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GOVERNOR

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**Adam Mather**  
INSPECTOR GENERAL

**Inspection Report**

|                                                                  |                                       |                                           |
|------------------------------------------------------------------|---------------------------------------|-------------------------------------------|
| <b>Provider Name:</b> Academy of Learning-Harvard                | <b>Provider Information</b>           | <b>CLR No:</b> L358403                    |
| <b>Provider Address:</b> 730 Harvard Drive, Owensboro, KY, 42301 | <b>Provider Type:</b> LICENSED TYPE I | <b>Capacity:</b> 99                       |
| <b>Owner(s):</b> Academy Of Learning-Harvard, LLC                |                                       | <b>Director(s):</b> Morales , Tammy Renee |

|                                           |                                           |                              |
|-------------------------------------------|-------------------------------------------|------------------------------|
| <b>Inspection Type:</b> Investigation     | <b>Inspection Information</b>             | <b>Inspection No:</b> 292319 |
| <b>Date Initiated:</b> 11/21/2019 1:00 PM | <b>Date Concluded:</b> 12/11/2019 4:28 PM |                              |
|                                           | <b>No. of Children Present:</b> 28        |                              |

| Inspection Report                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                          |
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| <b>Background Checks</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <b>Not In Compliance</b> |
| <b>85 - Employment Status</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>Not In Compliance</b> |
| <b>922 KAR 2:280. Section 11. Status of Employment.</b><br><b>(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.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                          |
| <b>Findings:</b><br>General: Based on observation, a staff hired on 04/01/19, supervised nine (9) children, alone, in the four and five year old's room at naptime from 1:10 pm to 1:45 pm on 11/21/19. Interview and a review of the KARES report determined the staff member was separated from employment, rehired and had not been moved to a permanent employee status.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                          |
| <b>Supervision</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <b>In Compliance</b>     |
| <b>Staffing Requirements</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <b>In Compliance</b>     |
| <b>Director Requirements</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <b>Not In Compliance</b> |
| <b>335 - Staff Management/Policy Development/Supervision</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <b>Not In Compliance</b> |
| <b>922 KAR 2:090. Section 10. Director Requirements and Responsibilities.</b><br><b>(1) A director shall:</b><br><b>(e) Manage the staff in their individual job descriptions;</b><br><b>(f) Assure the development, implementation, and monitoring of child-care center plans, policies, and procedures;</b><br><b>(g) Supervise staff conduct to ensure implementation of program policies and procedures;</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                          |
| <b>Findings:</b><br>General: Based on observation, interview and review of documentation, the center's discipline policy stated teachers must lovingly guide and redirect children to help them learn to cooperate with their peers and to have positive educational experiences to enhance their growth and development while in our care. Guidance and discipline will be administered impartially. To best accomplish this, teachers are to follow these guidelines:<br>CHILDREN WILL ALWAYS BE TREATED WITH RESPECT. You may use a firm authoritative voice but a positive manner. Never raise your voice or scream. Watch the tone of your voice, sometimes you can sound "mean" or like you dislike the child.<br>It was determined the discipline policy was not followed by staff on 11/20/19, when a staff member told a child to get up from his cot and the child said no. The staff told the child you are going to whether you want to or not, then picked-up the child, approximately a foot from the floor, by the upper right arm and right leg and laid the child on the floor. Then the staff member said, "Go" and snapped her fingers, extended her right arm and pointed in a direction she wanted the child to go. Again the child said refused and said "no", the staff member told the child "I will pick you up son" and "no problemo". The staff member grabbed the child, who sat on the floor, under both arms, lifted and carried him to a new location in the room. The staff member aggressively told the child to lay down. The staff member returned to the location the child was removed, picked up what appeared to be the child's shoes and the shoes were thrown in the air. |                          |

## Inspection Report

### 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 review of a recorded interaction between a staff person and a child during nap time on 11/20/19 in the three-year-olds' room, the director failed to provide for the comfort of children as evidence by the following: A staff member told a child to get up from his cot and the child said "No". The staff told the child you are going to whether you want to or not, then picked-up the child, approximately a foot from the floor, by the upper right arm and right leg and laid the child on the floor. Then the staff member said, "Go", snapped her fingers, extended her right arm and pointed in a direction she wanted the child to go. Again, the child refused and said "No", the staff member told the child "I will pick you up son" and "no problemo". The staff member grabbed the child, who sat on the floor, under both arms, lifted and carried him to a new location across the room. The staff member aggressively told the child to lay down. The staff member returned to the previous location the child was in, picked up what appeared to be the child's shoes and the shoes were thrown in the air in the child's direction. A thud was heard and the child hysterically cried aloud.

#### 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, a staff, hired on 04/01/19, did not have education 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 observation and review of documentation, a staff, hired on 04/01/19, did not have TB documentation on file. A staff, hired on 11/07/18, had TB documentation on file that did not have "read" results.

### 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, a staff, hired on 11/07/18, completed one and a half (1 ½) hours of cabinet approved training during the first year of employment.

#### Programming

**Discussed**

#### Children's Records

**Not In Compliance**

### 1135 - Immunization

**Not In Compliance**

#### 922 KAR 2:090. Section 9. Records.

##### (1) A child-care center shall maintain:

- (a) **A current immunization certificate for each child in care within thirty (30) days of the child's enrollment, unless an attending physician or the child's parent objects to the immunization of the child pursuant to KRS 214.036;**

##### Findings:

General: Based on review of documentation, a child, first date of attendance on 06/22/18, did not have an immunization certificate on file.

#### Written Documentation

**Not In Compliance**

### 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, a staff, hired on 04/18/18, had an annual professional development plan on file that was dated 03/06/18.

Signature of Provider/Representative

Title

Date