition, and it attempted to locate the missing records. However, management was unable to do so.

The Grantee’s management said that it had obtained criminal record checks for all employees but that the records had been misplaced. Management also said that it would obtain new record checks on the 21 employees.

By not ensuring that all employees who supervised or had routine unsupervised contact with children had cleared a criminal record check, the Grantee potentially jeopardized the safety of children in its care.

MATERIAL AND EQUIPMENT SAFETY

Federal and State Regulations

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

- playground equipment and surfaces be maintained to minimize the possibility of injury to children;
- electrical outlets accessible to children prevent shock through the use of child-resistant covers, child-protection outlets, or safety plugs; and
- indoor and outdoor premises be kept free from hazardous conditions.

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 stringent than the Head Start regulations or if no State or local licensing standards are applicable (as in the case of nonlicensed facilities), grantees must ensure that their facilities comply with the Head Start Program Performance Standards related to health and safety found in 45 CFR § 1304.53(a).

Georgia Rules and Regulations, chapter 591-1-1, require that:

- centers be kept clean, free of debris, and in good repair;

- unused electrical outlets have protective caps; and
- playgrounds be kept clean and free from litter and hazards.

Grantee's Compliance With Material and Equipment Safety Regulations

The Grantee's childcare facilities did not meet all Federal Head Start and State health and safety regulations on protecting children from unsafe materials and equipment. We noted the following deficiencies at seven of the Grantee's eight facilities and reported the deficiencies to the facility managers on duty during our visits. Grantee officials subsequently advised us that they were taking actions to correct these deficiencies.

Bartow County (not State licensed, visited May 12, 2009)

- Electrical outlets in three classrooms and the girls' bathroom lacked protective caps (Appendix A, Photograph 1).

Gordon County (not State licensed, visited May 12, 2009)

- Electrical outlets in a classroom and the library lacked protective caps.

Polk County (Rockmart) (not State licensed, visited May 12, 2009)

- An electrical outlet in a classroom lacked a protective cap.

Haralson County (State licensed, visited May 14, 2009)

- A building accessible to children had an exterior door panel that did not extend to the ground, creating a 10- to 12-inch gap. Children could crawl under the door panel and possibly hurt themselves (Appendix A, Photograph 2).

Paulding County (Hiram YMCA) (State licensed, visited May 14, 2009)

- Electrical outlets in three classrooms lacked protective caps (Appendix A, Photograph 3).

Paulding County (Dallas) (State licensed, visited May 14, 2009)

- Exposed tree roots on the playground presented a tripping hazard (Appendix A, Photograph 4).

Floyd County (State licensed, visited May 15, 2009)

- Electrical outlets in three classrooms lacked protective caps.

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

INCONSISTENTLY FOLLOWED PROCEDURES

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

RECOMMENDATIONS

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

- all employee criminal record checks are completed and employee files contain evidence of the checks and
- all necessary repairs are completed and all unsafe conditions are addressed.

GRANTEE COMMENTS

In its comments on our draft report, the Grantee described its actions to address the deficiencies that we identified and said that it would follow its policies and procedures to ensure the safety of children. The Grantee also said that only two of its eight facilities were licensed, rather than the four indicated in our report. The Grantee added that the Paulding County (Dallas) facility had three playgrounds and that the exposed tree roots that we cited were on a playground that Head Start children did not use.

The Grantee's comments are included in their entirety as Appendix B.

OFFICE OF INSPECTOR GENERAL RESPONSE

After receiving the Grantee's comments, we confirmed with officials at the Georgia Department of Early Care and Learning that the Grantee technically had four licensed facilities. Head Start shared the two facilities in question with other non-Head Start childcare programs that were licensed. According to the Georgia Department of Early Care and Learning, these licenses covered all space in the facilities, including space used by the Head Start program.

We also confirmed that the Dallas facility had three playgrounds and that Head Start children did not use the playground cited in our draft report. However, we observed similar exposed tree roots on the playground that the Head Start director said Head Start children used. Accordingly, we replaced the photograph of the exposed tree roots (Appendix A, Photograph 4).

APPENDIXES

APPENDIX A: LACK OF COMPLIANCE WITH MATERIAL AND EQUIPMENT SAFETY REGULATIONS



Photograph 1 – Taken at the Bartow County facility on 5/12/09 showing an electrical outlet without a protective cap.



Photograph 2 – Taken at the Haralson County facility on 5/14/09 showing an exterior door panel that did not extend to the ground, allowing children to crawl under the door.



Photograph 3 – Taken at one Paulding County facility (Hiram YMCA) on 5/14/09 showing multiple electrical outlets without protective caps.



Photograph 4 – Taken at one Paulding County facility (Dallas) on 2/19/10 showing exposed tree roots on the playground, which presented a tripping hazard.

APPENDIX B: GRANTEE COMMENTS



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February 12, 2010

Mr. John T. Drake, Audit Manager
Office of Inspector General
Office of Audit Services, Region IV
61 Forsyth Street, SW, Suite 3T41
Atlanta, GA 30303

RE: Report Number: A-04-09-03527

Dear Mr. Drake,

This letter is in response to report number: A-04-09-03527, draft report entitled *Review of Head Start Health and Safety Standards at Tallatoona Community Action Partnership, Inc.* Please see the following response and/or action taken to correct findings.

Page 1:

Federal and State Regulations for Head Start Grantees

Indicates that four of our eight facilities are licensed, we only have two centers that are licensed, Floyd County and Haralson County.

Page 4

Grantee's Compliance With Criminal Record Check Regulations

Nineteen of the twenty one criminal record checks were located or completed shortly after the audit was conducted and were submitted to the Office of Inspector General/Office of Audit Services prior to the outcome of the report. One employee was a substitute who had not been in the classroom for approximately two months prior to the audit. This employee has since been terminated. The remaining employee has also been terminated.

At the time of the audit the agency was in the process of securing a Human Resource Manager. The agency has secured a well qualified Human Resource Manager.

We have changed our criminal record check process to allow the criminal record check to be conducted at one central location; versus multiple county locations as in the past and we utilize an electronic fingerprinting process. All criminal record check requests are processed by the Human Resource Manager at our Management Office and are on file in the Human Resource office. These procedure modifications will ensure criminal record checks are completed and on file prior to an employee reporting for the position.

Page 5

Grantee's Compliance With Material and Equipment Safety Regulations

Electrical Outlets

All electrical outlets are covered with protective caps at all of our facilities when the outlets are not in use. There is a monitoring checklist that is completed weekly at each location to ensure all outlets are covered.

Exterior Door Panel Gap

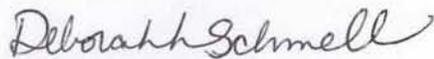
The exterior door panel at our Haralson County center has been repaired. A photograph is included of the repair.

Exposed tree roots/Paulding County (Dallas)

The playground that was cited for exposed tree roots is not used by our Head Start children. We lease the facility and the facility also contains a child care center not operated by Tallatoona, there are a total of three playgrounds on the premises. The child care center utilizes two of the playgrounds while our Head Start program only utilizes one, we do not share playgrounds with the child care center.

We will follow agency policies and procedures to ensure the safety of our children. Please feel free to contact me if you have any questions.

Sincerely,



Deborah L. Schmill
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