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GOVERNOR

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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, LLC		Director(s): Creque, Debra K

Inspection Type: Investigation	Inspection Information	Inspection No: 292545
Date Initiated: 12/23/2019 11:05 AM	Date Concluded: 12/23/2019 1:08 PM	
	No. of Children Present: 23	

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 review of documentation, and interview, this regulatory requirement was not met. The following was found: 1. An interview with the staff person in charge during the investigation found that one staff person worked at the facility several days between the dates of 11/11/19 - 12/16/19. The staff person in charge was not able to provide the exact dates that the staff person clocked in/out during this time frame during the investigation; however, she provided a handwritten list of dates to the surveyor that the staff person provided to her on her last day (12/16/19). The handwritten note listed that the staff person worked 12/2/19, 12/4/19, 12/5/19, 12/6/19, and 12/16/19. A review of the Kentucky National Background check service (KARES) found this staff person listed as "Pending" and no evidence that her fingerprints have been submitted for processing. Staff stated during interview that this staff person occasionally worked with a small group of children (approximately three or four) in the toddler classroom while another staff person (hire date: 12/3/19) worked with a group of children in the older infant classroom. The staff person in charge stated during interview that she thought the staff person could work at the facility before submitting fingerprints as long as the staff person was not left alone and further stated that she thought the two staff caring for groups in separate areas was acceptable because there is only a half wall separating the two spaces. 2. An interview with the staff person in charge during the investigation found that one staff person worked at the facility two days (12/16/19 and 12/17/19). A review of the Kentucky National Background check service (KARES) found this staff person listed as "Pending" and no evidence that her fingerprints have been submitted for processing. Staff stated during interview that this staff person occasionally worked with a small group of children (approximately three or four) in the toddler classroom while another staff person (hire date: 12/3/19) worked with a group of children in the older infant classroom. The staff person in charge stated during interview that this staff person was present at the facility because she was doing a working interview and indicated that she had not yet hired the person. However, the surveyor observed the person's name listed on an "Employee Schedule" posted in the facility lobby during the investigation. The employee schedule was dated for the week of 12/9/19.	

10 - Submit background check

Not In Compliance

922 KAR 2:280 - Section 4. Procedures and Payments.

- (1) To initiate the process for obtaining background checks on a prospective child care staff member, the child care provider shall:**
- (a) Request that the prospective child care staff member provide a copy of his or her driver's license or other government-issued photo identification and verify that the photograph clearly matches the prospective child care staff member;**
 - (b) Request that the prospective child care staff member complete and sign the:**
 - 1. DCC-500, Applicant Child Care Staff Member Waiver Agreement and Statement; and**
 - 2. DCC-501, Disclosures to Be Provided to and Signed by the Applicant Child Care Staff Member; and**
 - (c) Log on to the NBCP portal and enter the prospective child care staff member's demographic information for a check of the:**
 - 1. Child abuse and neglect central registry pursuant to 922 KAR 1:470;**
 - 2. National Crime Information Center's National Sex Offender Registry in accordance with 34 U.S.C. 20921; and**
 - 3. Sex Offender Registry established in accordance with KRS 17.500 through 17.580.**

Findings:

General: Based on review of documentation, and interview, this regulatory requirement was not met. The following was found:

1. An interview with the staff person in charge during the investigation found that one staff person worked at the facility several days between the dates of 11/11/19 - 12/16/19. The staff person in charge was not able to provide the exact dates that the staff person clocked in/out during this time frame during the investigation; however, she provided a handwritten list of dates to the surveyor that the staff person provided to her on her last day (12/16/19). The handwritten note listed that the staff person worked 12/2/19, 12/4/19, 12/5/19, 12/6/19, and 12/16/19. A review of the Kentucky National Background check service (KARES) found this staff person listed as "Pending" and no evidence that her fingerprints have been submitted for processing.

