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Adam Mather
INSPECTOR GENERAL

Inspection Report

Provider Name: Little Lexington Academy, LLC	Provider Information	CLR No: L383626
Provider Address: 4383 Old Harrodsburg Rd., Ste 145, Lexington, KY, 40513	Provider Type: LICENSED TYPE I	Capacity: 60
Owner(s): Little Lexington Academy LLC		Director(s): Robinson, Sarah A

Inspection Type: Renewal Application	Inspection Information	Inspection No: 307323
Date Initiated: 06/22/2021 10:00 AM	Date Concluded: 06/22/2021 1:35 PM	
	No. of Children Present: 45	

Inspection Report	
Background Checks	Not In Compliance
20 - Out of state background checks	Not In Compliance
922 KAR 2:280. Section 5. Checks of Other States. (1) In accordance with 45 C.F.R. 98.43(b)(3), a prospective child care staff member who resides in or has resided in another state within the last five (5) years shall: (a) Request from each state of current or prior residency, in accordance with the state's laws, policies, and procedures, with a courtesy notice to the cabinet: 1. An in-state criminal records check by: a. Means of fingerprints for the state of residence; or b. Any means accepted by a state of prior residency; 2. A check of the state's sex offender registry or repository; and 3. A check of the state-based child abuse and neglect registry and database; and (b) Direct results of the checks required in paragraph (a) of this subsection to the Department for Community Based Services, Division of Child Care, 275 East Main Street, 3C-F, Frankfort, Kentucky 40601. Findings: General: Based on review of documentation, the following was found: 1. Staff person hired 5/3/2021, had listed an address in Ohio as a previous residence in the past five (5) years. There was no evidence of a background check, CA/N check or a check of the state's sex offender registry from Ohio for the staff person on file in the facility. 2. Staff person hired 8/17/2020, had listed an address in Alabama as a previous residence in the past five (5) years. There was no evidence of a CA/N check from Alabama for the staff person on file in the facility.	
Supervision	In Compliance
Staffing Requirements	In Compliance
General Administration	Not In Compliance
145 - Fire Marshal	Not In Compliance
922 KAR 2:090. Section 6. License Issuance. (8) To qualify for a preliminary license, or maintain a regular license, a child-care center shall: (b) Be approved by the Office of the State Fire Marshal or designee; Findings: General: Based on review of documentation, there was not a current Fire Marshal approval document on file in the facility. The document presented at the time of the survey was dated 12/12/20218.	

210 - Licensee Responsibility

Not In Compliance

922 KAR 2:090. Section 8. General.

(1) A licensee shall:

- (a) Be responsible for the operation of the child-care center pursuant to this administrative regulation, 922 KAR 2:120, and 922 KAR 2:280; and**
- (b) Protect and assure the health, safety, and comfort of each child.**

Findings:

General: Based on review of documentation, the following was found:

1. Staff person hired 8/17/2020, did not have the results of or evidence of the application for a criminal background check on file in the facility.
2. Staff person hired 2/3/2021, did not have the results of or evidence of the application for a criminal background check or a CA/N check on file in the facility.
3. Staff person hired 5/3/2021, did not have the results of or evidence of the application for a criminal background check on file in the facility.

Director Requirements

Not In Compliance

345 - Staff Evaluation

Not In Compliance

922 KAR 2:090. Section 10. Director Requirements and Responsibilities.

(1) A director shall:

- (j) Assess each staff person's interaction with children in care and classroom performance through an annual written performance evaluation;**

Findings:

General: Based on review of documentation, five (5) out of eight (8) staff eligible for an annual professional development plan did not have evidence of a plan on file in the facility.

