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Adam Mather
INSPECTOR GENERAL

Inspection Report

Provider Name: Safe Harbor Learning Academy	Provider Information	CLR No: L383949
Provider Address: 104 Mint Lane, Nicholasville, KY, 40356	Provider Type: LICENSED TYPE I	Capacity: 86
Owner(s): Safe Harbor Learning Academy		Director(s): Creque, Debra K

Inspection Type: Investigation	Inspection Information	Inspection No: 290241
Date Initiated: 06/24/2019 11:47 AM	Date Concluded: 06/24/2019 2:12 PM	
	No. of Children Present: 36	

Inspection Report	
Background Checks	Not In Compliance
5 - Background check/left alone/dismissed/relocated	Not In Compliance
922 KAR 2:280. Section 3. Implementation and Enforcement. (1) A person who is a child care staff member prior to January 1, 2018, shall submit to and complete background checks in accordance with this administrative regulation no later than September 30, 2018. (2) A child care staff member hired on or after April 1, 2018, shall: (a) Have completed the background checks required in accordance with this administrative regulation and been found to have no disqualifying offense prior to becoming a child care staff member; or (b) 1. Have submitted to the background checks required in accordance with this administrative regulation; 2. Not be left unsupervised with a child in care pending the completion of the background checks in accordance with this administrative regulation; and 3. Be dismissed or relocated from the residence if the person is found to have a disqualifying background check result. Findings: General: Based on observation and review of documentation, this regulatory requirement was not met. A staff member hired on 6/19/19 did not have a completed National background check on file and was working alone with a group of seven (7) one and two (1-2) year-old children. This staff member hired on 6/19/19, was pending in the KARES system.	
Supervision	In Compliance
Staffing Requirements	Not In Compliance
120 - Adequate Adults/Qualified Staff	Not In Compliance
922 KAR 2:090. Section 11. Staff Requirements. (10) The minimum number of adult workers in a child-care center shall be sufficient to ensure that: (a) Minimum staff-to-child ratios in accordance with 922 KAR 2:120 are followed; (b) Each staff person under eighteen (18) years of age and each student trainee are under the direct supervision of a qualified staff person who meets the requirements of this section; and (c) Unless providing care with a qualified staff person, a person under the age of eighteen (18) shall not be counted as staff for the staff-to-child ratio. Findings: General: Based on observation, interview and review of documentation, this regulatory violation was not met. Two (2) individuals, that were serving in the capacity of staff members, were working together in the preschool room during the investigation. One (1) individual was fifteen (15) years-old and the other individual was sixteen (16) years-old and they were supervising a group of fifteen (15) children that ranged in age from three to six (3-6) years-old. Both individuals were being counted in the staff to child ratio. These individuals were hired on 6/12/19 and 6/24/19.	

125 - Ratios and Group Size

Not In Compliance

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

(2) For an operating child-care center, minimum staff-to-child ratios and group size shall be maintained as established in the table established in this subsection.

Age of Children Ratio Maximum Group Size*

Infant

1 staff for 5 children 10

Toddler 12 to 24 months

1 staff for 6 children 12

Toddler 24 to 36 months

1 staff for 10 children 20

Preschool-age 3 to 4 years

1 staff for 12 children 24

Preschool-age 4 to 5 years

1 staff for 14 children 28

School-age 5 to 7 years

1 staff for 15 children 30

School-age 7 and older

1 staff for 25 children

(for before and after school) 30

1 staff for 20 children

(full day of care) 30

***Maximum Group Size shall be applicable only to Type I child-care centers.**

(b) The age of the youngest child in the group shall determine the:

- 1. Staff-to-child ratio; and**
- 2. Maximum group size.**

Findings:

General: Based on observation, this regulatory requirement was not met. Upon the surveyors' arrival the one to two (1-2) year-old room contained seven (7) children and one (1) staff member. Based on interview the youngest child in the room was a one (1) year-old. The surveyors observed the room out of ratio for approximately fifteen (15) minutes.

General Administration

In Compliance

Director Requirements

Not In Compliance

350 - Health, Safety, Comfort

Not In Compliance

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

(1) A director shall:

(l) Assure the health, safety, and comfort of each child;

Findings:

General: Based on observation, this regulatory requirement was not met. A metal paper cutter was located in a closet labeled employees only off of the school-age room. The closet did not have any type of locking mechanism on the door; therefore, the paper cutter was accessible to the children. In addition, the staff in charge stated that the three to four (3-4) year-old room was not in use, but it contained hazardous items such as a drill, a large shop-vac, a large compressor, and a tool bag with some other hand tools inside it. This room was not locked and accessible to the children.

360 - Caregiver Alone

Not In Compliance

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

(1) A director shall:

(n) 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 observation, interview and review of documentation, this regulatory requirement was not met. A staff was observed working alone with seven (7) one and two (1-2) year-old children. This staff member did not have an eligible status on her National background check in the KARES system. This staff member was hired on 6/19/19. Two (2) other individuals, under eighteen years old, who were hired on 6/12/19 and 6/24/19 did not have written evidence of completed CAN checks. These individuals, serving in the capacity of staff members, were observed supervising fifteen (15) children ranging in age from three to six (3-6) years-old.