Staff stated during interview that this staff person occasionally worked with a small group of children (approximately three or four) in the toddler classroom while another staff person (hire date: 12/3/19) worked with a group of children in the older infant classroom. The staff person in charge stated during interview that she thought the staff person could work at the facility before submitting fingerprints as long as the staff person was not left alone and further stated that she thought the two staff caring for groups in separate areas was acceptable because there is only a half wall separating the two spaces.

2. An interview with the staff person in charge during the investigation found that one staff person worked at the facility two days (12/16/19 and 12/17/19). A review of the Kentucky National Background check service (KARES) found this staff person listed as "Pending" and no evidence that her fingerprints have been submitted for processing.

Staff stated during interview that this staff person occasionally worked with a small group of children (approximately three or four) in the toddler classroom while another staff person (hire date: 12/3/19) worked with a group of children in the older infant classroom. The staff person in charge stated during interview that this staff person was present at the facility because she was doing a working interview and indicated that she had not yet hired the person. However, the surveyor observed the person's name listed on an "Employee Schedule" posted in the facility lobby during the investigation. The employee schedule was dated for the week of 12/9/19.

85 - Employment Status

Not In Compliance

922 KAR 2:280. Section 11. Status of Employment.

- (1) A child care provider shall maintain the employment or residential status of each child care staff member who has submitted to a fingerprint-based criminal background check by reporting the status using the NBCP Web-based system.**

Findings:

General: Based on review of documentation and interview, the facility failed to maintain accurate records of staff employed in the childcare center. A review of the Kentucky National Background Check Service (KARES) found 16 staff who are eligible to work at the child-care center. However, based on interviews with staff, the surveyor found that only 7 of the 16 staff listed in KARES are currently employed at the child-care center. Therefore, the information in KARES is not accurate.

Supervision

In Compliance

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 and interview, this regulatory requirement was not met. At the time of the visit (11:05AM) it was found that one staff person was caring for a group of seven children (one-year-old - school age) in the toddler classroom. Since the youngest child in the group was a one year old, the minimum staff to child ratio would need to be one (1) staff person for six (6) children. The facility exceeded the staff/child ratio by one child.

Director Requirements

Not In Compliance

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 review of documentation and interview, this regulatory requirement was not met. The following was found:

1. An interview with the staff person in charge during the investigation found that one staff person worked at the facility several days between the dates of 11/11/19 - 12/16/19. The staff person in charge was not able to provide the exact dates that the staff person clocked in/out during this time frame during the investigation; however, she provided a handwritten list of dates to the surveyor that the staff person provided to her on her last day (12/16/19). The handwritten note listed that the staff person worked 12/2/19, 12/4/19, 12/5/19, 12/6/19, and 12/16/19. A review of the Kentucky National Background check service (KARES) found this staff person listed as "Pending" and no evidence that her fingerprints have been submitted for processing.

Staff stated during interview that this staff person occasionally worked with a small group of children (approximately three or four) in the toddler classroom while another staff person (hire date: 12/3/19) worked with a group of children in the older infant classroom. The staff person in charge stated during interview that she thought the staff person could work at the facility before submitting fingerprints as long as the staff person was not left alone and further stated that she thought the two staff caring for groups in separate areas was acceptable because there is only a half wall separating the two spaces.

2. An interview with the staff person in charge during the investigation found that one staff person worked at the facility two days (12/16/19 and 12/17/19). A review of the Kentucky National Background check service (KARES) found this staff person listed as "Pending" and no evidence that her fingerprints have been submitted for processing.

Staff stated during interview that this staff person occasionally worked with a small group of children (approximately three or four) in the toddler classroom while another staff person (hire date: 12/3/19) worked with a group of children in the older infant classroom. The staff person in charge stated during interview that this staff person was present at the facility because she was doing a working interview and indicated that she had not yet hired the person. However, the surveyor observed the person's name listed on an "Employee Schedule" posted in the facility lobby during the investigation. The employee schedule was dated for the week of 12/9/19.