360 - Caregiver Alone

Not In Compliance

922 KAR 2:090. Section 10. Director Requirements and Responsibilities.

(1) A director shall:

- (m) Assure that a person acting as a caregiver of a child in care shall not be left alone with a child, if the licensee has not received the results of the background checks as described in 922 KAR 2:280;**

Findings:

General: Based on review of documentation, the following was found:

1. Staff person hired 5/3/2021, did not have evidence of the application for or the results of a criminal background check from Kentucky. Also, there was no evidence of a background check, CA/N check or a check of the state's sex offender registry from Ohio for the staff person on file in the facility. The staff person is alone with children in the Twos classroom from 7:00 a.m. to 1:00 p.m. on a daily basis.
2. Staff persons hired 6/8/2021 and 2/3/2021, work together in the Infant classroom from 1:00 p.m. to 6:00 p.m. on Monday, Wednesday, Thursday and Friday each week. The staff person hired 6/8/2021, did not have the results of or evidence of the application for a criminal background check through the NBCP on file in the facility. A review of KARES records supports the information found during the survey. The staff person hired 2/3/2021, did not have the results of or evidence of the application for a criminal background check on file in the facility.
3. Staff person hired 8/17/2020, had no evidence of a CA/N check from Alabama on file in the facility. The staff person is alone with children in the Pre-K classroom from 3:00 p.m. to 6:00 p.m. on a daily basis.

Employee Records

Not In Compliance

390 - Educational Requirements

Not In Compliance

922 KAR 2:090. Section 11. Staff Requirements.

(1) Child-care center staff:

- (a) Hired after January 1, 2009, who have supervisory power over a minor and are not enrolled in secondary education, shall have a:**
 - 1. High school diploma;**
 - 2. GED or qualifying documentation from a comparable educational entity; or**
 - 3. Commonwealth Child Care Credential as described in 922 KAR 2:250;**

Findings:

General: Based on review of documentation, two (2) employees hired 6/8/2021 and 3/1/2021, did not have evidence of a high school diploma, GED or Commonwealth Child Care Credential on file in the facility.

395 - TB Verification

Not In Compliance

922 KAR 2:090. Section 11. Staff Requirements.

(1) Child-care center staff:

- (b) Shall provide, prior to employment and every two (2) years thereafter:**
 - 1. A statement from a health professional that the individual is free of active tuberculosis; or**
 - 2. A copy of negative tuberculin results.**

Findings:

General: Based on review of documentation, nine (9) out of 16 staff did not have documentation of negative T.B. results on file in the facility that had been obtained within the past two (2) years.

410 - Training

Not In Compliance

922 KAR 2:090. Section 11. Staff Requirements.

- (16) In accordance with KRS 199.896(15) and (16), a staff person with supervisory authority over a child shall complete the following:
- (a) Six (6) hours of cabinet-approved orientation completed within the first three (3) months of employment in a child care program;
 - (b) Nine (9) hours of cabinet-approved early care and education training within the first year of employment in a child care program, including one and one-half (1 ½) hours of cabinet-approved pediatric abusive head trauma training; and
 - (c) Fifteen (15) hours of cabinet-approved early care and education training completed between July 1 and the following June 30 of each subsequent year of employment in a child care program, including one and one-half (1 ½) hours of cabinet-approved pediatric abusive head trauma training completed once every five (5) years.
- (17) A staff person's compliance with training requirements of this section shall be verified through the cabinet-designated database maintained pursuant to 922 KAR 2:240.

Findings:

General: Based on review of documentation, the following was found.

1. Staff members hired 3/1/2021, 8/17/2021, 8/26/2021, 2/3/2021 and 7/10/2020, did not complete the required Orientation I and II courses. These staff members have been employed for more than three (3) months. The ECE-TRIS system was reviewed.
2. Staff members hired on 3/4/2020, 7/10/2020, 3/16/2020 and 11/5/2018, did not complete the required PAHT training. These staff members have been employed for more than one (1) year. The ECE-TRIS system was reviewed.
3. Staff person hired 7/23/2018, did not have documentation of completing the pediatric abusive head trauma training within the past five (5) years. The training certificate on file was dated 3/11/2015. The ECE-TRIS system was reviewed.

