



Andy Beshear
GOVERNOR

CABINET FOR HEALTH AND FAMILY SERVICES
OFFICE OF INSPECTOR GENERAL

Eric Friedlander
SECRETARY

Melissa A. Moore, Director
Division of Regulated Child Care
Eastern Branch
455 Park Place, Suite 120A
Lexington, KY 40511

Adam Mather
INSPECTOR GENERAL

Phone: (859) 246-2301 Fax: (859) 246-2307
<https://chfs.ky.gov/agencies/os/oig>

Inspection Report

Provider Name: After 3 - Tates Creek Elementary	Provider Information	CLR No: L358917
Provider Address: 1113 Centre Pkwy, Lexington, KY, 40517	Provider Type: LICENSED TYPE I	Capacity: 99
Owner(s): Fayette County Public Schools		Director(s): Frame, Laura Miller

Inspection Type: Renewal Application	Inspection Information	Inspection No: 319170
Date Initiated: 11/30/2021 2:25 PM	Date Concluded: 11/30/2021 3:55 PM	
	No. of Children Present: 42	

Inspection Report	
Background Checks	Not In Compliance
5 - Background check/left alone/dismissed/relocated	Not In Compliance
<p>922 KAR 2:280. Section 3. Implementation and Enforcement.</p> <p>(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.</p> <p>(2) A child care staff member hired on or after April 1, 2018, shall:</p> <p>(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</p> <p>(b) 1. Have submitted to the background checks required in accordance with this administrative regulation;</p> <p>2. Not be left unsupervised with a child in care pending the completion of the background checks in accordance with this administrative regulation; and</p> <p>3. Be dismissed or relocated from the residence if the person is found to have a disqualifying background check result.</p>	
<p>Findings:</p> <p>General: Based on review of documentation, observation and interview, this regulatory requirement was not met. A review of the Kentucky National Background check service (KARES) found that three people identified as current staff during the inspection have a processed background check with the eligible for hire status. However, six additional staff do not have evidence or results of a background check in KARES or on file at the facility. The surveyor observed five of these staff working with the children during the inspection. The staff person in charge stated that everyone is an employee of the Fayette County School System; therefore, background check documentation is maintained in the central office.</p>	

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, observation and interview, this regulatory requirement was not met. A review of the Kentucky National Background check service (KARES) found that three people identified as current staff during the inspection have a processed background check with the eligible for hire status. However, six additional staff do not have evidence of submitting fingerprints for the KARES background check system. The surveyor observed five of these staff working with the children during the inspection. The staff person in charge stated that everyone is an employee of the Fayette County School System; therefore, background check documentation is maintained in the central office.

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 review of documentation and observation, it was found that the facility did not have a sufficient number of qualified staff at the time of the visit. During the inspection, there were multiple staff without background checks working with the children and none of the staff had additional qualifying documentation on file such as educational documentation and T.B. documentation. The facility did not have enough qualified staff to divide the children as needed. The two staff that were paired together to work with the 2nd and 3rd grade group of children did not have evidence or results of background checks.

General Administration

Not In Compliance

160 - Liability Insurance

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:**
- (d) Provide written proof of liability insurance coverage of at least \$100,000 per occurrence;**

Findings:

General: Based on review of documentation and interview, this regulatory requirement was not met. At the time of the survey, it was found that there was no documentation of current liability insurance at the facility. The staff person in charge stated that she had this documentation; however, was not able to locate it during the visit.

Director Requirements

Not In Compliance

335 - Operation instruction/Regulation copy

Not In Compliance

922 KAR 2:090. Section 8. General.

- (2) Child-care center staff shall be:**
- (a) Instructed by the child-care center's director regarding requirements for operation; and**
 - (b) Provided with a copy of this administrative regulation, 922 KAR 2:120, and 922 KAR 2:280.**

Findings:

General: Based on review of documentation and interview, this regulatory requirement was not met. A review of the licensing binder found that there was not a copy of the most recent regulations made available to staff. The regulations on site were dated 2017. The staff person in charge stated that she printed a more recent copy of the regulations at the beginning of the school year to read about staff/child ratio requirements; however, did not maintain the new copy on site.

355 - Staff Meeting

Not In Compliance

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

- (1) A director shall:**
- (i) Conduct, manage, and document in writing recurring staff meetings;**

Findings:

General: Based on review of documentation and interview, this regulatory requirement was not met. A review of the staff meeting documentation revealed that the last documented staff meeting was from 2019. The staff person in charge stated that she had conducted staff meetings; however, did not maintain documentation of these meetings.

Inspection Report

370 - 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 and observation, this regulatory requirement was not met. Two staff (hire dates: 8/11/21 and 11/1/21) were left alone/unsupervised without evidence of the required background checks. These two staff were paired together to care for the 2nd and 3rd grade group of children during the visit. A review of the KARES database supported this finding.