Inspection Report**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 review of documentation and interview, this regulatory requirement was not met. A review of staff files during the inspection found six staff that did not have the date of employment listed in their file. The staff person in charge reviewed information on her computer (Quickbooks Program) and then verbally identified the dates - 6/24/19, 12/3/19, 12/6/19, 7/12/19, and 2 on 9/23/19 as the hire dates. However, the dates of hire were not maintained in the personnel files.

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, this regulatory requirement was not met. Three staff (hire dates: 12/3/19, 12/6/19, and 9/23/19) did not have educational documentation on file.

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, this regulatory requirement was not met. Two staff (hire dates: 12/3/19 and 9/23/19) did not have T.B. documentation on file.

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 within the first three (3) months of employment;**
- (b) Nine (9) hours of cabinet-approved early care and education training within the first year of employment, 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 during each subsequent year of employment, including one and one-half (1 ½) hours of cabinet-approved pediatric abusive head trauma training completed once every five (5) years.**

Findings:

General: Based on review of documentation and the Training Records Information System (TRIS), three staff (hire dates: 7/12/19, 9/23/19, and 6/24/19) did not complete the six (6) hours of cabinet-approved training within the first three (3) months of employment.

Programming**Not In Compliance****450 - School Age Care****Not In Compliance****922 KAR 2:120. Section 2. Child Care Services.****(9) If school-age care is provided:**

- (a) A separate area or room shall be provided in a Type I child-care center; and**
- (b) Each child shall be provided a snack after school.**

Findings:

General: Based on observation and interview, this regulatory requirement was not met. Upon arrival (11:05AM), the surveyor observed the preschool children (four and five year olds) grouped together with the school-age children on the playground. At approximately 1:00PM, the surveyor observed the preschool and school age children still grouped together; however, they had moved inside to the preschool classroom. There were 16 children total in the group. The staff person in charge stated during interview that the school-age children have a separate space to use; however, indicated that they were grouped together on the day of the inspection because the number of children present was lower.

Inspection Report		
Premises		Not In Compliance
575 - Protected Openings		Not In Compliance
922 KAR 2:120. Section 4. Premises Requirements. (8) An opening to the outside shall be effectively protected against the entrance of vermin by: (a) Self-closing doors; (b) Closed windows; (c) Screening; (d) Controlled air current; or (e) Other effective means. Findings: General: Based on observation, this regulatory requirement was not met. At the time of the survey it was found that the door leading out to the playground was propped open the entire time the preschool and school age children were outside playing. The door did not contain a screen.		
Written Documentation		Not In Compliance
1165 - Staff Schedule		Not In Compliance
922 KAR 2:090. Section 9. Records. (1) A child-care center shall maintain: (d) A written schedule of staff working hours; Findings: General: Based on review of documentation and interview, this regulatory requirement was not met. The following was found: 1. An interview with the staff person in charge during the investigation found that one staff person worked at the facility several days between the dates of 11/11/19 - 12/16/19. The staff person in charge was not able to provide the exact dates that the staff person clocked in/out during this time frame during the investigation; however, she provided a handwritten list of dates to the surveyor that the staff person provided to her on her last day (12/16/19). The handwritten note listed that the staff person worked 12/2/19, 12/4/19, 12/5/19, 12/6/19, and 12/16/19. The staff person in charge was not able to provide any of the dates that the staff person worked during the month of November 2019 and stated that the staff person "called in a lot"; therefore, she was not present every day. 2. An interview with the staff person in charge during the investigation found that one staff person worked at the facility two days (12/16/19 and 12/17/19); however, there was no written record of the dates and hours that the staff person was present at the facility. The staff person in charge stated during interview that this staff person was present at the facility because she was doing a working interview and indicated that she had not yet hired the person. However, the surveyor observed the person's name listed on an "Employee Schedule" posted in the facility lobby during the investigation. The employee schedule was dated for the week of 12/9/19.		