Programming

In Compliance

Premises

Not In Compliance

520 - Inaccessible Items

Not In Compliance

922 KAR 2:120. Section 3. General Requirements.

- (7) The following shall be inaccessible to a child in care:
- (a) Toxic cleaning supplies, poisons, and insecticides;
 - (b) Matches, cigarettes, lighters, and flammable liquids; and
 - (c) Personal belongings and medications of staff.

Findings:

General: Based on observation, a staff person's purse was hanging in one of the cubbies meant for the children in the Twos classroom.

525 - Items Accessible Only During Activity

Not In Compliance

922 KAR 2:120. Section 3. General Requirements.

- (8) The following shall be inaccessible to a child in care unless under direct supervision and part of planned program of instruction:
- (a) Knives and sharp objects;
 - (b) Litter and rubbish;
 - (c) Bar soap; and
 - (d) Plastic bags not used for personal belongings.

Findings:

General: Based on observation, there was a cabinet in the hallway changing area that was being used to store empty plastic grocery bags in a lower drawer. The bags were accessible to the children while in the area.

580 - Floors, Walls, Ceilings

Not In Compliance

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

- (9) Floors, walls, and ceilings shall be smooth, in good repair, and constructed to be easily cleaned.

Findings:

General: Based on observation, the vent in the ceiling of the boys' bathroom was not properly installed. The vent was not flush with the ceiling tile and there were gaps to the space above the tile exposed.

615 - Indoor Gross Motor Space Requirements

Not In Compliance

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

- (22) If a child-care center does not have access to an outdoor play area, an indoor space shall:
- (a) Be used as a play area;
 - (b) Have a minimum of sixty (60) square feet per child, separate from and in addition to the thirty-five (35) square feet minimum pursuant to subsection (6) of this section;
 - (c) Include equipment for gross motor skills; and
 - (d) Have a protective surface of at least two (2) inches thick around equipment intended for climbing.

Findings:

General: Based on observation, there was not a protective surface of at least two (2) inches thick around equipment intended for climbing in the Ones classroom. There was a tunnel/climber structure placed on a rug over the tile floor. There was a slide that had been partially placed on a 2-inch mat. However, the mat did not extend to the end of the slide where the children exit the structure.

Inspection Report

625 - Infant/Toddler Indoor Space

Not In Compliance

922 KAR 2:120. Section 5. Infant and Toddler Play Requirements.

(1) Inside areas for infants and toddlers under twenty-four (24) months of age shall:

- (a) Be separate from an area used by an older child;
- (b) Not be an exit or entrance; and
- (c) Have adequate crawling space for an infant or toddler away from general traffic patterns of the center.

Findings:

General: Based on observation and interview, it was found that the children in the Ones classroom use the front room for art and/or "messy" activities. The front room is where the facility's main entrance/exit is located for the facility.

Hygienic Practices

Not In Compliance

685 - Diaper Changing Area/Surface

Not In Compliance

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

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

- (b) Be placed on a surface that is:
 - 1. Clean;
 - 2. Padded;
 - 3. Free of holes, rips, tears, or other damage;
 - 4. Nonabsorbent;
 - 5. Easily cleaned; and
 - 6. Free of any items not used for diaper changing.

Findings:

General: Based on observation, the changing pad in the hall changing area had a two-inch tear on one end. This left exposed foam that cannot be properly sanitized between uses.

First Aid/Medication

Not In Compliance

720 - Medication Administration

Not In Compliance

922 KAR 2:120. Section 7. First Aid and Medicine.

(4) Prescription and nonprescription medication shall be administered to a child in care:

- (a) 1. With a written request of the child's parent or the child's prescribing health professional; and
- 2. According to the directions or instructions on the medication's label; or
- (b) For epinephrine, in accordance with KRS 199.8951 and 311.646.

Findings:

General: Based on interview and review of documentation, it was found that two (2) children in the Pre-K classroom are given melatonin tablets at nap time as needed. There was no written request on file in the facility from the children's parents or the children's prescribing health professional for the medication. In interview with staff it was found that the medication was provided by the parent for the children and is given to the children depending on their activity level in the time leading up to nap time. Staff stated that if the children are very active during the morning activities, she gives the two (2) children the melatonin tablets at lunch so they will rest during nap time.