Employee Records

Not In Compliance

385 - Personnel File

Not In Compliance

922 KAR 2:090. Section 9. Records.

(1) A child-care center shall maintain:

(e) A current personnel file for each child-care center staff person to include:

- 1. Name, address, date of birth, and date of employment;**
- 2. Proof of educational qualifications;**
- 3. Record of annual performance evaluation;**
- 4. Documentation of compliance with tuberculosis screening in accordance with Section 11(1)(b) of this administrative regulation; and**
- 5. The results of background checks conducted in accordance with 922 KAR 2:280;**

Findings:

General: Based on observation, interview and review of documentation, this regulatory requirement was not met. Two (2) individuals, serving in the capacity of staff members, did not have written evidence of CAN checks on file. These individuals were fifteen (15) and sixteen (16) years-old. These individuals were hired on 6/12/19 and 6/24/19. In addition, none of the staff files presented for review contained a date of employment listed. The staff in charge verbally gave the surveyors the hire dates of each staff member.

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 observation, interview and review of documentation, this regulatory requirement was not met. Two (2) staff did not have proof of education on file. These two (2) staff were hired on 6/12/19 and 6/19/19.

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 observation, interview and review of documentation, this regulatory requirement was not met. Three (3) staff did not have written negative TB documentation on file. These staff were hired on 6/12/19, 6/19/19, and 6/24/19.

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, this regulatory requirement was not met. A storage closet, labeled employees only, contained several cleaners, paints, and heavy-duty citrus degreaser. These items were accessible to the children. The closet door contained a lock, but the key was inside the lock, within reach of the children. The closet door was located in the back of the facility inside the school-age room.

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, this regulatory requirement was not met. The ceiling in the preschool room contained large water stains near the light fixture and an area of what appeared to be mold was in the center of the larger stain.

Hygienic Practices

In Compliance

Outdoor Play Area

Not In Compliance

750 - Playground Conditions

Not In Compliance

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

(20) An outdoor play area shall be:

- (d) Safe from foreseeable hazard;**
- (e) Well drained;**
- (f) Well maintained;**
- (g) In good repair; and**
- (h) Visible to staff at all times.**

Findings:

General: Based on observation, this regulatory requirement was not met. The playground used by the children that are three (3) years-old and older contained several piled items behind and next to the shed that were hazardous to the children. The items included, but were not limited to a lawn mower, metal gardening stakes, ladders, a metal dolly, discarded metal poles, a roll of metal chain link fencing, discarded pieces of wood, and a roll of black sheathing. In addition, this same playground contained areas under the swings that the black sheathing was exposed from under the mulch and posed a tripping hazard to the children.

Equipment

In Compliance

Inspection Report**Food Service/Food Program****Not In Compliance****980 - Meals Required****Not In Compliance****922 KAR 2:120. Section 9. Food and Meal Requirements.****(15) A child-care center shall serve:**

- (a) 1. Breakfast; or**
2. A mid-morning snack;
- (b) 1. Lunch; or**
2. A mid-afternoon snack; and
- (c) If appropriate, dinner.**

Findings:

General: Based on observation and interview, staff indicated that there was one day the children were provided with only Cheez-Its and water for snack. On another day the children were provided bananas and water.

Food Service**Not In Compliance****1065 - Developmentally Appropriate Quantity/Additional Portions****Not In Compliance****922 KAR 2:120. Section 9. Food and Meal Requirements.****(1) Food shall be:**

- (g) Served in a quantity that is developmentally appropriate for the child with additional portions provided upon request of the child;**

Findings:

General: Based on observation, a child in the school-age room asked a teacher twice for an additional portion of ham and cheese sandwich. The first time the child asked, the teacher responded "You're funny." After the second time the child asked the teacher responded, "We don't have enough time." In an interview with the director she confirmed that there were no additional serving available.

1130 - Menu**Not In Compliance****922 KAR 2:120. Section 9. Food and Meal Requirements.****(16) A weekly menu shall be:**

- (a) Prepared;**
- (b) Dated;**
- (c) Posted in advance in a conspicuous place;**
- (d) Kept on file for thirty (30) days; and**
- (e) Amended in writing with any substitutions on the day the meal is served.**

Findings:

General: Based on observation and interview, this regulatory requirement was not met. The weekly menus for breakfast, lunch, and snack were not posted. The surveyors asked the staff in charge where the weekly menu was located and she said they were in her office.

Animals**Not In Compliance****1225 - Animals in the Presence of Children****Not In Compliance****922 KAR 2:120. Section 13. Animals.****(1) An animal shall not be allowed in the presence of a child in care:**

- (a) Unless:**
 - 1. The animal is under the supervision and control of an adult;**
 - 2. Written parental consent has been obtained; and**
 - 3. The animal is certified as vaccinated against rabies; or**
- (b) Except in accordance with subsection (3) of this section.**

Findings:

General: Based on observation and interview, this regulatory requirement was not met. A Dachshund dog was observed on the playground when the surveyors first arrived to the childcare center. Later during the survey, the dog was let in the front door of the facility and the dog ran into the school-age room where the children were present. The children appeared to be familiar with the dog, calling the dog by her name. A staff then took the dog back outside to the playground. The dog was not under the control of an adult and the facility did not have any written parental consent for the dog to be in the presence of the children. The staff in charge stated that she did not have written documentation on site stating that the dog was vaccinated against rabies.

Signature of Provider/Representative

Title

Date