Employee Records

Not In Compliance

395 - 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. The following was found:

- 1. None of the staff (nine staff total) had any documentation on file during the inspection; therefore, no identifying information for the staff members could be determined. The staff person in charge stated that she was not aware that she needed to maintain a file for each staff person and stated that everyone is an employee of the Fayette County School System; therefore, documentation is maintained in the central office.
- 2. The staff person in charge was not able to provide hire dates for any of the staff except herself during the visit; however, provided this documentation via phone interview on 12/1/21.

400 - 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. None of the staff (nine staff total) had educational documentation on file.

405 - 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. None of the staff (nine staff total) had T.B. documentation on file.

410 - CPR/First Aid Coverage

Not In Compliance

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

(3) For a child-care center licensed for infant, toddler, or preschool-age children, at least one (1) person on duty and present with the children shall be currently certified by a cabinet-approved training agency in the following skills:

- (a) Infant and child cardiopulmonary resuscitation; and
- (b) Infant and child first aid.

(4) For a child-care center licensed for school-age children, at least one (1) person on duty and present with the children shall be currently certified by a cabinet-approved training agency in the following skills:

- (a) Adult cardiopulmonary resuscitation; and
- (b) First aid.

(5) Cardiopulmonary resuscitation (CPR) and first aid training shall be in addition to the fifteen (15) clock hours requirement in subsection (16) of this section.

Findings:

General: Based on review of documentation and interview, this regulatory requirement was not met. At the time of the survey it was found that none of the staff (nine staff total) were certified in infant/child CPR and infant/child first aid. Therefore, no one was on duty at the facility on 11/30/21 who was certified in CPR or First Aid. The staff person in charge stated that she used to be certified; however, was certain that her certification had expired. She was not able to locate the documentation for the surveyor to review.

435 - 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 and the Training Records Information System (TRIS), the following was found:

Two staff (hire dates: 8/11/21 and 8/16/21) did not complete the required Orientation training. These staff have been employed for more than three months.

Programming	In Compliance
Premises	In Compliance
Hygienic Practices	In Compliance
First Aid/Medication	In Compliance
Outdoor Play Area	In Compliance
Equipment	In Compliance
Transportation	Not Applicable
Kitchen Requirements	In Compliance
Food Service	In Compliance
Meal Planning/Center Provides Meals	In Compliance
Meal Planning/Center Does Not Provide Meals	In Compliance
Children's Records	Not In Compliance

1245 - 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, this regulatory requirement was not met. Nine children, out of the ten children's files reviewed, did not have an immunization certificate on file. One child had a 10/10/21 enrollment date listed and the additional eight children had August 2021 enrollment dates listed.

1250 - Enrollment Information

Not In Compliance

922 KAR 2:090. Section 9. Records.

- (1) A child-care center shall maintain:**
- (b) A written record for each child:**
 - 1. Completed and signed by the child's parent;**
 - 2. Retained on file on the first day the child attends the child-care center; and**
 - 3. To contain:**
 - a. Identifying information about the child, which includes, at a minimum, the child's name, address, and date of birth;**
 - b. Contact information to enable a person in charge to contact the child's:**
 - (i) Parent at the parent's home or place of employment;**
 - (ii) Family physician; and**
 - (iii) Preferred hospital;**
 - c. The name of each person who is designated in writing to pick-up the child;**
 - d. The child's general health status and medical history including, if applicable:**
 - (i) Allergies;**
 - (ii) Restriction on the child's participation in activities with specific instructions from the child's parent or health professional; and**
 - (iii) Permission from the parent for third-party professional services in the child-care center;**
 - e. The name and phone number of each person to be contacted in an emergency involving or impacting the child;**
 - f. Authorization by the parent for the child-care center to seek emergency medical care for the child in the parent's absence;**

Findings:

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

- 1. One of the children's files/enrollment documentation did not contain information for the family's preferred hospital.
- 2. One child's file/enrollment paperwork did not have physician contact information.

Both children had August 2021 enrollment dates.

Inspection Report

Written Documentation

Not In Compliance

1260 - 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, this regulatory requirement was not met. The emergency preparedness plan on file had not been updated since 2018 - 2019 school year.

1265 - 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, this regulatory requirement was not met. A review of the policies and procedures found that the facility did not have a current chain of command. The chain of command had staff names listed that are no longer employed at the facility.

1285 - 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, this regulatory requirement was not met. A review of the 2021 fire drill log found that drills were not conducted during the months of August and October; therefore, drills were not conducted monthly.

Posted Documentation

In Compliance

Animals

Not Applicable

Signature of Provider/Representative

Title

Date