725 - Administration Record

Not In Compliance

922 KAR 2:120. Section 7. First Aid and Medicine.

(5) The child-care center shall keep a written record of the administration of medication, including:

- (a) Time of each dosage;
- (b) Date;
- (c) Amount;
- (d) Name of staff person giving the medication;
- (e) Name of the child; and
- (f) Name of the medication.

Findings:

General: Based on interview and review of documentation, it was found that there was no written record of the administration of medication to two (2) children in the Pre-K classroom. During interview with staff it was stated that she did not record the date, time, dosage, the child's name, her name or name of the medication when administering the medication to the children.

730 - Medication

Not In Compliance

922 KAR 2:120. Section 7. First Aid and Medicine.

(6) Medication, including refrigerated medication, shall be:

(a) Stored in a separate and locked place, out of the reach of a child unless the medication is:

- 1. A first aid supply and is maintained in accordance with subsection (1) of this section;**
- 2. Diaper cream, sunscreen, or toothpaste. Diaper cream, sunscreen, or toothpaste shall be inaccessible to a child;**
- 3. An epinephrine auto-injector. A licensed child-care center shall comply with KRS 199.8951 and 311.646, including:**
 - a. An epinephrine auto-injector shall be inaccessible to a child;**
 - b. A child-care center shall have at least one (1) person onsite who has received training on the administration of an epinephrine auto-injector if the child-care center maintains an epinephrine auto-injector;**
 - c. A child-care center shall seek emergency medical care for a child if an auto-injector is administered to the child; and**
 - d. A child-care center shall report to the child's parent and the cabinet in accordance with 922 KAR 2:090, Section 12(1)(b) if an epinephrine auto-injector is administered to a child; or**
- 4. An emergency or rescue medication for a child in care, such as medication to respond to diabetic or asthmatic condition, as prescribed by the child's physician. Emergency or rescue medication shall be inaccessible to a child in care;**

(b) Kept in the original bottle; and

(c) Properly labeled.

(7) Medication shall not be given to a child if the medication's expiration date has passed.

Findings:

General: Based on observation and interview, there was a bottle of melatonin tablets in the medication box in the kitchen. The bottle was not labeled with a child's name. In interview with staff it was found that the tablets are given to two (2) children in the Pre-K classroom at nap time.

Outdoor Play Area

Not Applicable

Equipment

Not In Compliance

775 - Sufficient Appropriate Equipment

Not In Compliance

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

(28) A child-care center shall have enough toys, play apparatus, and developmentally appropriate materials to provide each child with a variety of activities during the day, as specified in Section 2 of this administrative regulation.

Findings:

General: Based on observation, it was found that there were no child-size tables or chairs in the Ones classroom for the children to use during programmed activities.

795 - Individual Bed/Mat/Cot and Bedding

Not In Compliance

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

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

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

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

Findings:

General: Based on observation, there were three (3) torn nap mats in the Ones classroom and six (6) torn nap mats in the Twos classroom. The tears left exposed foam that cannot be properly sanitized between uses.

Transportation

Not Applicable

Food Service/Food Program

Not In Compliance

995 - Lunch/Dinner Requirements

Not In Compliance

922 KAR 2:120. Section 9. Food and Meal Requirements.

(19) Lunch and dinner shall include:

- (a) Milk;**
- (b) Protein;**
- (c) Bread; and**
- (d) 1. Two (2) vegetables;**
- 2. Two (2) fruits; or**
- 3. One (1) fruit and one (1) vegetable.**

Findings:

General: Based on observation, there was no bread component served to the children with lunch on the day of the survey.

Inspection Report**Food Service****Not In Compliance****1025 - Refrigerator****Not In Compliance****922 KAR 2:120. Section 8. Kitchen Requirements.**

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

Findings:

General: Based on observation, the refrigerator being used to store bottles for the children in the Infant classroom did not contain an indicating thermometer. It could not be determined that the interior temperature of the refrigerator was 40 degrees or below.

1050 - Bottles**Not In Compliance****922 KAR 2:120. Section 8. Kitchen Requirements.**

- (9) Bottles shall be:**
- (a) Individually labeled;**
 - (b) Promptly refrigerated;**
 - (c) Covered while not in use; and**
 - (d) Consumed within one (1) hour of being heated or removed from the refrigerator.**

Findings:

General: Based on observation, there were two (2) bottles in the refrigerator in the Infant classroom that were not individually labeled with a child's name.

Children's Records**In Compliance****Written Documentation****Not In Compliance****1150 - Evacuation Plan****Not In Compliance****922 KAR 2:090. Section 5. Evacuation Plan.**

- (1) A licensed child-care center shall have a written evacuation plan in the event of a fire, natural disaster, or other threatening situation that may pose a health or safety hazard for a child in care in accordance with KRS 199.895 and 42 U.S.C. 9858c(c)(2)(U).**

Findings:

General: Based on review of documentation, there was no evidence that the facility's Emergency Preparedness Plan had been updated or submitted to the proper authority for review since 2019.

1155 - Policies and Procedures**Not In Compliance****922 KAR 2:090. Section 8. General.**

- (4) 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 2:120, Child-care center health and safety standards;**
 - c. 922 KAR 2:280, Background checks for child care staff members, reporting requirements, and appeals; and**
 - d. This administrative regulation.**

Findings:

General: Based on review of documentation, there no written chain of command on file at the time of the survey.

1170 - Professional Development**Not In Compliance****922 KAR 2:090. Section 9. Records.**

- (1) A child-care center shall maintain:**
- (f) A written annual plan for child-care staff professional development;**

Findings:

General: Based on review of documentation, it was determined that staff persons hired 3/24/2017, 1/7/2019 and 11/5/2018, did not have evidence of a professional development plan on file in the facility.

1175 - Earthquake/Tornado/Fire Drills**Not In Compliance****922 KAR 2:090. Section 9. Records.**

- (1) A child-care center shall maintain:**
- (h) A written record of quarterly practiced earthquake drills and tornado drills detailing the date, time, and children who participated in accordance with 922 KAR 2:120, Section 3;**
 - (i) A written record of practiced fire drills conducted monthly detailing the date, time, and children who participated in accordance with 922 KAR 2:120, Section 3;**

Findings:

General: Based on review of documentation, the recorded drills for 2021 did not include the names of the children that participated in the drills.

Inspection Report

1185 - Confidentiality/Maintenance/Access

Not In Compliance

922 KAR 2:090. Section 9. Records.

(2) A child-care center shall:

- (a) Maintain the confidentiality of a child's record and information concerning a child or the child's parent;
- (b) Maintain all records for five (5) years; and
- (c) Provide the cabinet access and information in the completion of the investigation pursuant to KRS 620.030.

Findings:

General: Based on observation, a list of children and their allergies was posted on the wall in the Twos classroom. The list was in a conspicuous area and could be viewed by anyone in that classroom.

Posted Documentation

Not In Compliance

1200 - Posting Requirements

Not In Compliance

922 KAR 2:090. Section 8. General.

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

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

Findings:

General: Based on observation, the statement of deficiencies and plan of correction from the previous licensure survey was not posted in the facility.

1215 - Daily Activities

Not In Compliance

922 KAR 2:090. Section 10. Director Requirements and Responsibilities.

(1) A director shall:

- (h) Post a schedule of daily activities, to include dates and times of activities to be conducted with the children in each classroom;

Findings:

General: Based on observation, the schedule of daily activities, including lists of activities to be conducted with the children, was not dated in the Threes/Fours classroom. It could not be determined if the schedule of activities was current.

Animals

In Compliance

Signature of Provider/Representative

Title

Date